



PROCEEDINGS
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.

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 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.

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.

Jim Peterson, President of Kings Landing Corporation reviewed the application. The site on Railway Street, the former Degagne property, is a 10 acre site and available for development. Kenora needs an adult community with smaller houses with attached garages. This property was rezoned by the Degagne family for 72 multiple units. The property makes this location exciting due to the location and proximity to amenities in the City. They are keeping the development to the top of the slope with 22 units and a potential for a 3 story, 24 unit building in the future. The upper levels would be high up and as the grade goes down you could have underground parking, however, they are not here for that portion of the development, just the initial 22 unit project. There is a 6 metre easement for utilities and when the property was purchased there is a 10 metre easement so they could get to their property down at the bottom of the hill. They would like to make the area in front a bus stop which would allow a safe area for anyone to take the bus. In their development what they are looking for as this is a condominium development with amenity opportunity. They want to put natural areas in the development which would be appealing.

They are looking to get approval so that each person owns their lot, and they have common interest in the road that would service their individual condo. The services are 50 feet away from the property line from the road. There is an 8" water and sewer line at the top of the road. It has been overwhelming for the market for people who want to buy these units. They would be all one phase and they would come back when they are prepared with their next phase of development for the other land.

Devon McCloskey, City Planner described her planning report.

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.

1. 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.

2. 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.

3. Site Visit

On April 11th, Ms. McCloskey attended the subject location to review the property and make considerations.

4. 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

The public meeting held today was held in accordance with the Act and 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.

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 today's meeting date.

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.

10. Recommendation

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; 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 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.

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?

There were none.

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

There were none.

Mayor Canfield asked if there were any questions?

Councillor Reynard questioned the sewer and water size and there were no concerns with the capacity of the water service. This amendment would go to Council next Tuesday for approval and the developer would like to be starting as soon as they can by end of June or July. We have a short construction season and want to get things started right away. Would like to have some units with occupancy before Christmas. There is a shortage of labour issues but will work to develop as much as they can right away.

Mayor Canfield felt that if we need to move this along faster, it could be possible to have a special meeting of Council to get the other approvals finished which would allow the development to proceed quickly.

As there are no further questions, Mayor Canfield declared this public meeting closed at 1:04 p.m.