



PROCEEDINGS
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.

PRESENT: Mayor D. Canfield
Councillor M. Goss
Councillor R. Lunny
Councillor R. McMillan
Councillor D. Reynard
Councillor S. Smith

Staff: Karen Brown, CAO
Heather Kasprick, City Clerk
Devon McCloskey, City Planner

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 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.

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

Geordie Meek is the owner of the business of Lake of the Woods Freight and Barging. He has owned the property for approximately 35 years. The proposal is to split the property, but since the property is is the minimize size for an unserviced heavy industrial lot, will require approval of a zoning by-law amendment prior to. The site is located south of Kenora Forest Products and there is residential property is to the west. Current activities are not subject to change. The lands are very narrow for industrial use and the two businesses that have run from it have do so without issues for 32 years. There are five or six barging businesses operating from there and are integral point for these businesses. Both lots are currently accessed from Lakeview Drive and there will be an easement in favour of a more westerly piece of property. There is fish habit on the westerly portion of the property however the MNR has agreed that an assessment is required and requested that the City puts it on their map.

Devon McCloskey, City Planner provided a summary of her planning rationale.

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. The zoning by-law amendment would apply to both pieces.

1. 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).

2. 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 shoreline 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.

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. This type of use is very limited and since it is historical and been there for so long it is an important area to conserve, it would not have impact of deteriorating the existing use, and would not have a negative impact.

The application was circulated internally and the concerns from Roads was addressed. The NWHU had concerns regarding servicing which there was no need at this time.

As the Planner for the City of Kenora, it is Devon's professional planning opinion, that the Application for Zoning By-law Amendment, 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 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.

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?

There were none.

As there are no further questions, Mayor Canfield declared this public meeting CLOSED at 12:14 p.m.