



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-18-05 / 1053 Lakeview Drive)
Tuesday, September 11, 2018
12:00 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 bylaw 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.

August 24th, 2018

City Council Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File no.: D14-18-05

Re: Application for Zoning By-law Amendment

Location: 1053 Lakeview Drive

Applicant: 1585925 Ontario Inc. (Lake of the Woods Freight -
Geordie Meek)

Agent: Tara Rickaby, TMER Consulting

1. Introduction

An application is proposed to change the regulated zoning of the subject property which is zoned Heavy Industrial "MH" from certain provisions as follows:

That relief is granted from the lot area minimum requirement to allow for creation of one new lot with both the retained portion (0.97 ha) and the new lot (0.28 ha), being less than the required lot area for an unserviced lot zoned MH. Permitted use of the property will be limited to existing uses which include industrial/commercial barging, marine transportation depot and contractor services, as site specific provisions.

Figure 1 (Right) -
Aerial sketch
displaying zone
boundaries



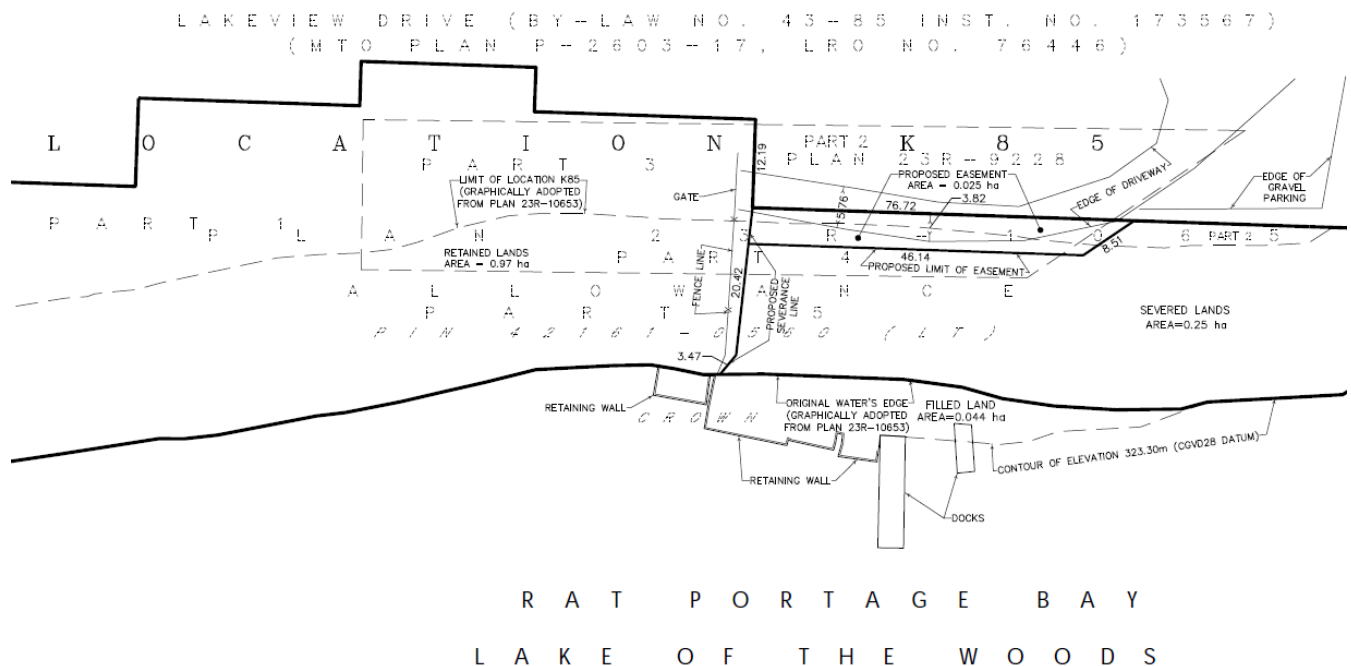
2. Description of Proposal

To enable the continued use of the property for existing uses, which have existed since the 1930's, the property owner is making application to sever the property, but first to rezone in order to allow for creation of a lot less than the required lot size provisions for an unserviced lot zoned, Heavy Industrial (MH). An application for consent has also been submitted and is assigned as File No. D10-18-09.

The property accommodates two barging businesses, whereas the owner operates on the portion to the west, and a tenant operates on the eastern portion. If approved, transfer of the property will be possible so that both users can own the area they use and occupy in fee simple.

In order to secure access to the retained portion, establishment of an easement over the severed portion will be required, as shown in the application sketch (snap shot of the area in scope below).

Figure 3 – Snap shot of the property division



3. Existing Conditions

The property is located adjacent to Hwy 17 W, and fronts on Rat Portage Bay, Lake of the Woods. The property frontage is extensive with approximately 430 metres, and a total area of 1 hectare.

A small portion of the shoereline was identified as providing fish spawning habitat, however no development is proposed in this area, and the property owner agrees that the location may be zoned Environmental Protection (EP) to protect the feature. Property across the road is also zoned Heavy Industrial (MH) and developed for Forestry use. No change to the character of the area would occur.

Figure 4 – Aerial view of property



4. Site Visit

On August 10th, 2018, I attended the subject location to view existing use and the property subject to severance.

Photo 1 – Perspective west, view of the lot proposed to be severed



Photo 2 – Perspective west, view of the area for access on the north (right) side

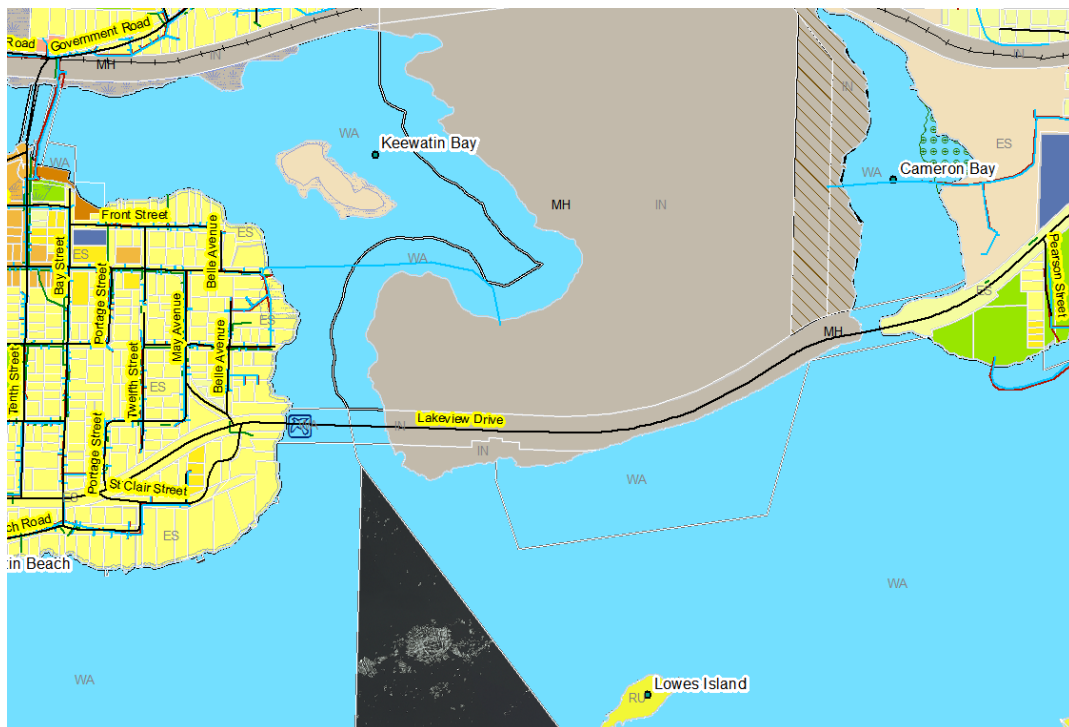


5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

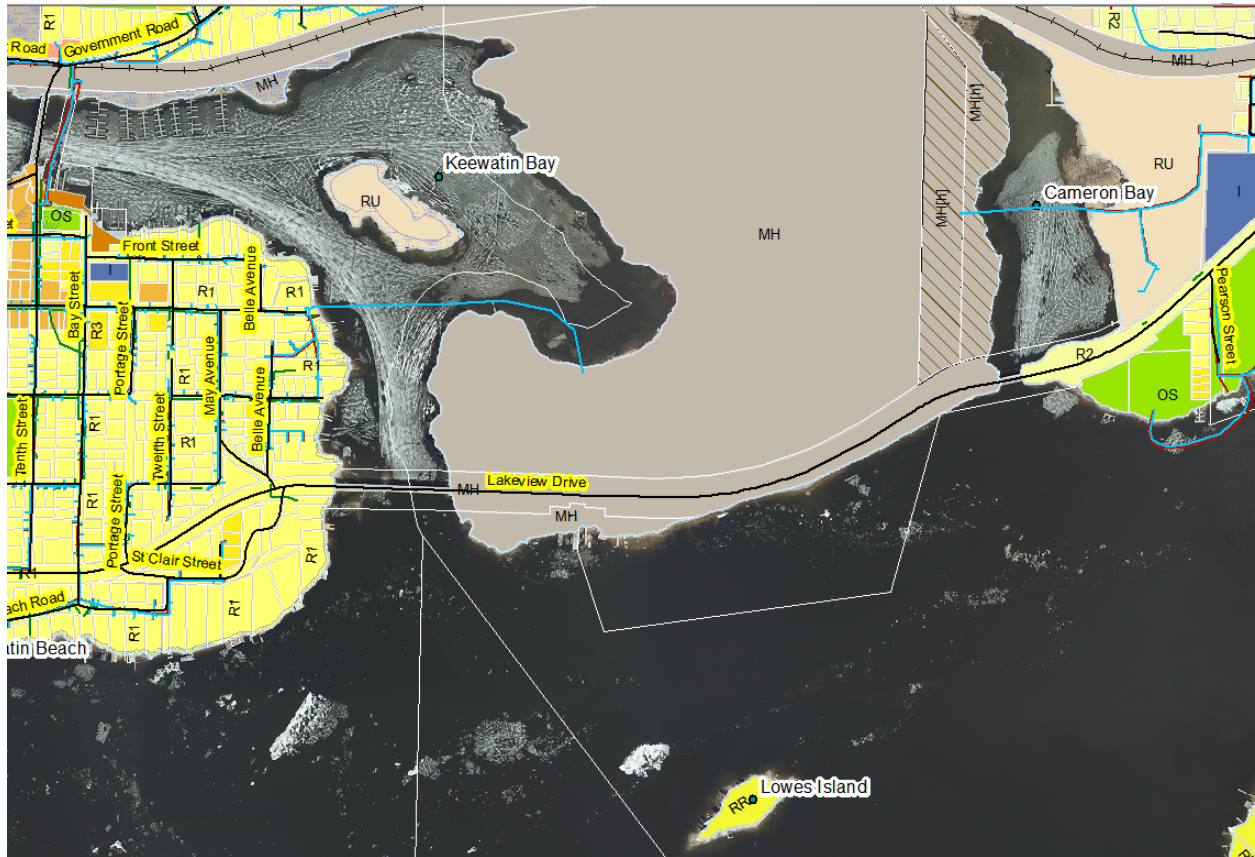
As noted by the consultant, the proposed development would be consistent with those policies that promote retention and protection of employment lands and economic development (PL 1.3.2). The development is compatible with existing land uses, and adequately separated from sensitive land uses (PL 1.2.6.1).

b) City of Kenora Official Plan (2015)



The Land Use Designation of the property is Industrial Development (IN). The proposal will support existing industrial uses, which support employment and provide important services to support development and infrastructure for all waterfront residential and commercial use development.

c) Zoning By-law No. 101-2015



Zoning of the property is Heavy Industrial (MH), and it is subject to the regulations of Section 4.10. This zone allows for the full spectrum of industrial uses, including those existing uses: Transportation Depot, Contractor Service, and Open Storage.

As a waterfront based operation, most of the use of the property is required to be within 20 metres, which is flagged as being subject to hazard land policies and regulations as well.

Section 3.30 states:

b) Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require a plan of subdivision, or Site Plan Control approval, shall be located closer than:

- i. 20 m to the normal high water mark of any watercourse or water body, or
- ii. 15 m to the top of the bank of any watercourse or water body, whichever is greater.

Operations on the subject property are industrial in nature and entirely waterfront/marine based. Proximity to the water is integral to the business.

6. Results of Interdepartmental and Agency Circulation

Operations Department	Provided questions and comments related to access – Aug 17, 2018
Engineering Department	No concerns – Aug. 17, 2018
Building Department	No comments – Aug. 17, 2018
Kenora Fire	Kenora Fire has no issues with the issuance of this amendment - Aug. 2, 2018
Roads Department	No comments received
Kenora Hydro	There is currently one 200 amp single phase service to the existing property. If requested, Electrical supply to the newly subdivided (east side) will be an added cost for a new service as well as possible easements required for new infrastructure - Aug. 2, 2018
Environmental Services	The environmental services has no concerns - Aug. 7, 2018
Northwestern Health Unit	<p>The Northwestern Health Unit has reviewed the application to sever and rezone the property along with a Minor Variance. The property has been a staging area for a barge service that has been important for servicing and installing septic systems on Lake of the Woods for decades. The present application(s) allow for this essential service to continue. Properties on Coney Island (within City limits) are among the properties that continue to need this type of servicing.</p> <p>The severing of the property does not substantially affect the property for its own servicing. The City has a restrictive setback of 30 metres to a watercourse and most of the property is within this 30 metre setback. The industrial nature of the property does not lend well to onsite servicing as there is usually heavy compaction of soils that make winter operation of onsite systems problematic.</p> <p>The eastern end of the property that is proposed to be severed off is the area for the continued barge service for sewage systems. There are presently no structures on it as there have not been structures on the whole property in the past 30 years as the property was used exclusively for barge service. Any future building would need to be serviced by a holding tank. The very low flows that would be generated are not foreseen as</p>

	<p>being detrimental to the regular load that is put on the sites where the pumper truck hauls for disposal.</p> <p>The subtraction of the eastern end of the property does make the western end of the property better for sewage servicing in some regard as it reduces the overall size of the property that ultimately lessens the amount of sewage that could be generated on the western side.</p> <p>The Northwestern Health Unit is supportive of the application(s) to sever and rezone the property - Aug. 24, 2018</p>
Water and Wastewater	Water and wastewater division has no issues - Aug. 3, 2018

7. Public Comments

A public meeting is scheduled to be held by Council on September 11th, 2018. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on August 9th, 2018 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on August 9th and 16th, 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.

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 August 21st, 2018. The application and their agent attended the meeting, no comments were received from the public at this meeting and as of the date of this report, no public comments have been received. Minutes of the meeting are available to Council. The PAC recommended approval as below:

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-18-05, subject property located at 1053 Lakeview Drive and the site specific zoning of MH-Heavy Industrial to change the regulated zoning, which is Heavy Industrial "MH" from certain provisions as follows:

That relief is granted from the lot area minimum requirement to allow for creation of one new lot with both the retained portion (0.97 ha) and the new lot (0.28 ha), being less than the required lot area for an unserviced lot zoned MH. Permitted use of the property will be limited to existing uses which include industrial/commercial barging, transportation depot and contractor services, as site specific provisions. *+marine depot*

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

8. Evaluation

Given the property shape, dimensions, and terrain, alternative forms of use and development are extremely limited as the consultant notes as well as the Northwestern Health Unit.

If approved, the subject application would enable current use of an existing industrial lot to be further secured and promoted, since the two businesses that operate would be able to reside on their own respective lots. A site specific rezoning would protect existing use and limit potential for speculation of other uses, which may not be compatible. If the application for rezoning is approved, the Planning Advisory Committee will be able to give consideration to an application for consent to sever.

In the event that permanent buildings or structures are ever proposed, approval of an application for site plan approval would be required.

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.

9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-18-05; be approved, to exempt the subject property which is zoned Heavy Industrial (MH) from certain provisions as follows:

That relief is granted from the lot area minimum requirement to allow for creation of one new lot with both the retained portion (approximately 0.97 ha) and the new lot (approximately 0.28 ha), being less than the required lot area for an unserved lot zoned MH. Permitted use of the property will be limited to existing uses which include industrial/commercial barging, marine transportation depot and contractor services, as site specific provisions.

A handwritten signature in black ink, appearing to read "Devon McCloskey". The signature is fluid and cursive, with the first name "Devon" written in a larger, more prominent script than the last name "McCloskey".

Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Notice and Application
- PAC Resolution and Minutes

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Notice of Application and Public Meeting



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-18-05
 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, September 11 th , 2018 at 12:00 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 September 25th, 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: August 21 st , 2018 at 7:00 p.m.
	Location: Training Room, Operations Centre 60 Fourteenth Street North, 2 nd Floor, Kenora, ON

Purpose and Effect: to exempt the subject property which is zoned “MH” from certain provisions as follows: That relief is granted from the lot area minimum requirement to allow for creation of one new lot with both the retained portion (0.97 ha) and the new lot (0.28 ha), being less than the required lot area for an unserviced lot zoned MH. Permitted use of the property will be limited to existing uses which include industrial/commercial bargaining, transportation depot and contractor services, as site specific provisions.

Location of Property: 1053 Lakeview Drive. Refer to the map aside.

Other Applications: the property is also the subject of an application for Minor Variance.

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 August 15th, 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 9th day of August, 2018