



**PROCEEDINGS**  
for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D-14-17-06, 116 Fifth Avenue South - Knox Church)**  
Tuesday, January 9, 2018  
12:30 p.m.

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**PRESENT:** Mayor D. Canfield  
Councillor M. Goss  
Councillor R. McMillan  
Councillor D. Reynard  
Councillor L. Roussin  
Councillor S. Smith  
Councillor C. Wasacase

**Staff:** Karen Brown, CAO  
Heather Kasprick, City Clerk  
Devon McCloskey, City Planner  
Matt Boscarior, Community & Development Services Manager

Mayor Canfield opened the meeting and stated that the public meeting is being held by the Council of the City of Kenora in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 101-2015, as amended.

The Chair advised that notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal. It was advised that if anyone wishes to receive the Notice of the Decision of Council, they are to leave their name and address with the City Planner.

An appeal may be made to Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

Applicant, Tara Rickaby, TEMAR Consulting Kenora, acting as agent presented her planning rationale.

The Kenora District Services Board, (KDSB) has contracted with Tara Rickaby, of TMER Consulting Kenora, to make application to amend the City of Kenora Zoning By-law 101-2015, as amended. The subject property is legally described as Plan 25 Lots 258 to 259 all in Kenora, District of Kenora.

The KDSB is acting as Agent for its partners, the Knox United Church congregation and the Ne'Chee Friendship Centre, in this application and propose to add an emergency shelter use to the current I-Institutional zoning. The effect of approval of the application would be to permit the development of a 48 bed emergency shelter, in a portion of the existing church and education centre. Laundry, food preparation and serving facilities, and a resource centre are amenities included in the operation of the emergency shelter.

In 2015/16 Council of the City of Kenora considered an amendment to the zoning by-law, to permit the emergency shelter use in both I-Institutional and GC- General Commercial zones, as an accessory to use to an office, clinic, place of assembly or recreational use facility. The decision was deferred to receive more information. In April of 2016, an open house was held, with a panel of presenters representing the City, the KDSB, and the Kenora Substance Abuse and Mental Health Task Force providing information and receiving questions. During the presentations, Council and those present, learned that homelessness in Kenora is a result of different factors and that the emergency shelter is a necessary service in the City. In addition, Council heard, amongst other things, that the emergency shelter should not be located in "a prime, commercial area".

Early in 2017, Council approved a temporary use by-law, which permits the emergency shelter be operated from a building which is zoned I-Institutional. The by-law is in effect until 30 September 2018.

The Knox United Church was utilized, on an emergency basis/short term basis, as the emergency shelter prior to the relocation to the current, temporary location.

A lease, for use of a portion of the Church property for the operation of the emergency shelter/resource hub, will be the foundation of the agreement between Knox United Church and the Kenora District Services Board/Operator.

**Subject site and surrounding uses:**

The subject property and structure is currently (and historically) used as Knox United Church. Accessory uses, to the place of worship include community concerts and events, meeting areas and an outreach program, which feeds the homeless.

The subject land is located on the fringe of the downtown core; not in the prime commercial area. The property is located on a corner of a local road (Fifth Avenue South) and an arterial road (Second Street South); a laneway runs along the western (rear) lot line. The property was added to the City's registry of cultural heritage properties, in June of 2009. The property is not designated under Part IV of the Ontario Heritage Act.

The land uses to the east include a bed and breakfast and a place of worship. To the south, uses include an apartment building, a place of worship and commercial uses, along the arterial road. There is older, residential, development directly to the north, with a chiropractic clinic and the former Kenora Shopper's Mall, also to the north. The lands west of the laneway are generally commercial in nature.

The property is serviced with municipal water and sewer, and by Kenora Hydro.

**The proposal:**

The KDSB, and its partners, propose to add an emergency shelter use to the existing permitted uses in the current I- Institutional zoning regulations. It is proposed that a maximum of twenty four emergency beds for men and twenty four for women. Depending upon demand, there may be changes in the numbers of beds, however there will always be designated areas for each sex. Within the facility, the laundry facilities, food preparation/servicing areas and resource centre will be available to the clients of the emergency shelter. The facility will be housed in the former education centre, which was an addition to the original church, in the mid 1960s. Both levels of the structure will be utilized.

The program is to be considered a hub of services intended to support clients, and in some cases, progress clients through to other supportive/skills programs.

The Knox United Church will continue to operate in the older portion of the building.

The application, and proposed outcome are consistent with the Provincial Policy Statement, 2014 as the provision of safe, temporary housing, considering social planning and emergency management matters represents orderly development of a safe and healthy community. The subject lands are located within the settlement area and its development will not negatively affect employment lands.

The emergency shelter is a form housing required to meet the social, health and well-being requirements of current and future residents, and would be considered to be special needs requirements.

The establishment of the emergency shelter and supportive resources is the foundation for the community hub which will be developed to promote cost-effectiveness and facilitate service integration.

The existing municipal infrastructure provides vehicular and pedestrian access via arterial (Second Street South) and local roads (Fifth Avenue South), and is in close proximity to the municipal bus routes. The subject lands are currently serviced with municipal sewer and water and represents efficient and effective re-development of the structure and property.

This property was placed on the Municipal register of properties that are of cultural heritage value or interest, in June of 2009. There will be no demolition of the structure as part of this project and the exterior of the original church will not change.

The lands are designated as "Harbourtown Centre" in the City's Official Plan. The City of Kenora's vision is that it shall be an inclusive, sustainable, healthy, four-season lifestyle community with a healthy economy that welcomes all and respects the Aboriginal peoples and traditions so that generations can thrive, prosper, and contribute to meaningful lives.

In order to remain sustainable, compact development is promoted. The use/re-development of a portion of this historical building will enhance the quality of life for present and future generations by providing timely response to the need for short-term and emergency housing. The exterior of the Knox Church will not be modified, and therefore the neighbourhood design will not change. The amenity space, associated with the Knox United Church, is located on its south side, along Second Street South and therefore the privacy of the residential properties, to the north, will not be affected.

The lands are located on the most easterly extent of the "Harbourtown Centre" designation. The lands directly to the east, and southeast are designated as "Established Area". The uses surrounding the property are generally service-oriented, as opposed to retail commercial. The unique sense of place, that is the Harbourtown Centre, functionally runs from Park Street (one block west), to its western extremity at McLeod Park and will not be affected.

The subject property is located less than 300 m from the CPR main line, however there are other sensitive uses located between the lands and the rail line. The policies regarding development/re-development in proximity to the rail line do not apply, per pre-consultation with the City Planner.

The use of an emergency shelter is to house people on a short-term basis; the Official Plan density policies do not apply, per pre-consultation with the City Planner.

The property is located on the corner of Second Street South, an arterial road, and Fifth Avenue South, a local road. There is a laneway running the length of the property, (north/south) to the west. The functionality of the streets and laneway will not be negatively affected. There are no driveway access points.

The existing neighbourhood is a mixture of densities and uses; single family and multi-family (apartment) units, with some institutional and commercial uses, in close proximity. The use of the Church will be similar in nature to current and past uses; Agape Table, community events, etc. The mass of the existing building will not change. The re-use of the historical structure and lands is not a significant change to the neighbourhood such as a major retail or other commercial development.

The KDSB, and its partners, to amend Kenora Zoning By-law No 101-2015, as amended, by adding an emergency shelter use to the existing permitted uses in the current I- Institutional zoning regulations. The permitted uses in the I-Institutional zone include emergency services, group homes, hospitals, continuum of care facilities and retirement homes. The use of either a retirement home or continuum of care facility are similar in nature to an

emergency shelter in that they provide some form of shelter, food, resource centre and laundry facilities, in addition to supportive resources on site.

The intent of this zoning is to permit development of public and private facilities of an institutional or community service nature. This proposed use satisfies both of those criteria.

Per section 3.23.7 of the zoning by-law, on-site parking is not required as there is currently no on-site parking and there is no expansion of the building's gross floor area. The NeChee Friendship Centre staff will be responsible for their own parking requirements.

The KDSB will enter into a site plan agreement, if required by the Council of the City of Kenora.

The congregation and/or its Executive Committee have been partners in the initial process of this project.

Henry Wall, CEO of the Kenora District Services Board, met with the Congregation on 29 October 2017 and described the project, including outlining programming. There were several questions, but for the most part, they had to do with the internal renovations required in the Church.

Out of that presentation and discussions, there was a positive tone from the approximately 75 members of the Congregation present, to the Executive Committee, to discuss and vote on the development of an application for zoning bylaw amendment going forward to City Council.

Summer of 2017 - Initial consultation with neighbours carried out by communication team from Knox United Church, KDSB and Ne'Chee Friendship Centre.

December 11, 2017 - In addition to its regular method of consulting with the public, the City of Kenora posted the notice of the public meetings on December 19, 2017 and January 9, 2018 on Facebook. As of January 2, 2018 there was one comment and 10 shares of this notice.

December 19, 2017 - Knox Church, KDSB and NeChee Friendship Centre meeting with Harbourtown BIZ and Kenora and District Chamber of Commerce members. Process of Knox and KDSB partnership was explained. Questions regarding how the 24/7 shelter will run were answered. The current communication strategy (for the Cityview/NWHU temporary location) was explained so that neighbours understand that there will be a neighbourhood liaison person available if there are matters to be addressed.

December 19, 2017 - Kenora Planning Advisory Committee meeting - Approximately 40 people in attendance (per City Staff). Those who spoke, spoke in support of the amendment, and presented points which addressed both economic/feasibility and planning matters. Parking for employees of the shelter was discussed and the Executive Director of the NeChee Friendship Centre indicated that, as is the current policy, staff will have to make their own parking arrangements. The PAC adopted a resolution to strongly recommend to Council that the application to amend the zoning by-law be approved.

January 8, 2018 - The neighbours have been invited to attend a meeting to hear the benefits of the location of a 24/7 and service hub at Knox would benefit the City of Kenora. The neighbours are being invited to participate and provide their valued input and suggestions.

In July of 2017, some members of the Knox Church approached 16 neighbours and invited them to a meet to discuss the proposal to house the emergency shelter, Knox's approval for KDSB to commission a feasibility study (to determine engineering/architectural requirements). Generally, the neighbours appreciated being consulted, and were supportive of the shelter/hub project. Comments were received with respect to experiences by neighbours during the temporary location of the shelter in the Church, in 2016. Garbage/litter and loitering were the chief issues identified. Neighbours would like assurance that these matters will be addressed.

Two businesses, which neighbour the property, recognized the need for a shelter, but expressed that the Knox Church may not be the appropriate location. The KDSB and Knox United Church recognize that good communication is crucial to community support and success of this project. To that end, there will be a neighbourhood liaison assigned to regularly touch base with the neighbourhood and problem-solve solutions, etc. to ensure continued success.

Ms. Rickaby summarized that the amendment of the City of Kenora Zoning By-law No. 101-2015, as amended, to add an emergency shelter as a use to the I-Institutional uses on property locally known as the Knox United Church, 116 Fifth Avenue South Kenora, is consistent with the Provincial Policy Statement 2014, and conforms with Council's policies within the City of Kenora Official Plan, 2015. This is appropriate development and in the public interest.

Henry Wall further discussed the history of the emergency shelter and the Kenora District Services Board and role in the emergency shelter when the former shelter closed in 2016. There is a human service crisis emerging in this city where individuals need support in this community. Through the hard work of Council through lobbying as well as the KDSB, funding was adjusted and the city declaring a state of emergency for us to see the situation in this community. The KDSB role is more system planning and community planning and having local agencies and operators deliver programming. The Friendship Centre has made a very good partner in the operation of the emergency shelter and want to make it work in our community. They are trying to find a permanent home in the emergency shelter. We cannot simply develop something and park someone there. We have to have a place where people can receive and access immediate help, but a place to go at nighttime. Mental health is 24 hours per day and this location needs to be available 24/7 for those who require the services. They need to have a place to be. To end homelessness in this community it is going to take this community working hard together which will be community driven which is open and transparent. That is what is fundamentally different from what the KDSB are proposing here.

**Devon McCloskey, City Planner presented the planning report for the zoning amendment application:**

**The City Planner referred to the public comments:**

A public meeting is scheduled to be held by Council on January 9<sup>th</sup>, 2018. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was

circulated on December 7<sup>th</sup> to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 7<sup>th</sup>, and circulated to persons and public bodies as legislated. It was also circulated to all City Staff, Council, radio stations including Q104, and The Lake, Lake of the Woods Enterprise Newspaper, Chamber of Commerce and the BIZ. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

As of the date of this report, twelve (12) written comments have been received. Comments can generally be categorized as nine (9) with expression of support, and three (3) in opposition.

Letters of support were received from organizations including Knox Church, St. Andrews United Church, Lake of the Woods Concert Group, and WAASEGIIZHIG ANAANDAWE'YEWIGAMIG.

Letters of support were also received from citizens whose names and contact information has been redacted to protect the privacy of individuals personal information.

Those in support note the need for providing a permanent location (while the Shelter has not been able to establish permanency since 2015). That the location is well suited since it is close to the downtown area and accessible.

A neighbouring property owner provided support for the proposal as submitted by the KDSB since it would provide a central location, a safe place and promote wellbeing.

Other users of the Church also provided letters in support saying that they would be able to continue to use the space they currently use it, and that the area proposed for renovation is underutilized.

It would provide 48 beds to homeless persons as well as support services to address various issues related to homelessness, and that the facility would be staffed and open 24 hours a day, 7 days a week. The location is advantageous since it is located close to the downtown area, accessible with for people with mobility issues, and other social support services.

In a letter provided by Knox Church, it was described that from "the previous experience of accommodating the shelter on an Emergency basis, that Knox (location) has the greatest potential for success in our community."

Those in opposition, expressed concern with the location, stating that the property is not ideal due to the lack of outdoor space. Other neighbouring property owners noted concerns with increased loitering and persons drinking alcohol in public laneways close by. However, the author suggested that these matters could be addressed.

Another letter also raises concerns about increased occurrences of intoxicated people in the area of their property and laneway, inferior street lighting, suggestion for other locations to locate the shelter, and a request for reduction of taxes.

Any further written comments received will be provided to Council.

### **Planning Advisory Committee Recommendation**

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their regular meeting on December 19<sup>th</sup>, 2017. It was described that if new information or comments were provided at either the PAC or Council meetings, such information may affect the outcome my professional planning opinion and the recommendation as presented herein.

Every chair in the training room was occupied, and staff brought in an additional 30 +/- chairs from other rooms. The agent for the applicant and the applicant both spoke at length, providing the Committee with an overview of the development proposal, planning rationale for the amendment, and a detailed analysis for the need and suitability of the property for the proposed use.

Three persons in attendance stood up to speak in support of the application.

### **Evaluation**

Whereas the Kenora District Services Board (KDSB) received temporary approval to sublet space within the Northwestern Health Unit (NWHU) building, a year ago in December 2016, for two (2) years; the KDSB has upheld their intention to provide the community with a permanent Emergency Shelter location.

The shelter will continue to be operated by the KDSB & the Nee-Chee Friendship Centre (NFC). The total floor area proposed to be occupied by the shelter is approximately 5,993 ft<sup>2</sup>. (590 sqm<sup>2</sup>).

The Zoning By-law is explicit in listing the permitted uses within the Institutional Zone, and does not presently include "Emergency Shelter", both the Official Plan and the PPS do not restrict but rather provide for the use at this location since it is located within the Established Area.

An Emergency Shelter, is a housing use, residential in nature, and is compatible with surrounding uses which include: residential to the north and east, place of assembly within the upper floors, place of assembly to the south, and general commercial to the west and beyond.

"Every person has a right to equal treatment with respect to the occupancy of accommodation without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance." – Ontario *Human Rights Code*, s.2(1)

Housing is a human right on an international scale, and according to the Ontario Human Rights Commission, "the international community has long recognized that housing is a fundamental and universal human right that must be protected in law.

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or seasonally, irrespective of tenure or ownership, but shall not include a seasonal dwelling, recreational vehicle, trailer or motor home.

Further to this, within the preamble of the Institutional zone of Kenora's Zoning By-law, the

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following statement is provided:

*1.14.1 This zone allows for the development of public and privately owned facilities of an institutional or community service nature.*

Use of an Emergency Shelter within the Institutional Zone, is clearly in keeping within the intent of the Zoning By-law, since it is public owned and operated, and is a community service.

The facility is operated by a public organization (KDSB), as are Emergency Shelters across the province. Publically owned and operated facilities providing a community service, are located within institutional zones, as should the Emergency Shelter for the City of Kenora, be permitted to locate.

Comments received as a result of internal circulation, raised no concern with the conversion of the building for Emergency Shelter Use, beyond parking and the normal permitting requirements through the Building and Fire Codes. The applicant provided reassurance to the City, noting "should this move forward, it is worth noting that we are working with Nelson Architecture and we will be completing all necessary alterations to meet OBC and Fire Code requirements at the site for the new use."

With regard to parking, the Zoning By-law exempts new uses within existing buildings from being required to provide parking, provided that the gross floor area of the building is not increased. The provision has not specified that it would be applicable only to those uses currently permitted, however the current list would include other similar uses which would have the potential to have the same or even greater need for parking, some examples include hospital, Community Centre, Place of Worship, Post-secondary Institution, School, and Theatre.

It is the opinion of the City Planner that provisions for parking should not be applicable for the added use of an Emergency Shelter.

Once the development plans have been confirmed and a Site Plan has been provided, an Application for Site Plan Approval may be required, and matters such as exterior lighting can be addressed at that time.

### **City Planner Recommendation**

As the Planner for the City of Kenora, it is her professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-17-06, be approved, in lieu of public comments that may yet to be received; and further

That Council accepts the recommendation of the Kenora Planning Advisory Committee, and further;

That Council, in lieu of public comments, gives three readings to a by-law to authorize approval of the amendment within the "I" - Institutional Zone.

Mayor Canfield stated that any person may express his or her views of the amendment and a record will be kept of all comments.

Mayor Canfield questioned if there was anyone who wished to speak in favour of the amendment?

Patti Fairfield, Director of NeChee Friendship Centre stated that they support the location of the proposed shelter as it is complimentary to the new Friendship Centre located on the corner of Second Street and Chipman Street. There are many services that can be brought to the shelter and they are passionate about the new location. There are things that need to be worked out and green space is still an issue, but they are working on these things to address. Not only will they be able to provide services, for those who are staying there, they want these people to feel at home and learn some life skills. It isn't to enable people, but to teach skills people who are accessing the shelter. Want to make it as pleasant as possible and make them feel safe and take pride in.

Jennifer McGibbon, co-chair of Making Kenora Home. She explained that she is part of the grassroots organization of Making Kenora Home. The location of the shelter is important, the buildings are accessible and the evidence is clear that if a shelter is going to serve the people it needs to be in the downtown core. In the past few years we have all had our awareness raised on the truth and reconciliation awareness raised. The second point is that there is no conflict between the emergency shelter and the church. Making Kenora Home encourages Kenora to reflect on all citizens, reflect all that is good for our fine city.

Meg Illman White, Minister at Knox United Church. Councillors have engaged in this process and figure out what is best. Only thing she is speaking to is why not. When the KDSB and Nechee Friendship Centre came to Knox in the spring of 2017, the congregation met and they were interested in the vision of Kenora and how they could change the shape of Kenora. Knox has been an example and she is warmed by the long term commitment to the community and that is why they feel that this particular proposal is a good fit for the community. For the past 36 years they have had extensive experience with the Agape Table food program which was the first feeding program in Kenora. This has been a real commitment to ensure that the poor had one good healthy meal per day. People were afraid at first but what they found out quickly was that the fears that were there were unfounded. The building of community and the people that normally don't gather together and might not otherwise be community became community. Those volunteers that came 36 years ago come week after week to still serve. Past experience is one reason why this is a really good fit. The Knox location is a fine location, is the heart of the City of Kenora and close to the Kenora mall. Unless we do something radically different, and this is radically different, nothing will change. Safety is a huge part of this whole plan and Knox has a little mission statement – a place to be, a place to belong, and a place to become.

Craig Bryant, co-owner of Kendall House and neighbour to the Knox Church. Craig explained that he had concerns in this particular area, and his concerns will remain, but is optimistic that this new concept will make things different. There is a practical reality to this and if we look at the cost of a bed in this facility and if we make a difference we will also see a difference in how our dollars are spent.

Mayor Canfield questioned if there was anyone who wished to speak in opposition of the amendment?

Joseph Belfiglio, resident of 5<sup>th</sup> avenue south and lives up from the church. He is hoping there is going to be a heavier police presence and he doesn't want to see more people hanging around at night. The security of the elderly people with more people hanging around there is a concern. Mr. Belfiglio also questioned with this now being a shelter, what will it do to the assessments of the homes in the area.

Mayor Canfield asked if there were any questions.

Councillor Smith referenced the site plan agreement and site plan control. She feels that this will be an important aspect of the project and questioned when Council will get to sit with the KDSB and planning to ensure these are addressed.

Devon McCloskey, City Planner, explained the Site Plan process and that the application and process would be very minor which would be contained within the planning department staff and may not require Council approval. If there are concerns with Council, Henry Wall would work with the City's CAO and they can establish those protocols.

Councillor Goss has concerns about greenspace availability and this is a far better proposal than seen before.

As there are no further questions, Mayor Canfield declared this public meeting closed at 1:30 p.m.