



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-18-03 – 1731 Railway Street)
Tuesday, May 15, 2018
12:30 p.m.

1. (Chair)

This public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

2. (Chair)

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.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

An appeal may be made to the Local Planning Appeal Tribunal 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, and may not be added as a party, unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00

An appeal may only be made on the basis that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

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.

If anyone has a cell phone please either turn it off or use the vibrate option only. Thank you.

3. (Chair)

The applicant (or representative) will present their application.

4. (Chair)

City Planner, Devon McCloskey, please describe the details of this zoning amendment application.

5. (Chair)

Any person may express his or her views of the amendment and a record will be kept of all comments.

6. (Chair)

Is there anyone who wishes to speak in favour of the amendment?

7. (Chair)

Is there anyone who wishes to speak in opposition of the amendment?

8. (Chair)

Are there any questions?

9. (Chair)

As there are no (further) questions, I declare this public meeting CLOSED at _____p.m.



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-18-03
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, May 15th, 2018 at 12:30 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application at their regular meeting on May 22nd, 2018.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Meeting

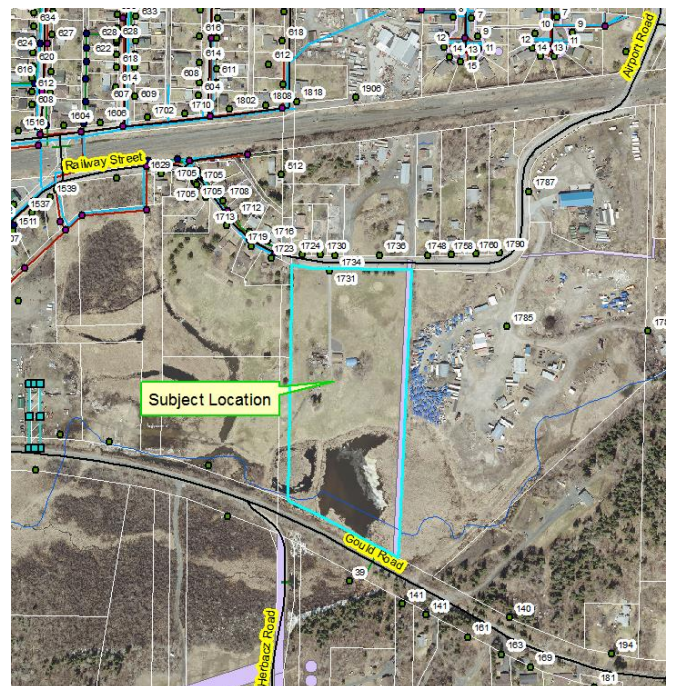
When: April 17th 2018 at 7:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Purpose and Effect: to exempt the subject property which is zoned "R3" from certain provisions as follows: That relief is granted from the interior side yard provision of 2.5 to 0 metres; exterior side yard from 4 metres to 0.35 metres; to increase lot coverage from 40% to 55%; to amend the definition of a "Street" as it pertains to the subject lot, to allow for frontage on a private road, as a site specific provision.

Location of Property: 1731 Railway Street. Refer to the map aside.

Other Applications: it is anticipated that the subject location will also be subject to applications for Site Plan Approval, Part Lot Control Exemption, and Condominium.

Public Meeting: Input on the proposed amendment is encouraged. You can provide input by speaking at this meeting and you are not required to register in advance to speak. You may also provide your comments in writing. If you are aware of any person interested in or affected by the application who has not received a copy of this notice you are requested to inform that person of this meeting.



If possible, written submissions are requested to be made before April 11th, 2018 and directed to:
Ms. Devon McCloskey, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmccloskey@kenora.ca

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of the Corporation of the City of Kenora to the Ontario Municipal Board.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice Of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Kasprick, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Devon McCloskey, City Planner, if you require more information: Tel: 807-467-2059 or Email: dmccloskey@kenora.ca

Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 5th day of April, 2018

May 2nd, 2018

City Council Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-18-03

Re: Application for Zoning By-law Amendment

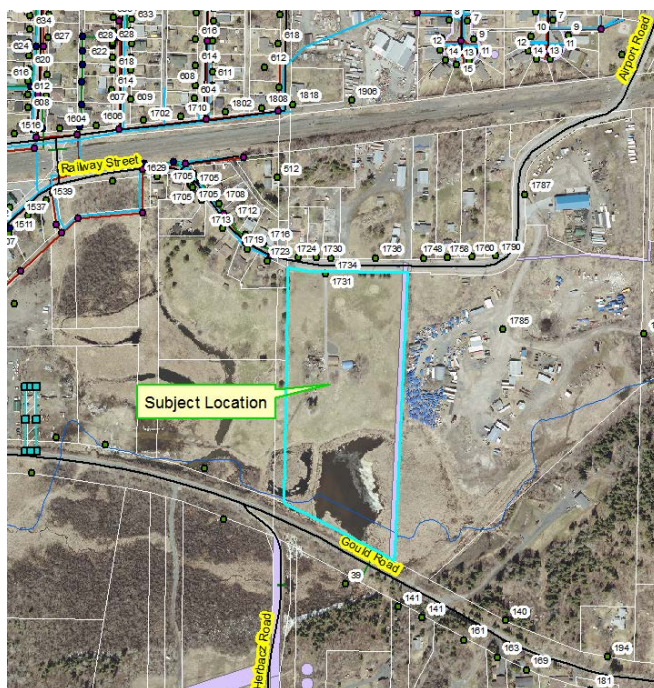
Location: 1731 Railway Street, Kenora, ON

Applicant: Kings Landing (Kenora) Development Corporation

Agent: Robert Zanette of RZ Realty Services

1. Introduction

An application for zoning by-law amendment is proposed to exempt the subject property which is zoned "R3" from certain provisions as follows: That relief is granted from the interior side yard provision of 2.5 to 0 metres; exterior side yard from 4 metres to 0.35 metres; to increase lot coverage from 40% to 55%; to amend the definition of a "Street" as it pertains to the subject lot, to allow for frontage on a private road, as a site specific provision.



The property is located at 1731 Railway Street, described as PIN# 42176-0338, Part of Block B, Plan M-28, being Part of Location D-52.

Figure 1 (left) - Aerial sketch displaying the property boundary

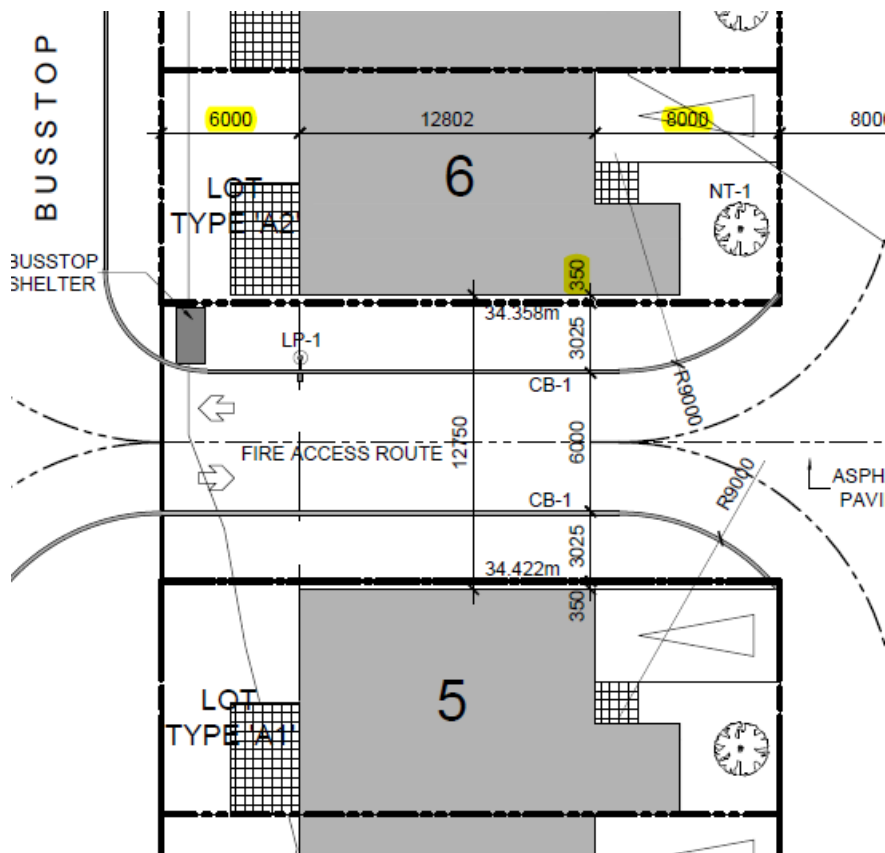
2. Description of Proposal

To amend zoning and allow for relief from zoning provisions for the individual property displayed on the sketch to allow for development of 22 multiple attached dwelling units (townhouses), to be described as common element condominiums.

The units as proposed would be developed as 4 blocks, with groupings of 5 and 6 units within each.

Various aspects of the zone provisions and definitions need to be amended to in order to accommodate the development as proposed. An Application for Condominium will be brought forward to the PAC, Applications for Site Plan Application as well as Part Lot Control Exemption will also be proposed.

Common Elements Condominium - A Plan of Condominium where the condominium corporation retains ownership of the common elements portion of the condominium. Owners of freehold properties will have common interests in the common elements. Public Consultation is required.



3. Existing Conditions

The property is fronting on Railway Street and backing onto Gould Road. The southern portion of the property is designated a Provincially Significant Wetland (PSW).

The property was previously developed with a single-detached dwelling, but was destroyed due to fire. Currently Municipal water and waste water services are not extended.

Zoning of the property was changed in November 2016 from Rural (RU) to Residential – Third Density Zone (R3). At the time, the property was being investigated for development of a 72 unit multiple attached apartment building.

Since the property is located adjacent to Laurenson's Wetland, an Environmental Impact Assessment (EIS) was completed to evaluate the property in light of potential for a medium density development. The report concluded that a 20 metre buffer should be maintained from the edge of the wetland.

Area properties to the west within 60 metres are zoned Residential Density 2 (R2) and developed with single detached dwellings; to the east, Light Industrial (ML) and used for indoor/outdoor storage, scrap metal recycling, and automotive repair. Property across the road to the north is zoned Highway Commercial (HC) and Rural Residential (RR). These properties are developed with a shop for plumbing and heating business and single detached dwellings on private services, but would have opportunity for further intensification if services were extended.

4. Site Visit



On April 11th, I attended the subject location.

Photo 1 – View of the property from the northeast corner looking west

Photo 2 – View of the property from the Northeast corner looking southwest



Photo 3 – View of the west side of the property looking south

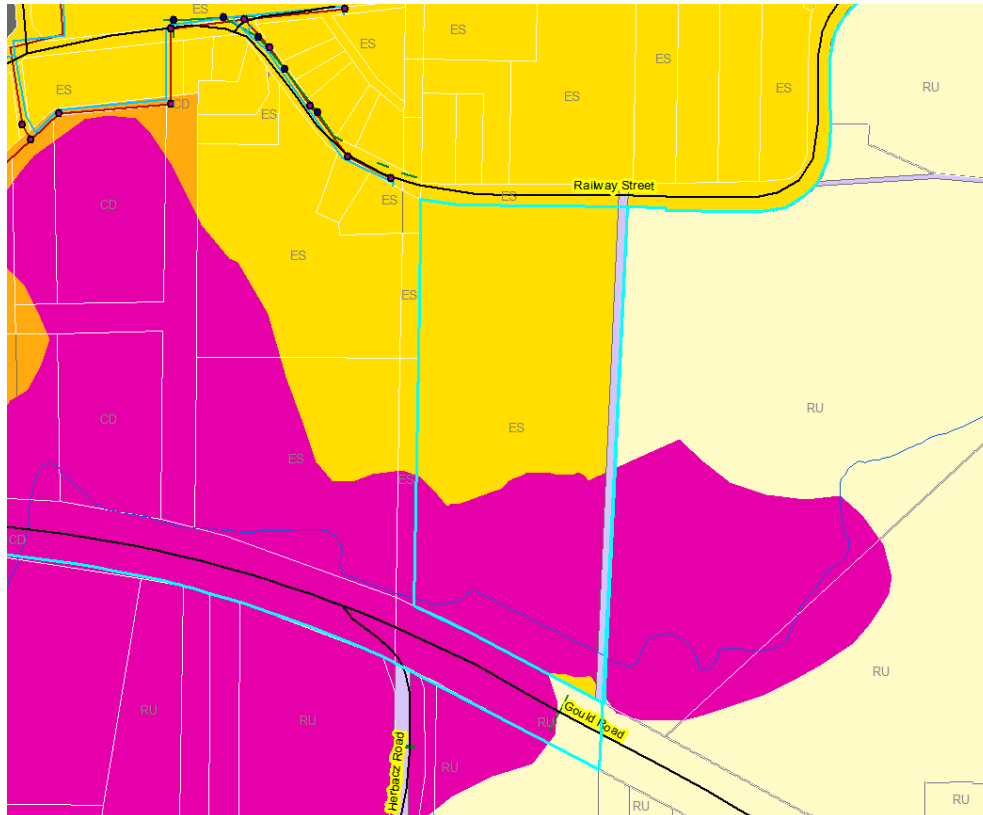


5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

Several sections of the PPS provide direction and support for infill development of a compact form. Affordable housing, development that reduces sprawl, and accommodates seniors is an optimal and preferred form of housing development.

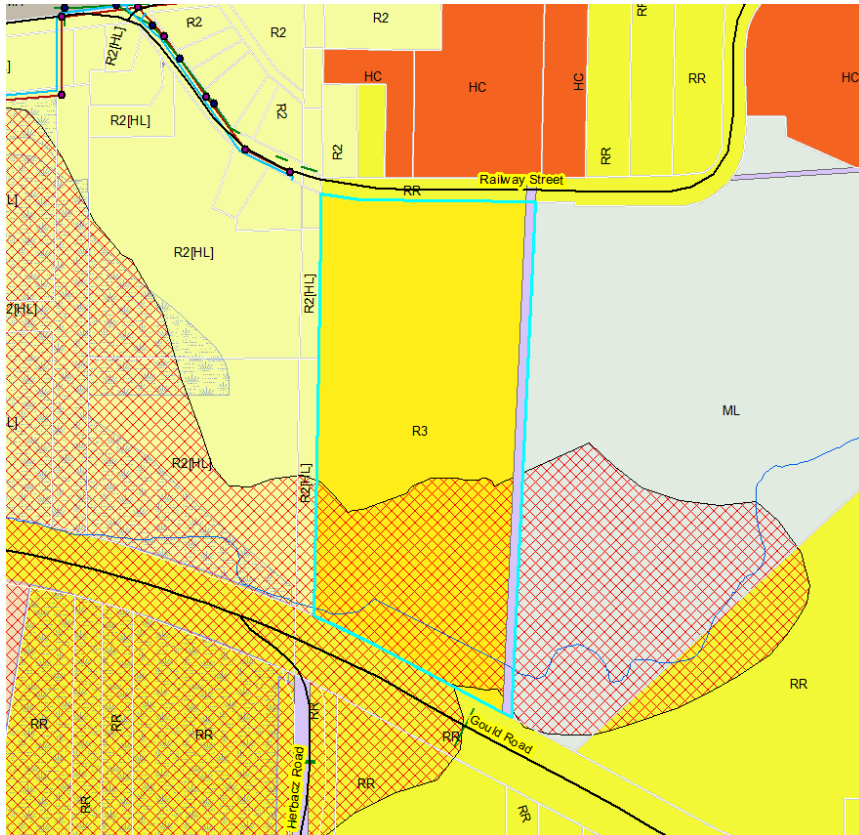
a) City of Kenora Official Plan (2015)



The Land Use Designation of the property is Established Area, a designation that allows for a variety of residential and commercial uses. The property is located within Provincially Significant Wetlands, as such the City required completion of report from a qualified professional to evaluate the proposal for medium density residential development in 2016. The report provided assurance that no negative impacts to the function of the wetland would occur as a result of the residential development, if the recommendations were implemented.

Medium Density is defined as 17 to 40 units per net hectare, and development as such is encouraged within the Established Area.

b) Zoning By-law No. 101-2015



The subject property is zoned R3. Permitted use within the zone includes an apartment dwelling, duplex and triplex dwelling, multiple attached dwelling, retirement home, and semi-detached dwelling.

The zone regulations apply certain minimum and maximum criteria for setbacks, lot area, lot coverage, and so forth dependent on dwelling type.

The subject proposal is required to meet the provisions for multiple attached and stacked dwellings, as well as to provide frontage on a public road, as per the definitions of 'Lot', 'Lot Frontage' and 'Street' as follows:

Street or Road

Any highway, road, boulevard, or other improved thoroughfare which has been dedicated or deeded for public use.

Zoning Mechanism	Provision Required	Provision Proposed
(c) Front yard (minimum)	6.0 m	
(d) Interior side yard (minimum)	2.5 m	0 m
(e) Exterior side yard (minimum)	4 m	0.35 m

(f) Rear yard (minimum)	8 m	
(h) Lot coverage (maximum)	40%	55%

All other regulations and requirements of the zoning by-law would be met for the proposed use, and associated development provisions.

6. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Operations Department	Please ensure developer is made aware of the need to provide individual water meters for each dwellings unit – March 29, 2018
Building Department	The Building Department noted that the abutting property is zoned Light Industrial and suggested that a review of the separation distance should be undertaken – March 16, 2018
Roads Department	The Roads Department did not have specific concerns with the concept of the private road, but may provide more detailed comments as part of the site plan review – March 28, 2018
Water & Wastewater Department	The property is not serviced, the location for services connection is west of the property line on Railway Street – March 15, 2018
Kenora Hydro	This is Hydro One service area, so Kenora hydro has no concerns – March 20, 2018
Kenora Fire & Emergency Services	Kenora Fire has no concerns with the rezoning to allow for development of 22 townhouses – March 6, 2018
Hydro One	Received an enquiry with regard to an easement for access on the west side of the property, but no comments on the proposal – April 5, 2018
Ministry of Natural Resources	Thank you for the opportunity to review this file. Having reviewed the application and attached EIS we are satisfied with the consideration given to the natural heritage features present and have no concerns at this time – April 9, 2018
Environmental Services	The Environmental Services Department noted that the developer should think about waste management planning for the 22 units, and offered that a local contractor may be retained to haul solid waste to the Transfer Station. For recycling, the City Transfer Station would be able to provide multi residential pick up services – March 19, 2018

7. Public Comments

A public meeting is scheduled to be held by Council on May 15th, 2018. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on April 5th, 2018 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on April 5th, 2018 and circulated to persons

and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

8. 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 meeting on April 17th, 2018. Resolution and draft minutes of this meeting are attached for Council's information.

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.

Jim Peterson, President of Kings Landing Corporation presented a full overview of the proposal to the Committee and public in attendance, and answered questions.

Neighbouring property owners previously enquired with the Planning Department about the proposed development, and expressed concern with the removal of trees.

No written comments have been received as of the date of this report.

9. Evaluation

If approved, the subject application would enable an existing vacant lot to be developed as proposed with multiple attached dwellings. The reduction in side yards, and lot coverage would have no negative impact to the functionality of the property, adjacent properties, or servicing. Allowing for frontage on a private road would enable the developer to construct and maintain the road to their satisfaction with a private road agreement.

As demonstrated, the application is consistent with the Provincial Policy Statement, Official Plan, and meets the intent of the Zoning By-law.

Budget: No impact. Application fees paid in accordance with the Tariff of Fees By-law

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of a Whole, and Council provided as per the Notice By-law.

Strategic Plan or Other Guiding Document: The Official Plan provides criteria for the evaluation of Applications for Zoning By-law Amendments.

10. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, to receive relief from provisions of the R3 Zone including the interior side yard provision of 2.5 to 0 metres; exterior side yard from 4 metres to 0.35 metres; to increase lot coverage from 40% to 55%; to amend the definition of a "Street" as it pertains to the subject lot, to allow for frontage on a private road, as a site specific provision, being File No. D14-18-03, be approved, in lieu of public comments that may yet to be received.

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 to enable a change in zoning from R3 to a site specific zone R3[39] to allow for the relief to the provisions as noted.



Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Complete Application for Zoning By-law Amendment including Planning Rationale
- Notice of Application and Public Meeting
- Environmental Impact Study
- PAC Resolution
- Draft PAC Meeting Minutes held April 17th, 2018