



City of Kenora
Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

Meeting Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
April 16, 2019
6:00pm

Present:

Wayne Gauld	Chair
Graham Chaze	Member
Bev Richards	Member
John Barr	Member
Tanis McIntosh	Member
John McDougall	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

Regrets:

Ray Pearson	Member
Robert Kitowski	Member

DELEGATION:

- (i)** Wayne Gauld, Chair, called the meeting to order at 6:01 pm and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to agenda - there were none.
- (iii)** Declaration of interest by a member for this meeting or at a meeting at which a member was not present – there were none.
- (iv)** Adoption of minutes of previous meeting
The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.
 - Approved as amended: March 19th, 2019 minutes of the regular Kenora Planning Advisory Committee meeting.
- (v)** Correspondence relating to the application before the Committee
 - The Secretary Treasurer indicated that an updated planning rationale had been received relating to D10-19-02. It had been circulated to the Committee via email.

(vi) Consideration of applications for minor variance

- D13-19-07, Higans

Tyler Higans, Applicant
723 Thirteenth Street North

Tyler Higans introduced himself as the Applicant for the file; he was looking to build a garage in the rear yard that will exceed the 10% maximum of lot coverage. He explained that he owns a little war house, which only covers about 21% of the lot. The 3% increase for the garage will allow him to store his boat and put in a couch.

The Planner presented the planning report for file D13-19-07, indicating that the application would allow a 9.75 by 7.9 m garage to be built in the rear yard, which is accessible by the laneway. She explained that off-street parking can be accommodated at the rear but the owner typically parks at the front. Several properties in the area have been developed with a detached garage in the rear yard; however, most do not come close to the 10% maximum. The proposed garage would comply with the other related zoning provisions.

The Planner explained that the Roads department initially had questions about existing culverts but in the end did not have concerns. The Engineering Department commented that the garage is proposed to be built over municipal services, which is not recommended. Because the City is not responsible for maintenance and repair on private property, the decision to build at this location is at the discretion of the Applicant. Engineering also commented that if there is confirmation of encroachment(s), since there is the potential for City service mains to be located across the north east corner of the property, then easement(s) in favour of the City should be obtained.

The Planner indicated that the proposed relief is not anticipated to impede neighbouring uses. Although the garage would cover more area on the lot the principal dwelling is well below the maximum lot coverage. It was the Planner's professional opinion that the application be approved.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application.

John Barr asked if it is certain whether the sewer line is underneath the subject property. The Applicant explained that he had done a locate with City staff last year and the water line goes out the front whereas the sewer goes out the back towards the south corner. The proposed garage would be built over it by approximately two feet. The sewer main itself would be roughly 12 to 13 meters away from the garage.

The Planner explained that Engineering did request that an easement is given but as they are currently in place, the City has a right to leave them as such. She indicated

that the Applicant is not undertaking a survey at this time and that with the associated cost, the City would not ask that he undertakes that.

John Barr asked if the City would undertake the survey to register easements. The Planner stated that not until such time that it would need to be relocated. There are similar situations all across Kenora.

The Chair asked the Committee for discussion.

The Chair noted that given the comments from Engineering, it would be beneficial for the planning report to be filed in the City's property file. The Secretary Treasurer confirmed that this can be done.

There was no further discussion.

Moved by: Bev Richards

Seconded by: John Barr

That the Kenora Planning Advisory Committee approves application for minor variance file D13-19-07 seeking relief from Section 3.34.1 (b) (vi) – which requires that an accessory building must not exceed 10% coverage of the total lot area. Approval of the application will allow a 9.75m x 7.9m garage accessory building to be a maximum of 13% of the total lot area.

Carried.

(vii) Consideration of applications for consent

- D10-19-02, KDSB

Tara Rickaby & Ben Reynolds, Agents
TMER Consulting; KDSB

Tara Rickaby was joined with Ben Reynolds (KDSB), acting as joint Agents for the file. Tara Rickaby noted that the planning rationale had been updated to focus more on land division. The Agent presented the planning rationale, describing that the new lot will accommodate a supportive housing unit that will improve accessibility by identifying, preventing, and removing land use barriers which restrict people's full participation in society. The development would be supervised residential housing and that was the intent of the application.

The Agent described how the application met the intent of the Official Plan and Zoning By-law, noting that the City's vision is to be an inclusive, sustainable, health and four season lifestyle community with a healthy economy. The proposed use would meet setbacks to ensure that privacy and enjoyment of existing priorities are not adversely affected by higher density use. It was decided to use the setbacks for apartments since there were no specific provisions for supportive housing. The frontage would exceed the minimum requirement by almost two-fold. Lot coverage would be calculated when the final site plan has been decided on. The Agent noted that earlier that day, Council did approve the Zoning By-law Amendment application.

The Planner presented her planning report. She noted that there is the requirement for the appeal period to lapse for the Zoning By-law Amendment application file D14-19-04. The property has an H zone to ensure proper development and the owner has confirmed that this development will not negatively affect the rest of the property for future uses. There would be 62 m of frontage off of 9th Street North.

The Planner explained that there are two options for access. One being off of Ninth Street and the other being off of Brinkman Road. The developer is willing to work with the City to determine the most appropriate location. Notice of the application was circulated concurrently with the Zoning By-law Amendment and as of the date of the meeting, eight letters of concern in opposition of the application had been received. Requests to have a fence and buffer area was noted. The future of the Evergreen Rink was also a concern and the City indicated that they would be undertaking work with the community club to refurbish the boards. The rink would be re-constructed to support longevity. Four letters of support had been received, from both school boards (KPDSB & KCDSB), the Northwestern Health Unit (NWHU) and from a long-time resident of Kenora who resides on Fifth Street North.

The Planner read excerpts from the letters of support.

The Planner explained that details of lot development would be addressed in a site plan control application, which would be required in advance of a building permit being issued. She explained that the subject location was identified as having great potential for residential development, and the application presents a clear description and justification for the use. It was the Planner's professional opinion that the application for consent should be approved, subject to normal conditions in addition to the appeal period lapsing for the Zoning By-law Amendment and that an entrance permit is obtained.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee for questions.

Bev Richards asked whether the City would be getting an easement if the entrance is off of Brinkman Road. The Planner explained that it is possible that it would be negotiated at a later date; at this point, the Planning Department has not received direction internally.

The Chair asked the Committee for discussion prior to making a decision.

Bev Richards noted that the PIN should read 42170-0256. It was confirmed that the decision will be amended to read the corrected PIN.

The Chair stated that the Committee is making a decision on the proposed creation of a new lot. The Planner further explained that the concern is to make sure that the intended use is achievable and that is dependent on the Zoning By-law Amendment

being given final approval. It will be 20 days after Thursday that we will know if it is approved. If it is not approved, the consent would not be issued for that use.

Moved by: Bev Richards

Seconded by: Tanis McIntosh

That the Kenora Planning Advisory Committee approves application D10-19-02 for consent, lot creation. That property located at 661 Ninth Street North, generally known as the Former Mill Site, Kenora Ontario; described as Plan 33 Block 3 Main Mill Site Less of Parcels 39184, Part of Parcel 40136, Parcel 40137 and Parcel 41043; being part of PIN 42170-0256; for consent to sever for the creation of one (1) Residential Third Density (R3) zoned lot, approximately 0.063 ha in size, with 62 metres of frontage on Ninth Street North, and a retained area of approximately 37 hectares; be approved subject to conditions as outlined within the planning report.

Carried.

(viii) New Business

- Recommendation(s), Application for an Amendment to the Official Plan
 - D09-09-01

Nadia De Santi & Anita Sott, Agents
WSP

Via Teleconference

Nadia De Santi and Anita Sott introduced themselves as the Agents for the file, and representing the City of Kenora. The Planner provided some background, explaining that the City requested that they assist in the creation of some policy to reduce red tape for the purpose of supporting housing in the City. She quoted that a large percentage of Kenora residents voted that they would like to see Affordable Housing as a priority. That is the reason why the applications were being considered.

Nadia De Santi confirmed with the Chair that they would discuss application file D09-19-01 first and then move to talk more of the concurrent application for Zoning By-law amendment file D14-19-04.

The Agents explained that the application for an Official Plan Amendment had been initiated by the City and it was to allow policy changes to effectively permit the development of public uses, including but not limited to an institutional use, housing, and supportive housing in certain land use designations without the need for an Official Plan Amendment. Development will have consideration for land use compatibility criteria in the Official Plan. In the proposed changes, public uses would be permitted in the Established Area, Residential Development Area, Harbourtown Center and Commercial Development Area.

The general intent and purpose is to assist with addressing the housing crisis that the City of Kenora is not alone in; many other municipalities are experiencing the crisis also. The proposed amendment conforms to several principles in the Official Plan and reinforces some policies under the Affordable Housing and Community and Neighbourhood Design sections of the Official Plan. Nadia De Santi confirmed that

the application is not site specific and would apply to any land within the identified designations.

The Agents went on to describe several policies in the Provincial Policy Statement that the application is consistent with. Nadia explained that the concept of complete communities is not to segregate populations; affordable housing is a critical component. There would also still be consideration of compatibility policies in the Official Plan, as there is with any development. This would be to ensure that compatibility concerns and questions are taken into account.

It was the Agents' professional opinion that the Planning Advisory Committee recommends to Council that the application is approved.

Karen Brown (CAO), introduced herself. She explained that she is not a planner and so is not technical in nature. She wished to talk to the Committee about the City's Strategic Plan, which identified enabling housing as one of the top priorities. Karen further went on to describe that the consultant who had worked on the Strategic Plan said he had never seen such engagement in the community as he saw in the community survey. As a result, the City has come up with development goals, whereby new housing developments will be promoted and a diverse housing range is supported. Kenora has roughly 7500 households and the KDSB has a waiting list of over 500 units for social housing, which does not include the full spectrum of housing.

Karen explained that affordable housing may not necessarily be social housing and that every housing development is a small win for Kenora. In her opinion, Kenora likely needs a 10% increase in housing stock and that would be to create housing in a diverse range and spread out in the community. She noted that "ghettoizing" is a poor planning practice and that we need to ensure that our community is inclusive, as it is the best chance of success. Karen concluded by asking PAC to join Council's vision in recognizing that affordable housing is one of the most significant priorities and that we need to put the tools in place. She stated that the only way that we can effect change is to put forward the tools.

Adam Smith, Development Services Strategist, added on to Karen's presentation by saying that in his opinion, the Official Plan is one of the more powerful tools that the City has to support housing. He explained that the tools municipalities have are quite limited and that the town is not a direct housing provider. He stated that this is the type of policy that can make a difference to support public agencies that rely on public funds and public supports. He agreed with everything Karen said and that it is a step in the right direction.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee for questions.

John McDougall asked whether it is the vision for the City to build housing. Karen Brown (CAO) explained that the vision is to facilitate housing, whether that is to

support agencies like the KDSB or to help developers come in. John asked if that includes smaller lots and smaller homes. Karen responded by saying that that aspect is not the intent of this particular application but that it is something that will be seen in the future, moving forward.

Karen Brown (CAO) further clarified that the vision is not stand alone and that there are other pieces to the puzzle that focuses on affordable and market housing; this particular amendment is geared towards supportive housing developments.

Bev Richards asked where the specific property is and wished for an example. It was clarified that there is no specific location, as the proposed amendments would apply to any of the identified land use designations within City limits. The Planner explained that locations would likely be within existing built-up areas where there are properties eligible for re-development. It was also clarified that the City would not be undertaking the development, it would be to establish the policy statements as a tool for public agencies. Developers would still be required to go through the standard processes.

Nadia De Santi, Agent, stated that she would be explaining more on the proposed definitions when the Committee considers the concurrent Zoning By-law Amendment. She explained that like Karen said, the Official Plan Amendment (OPA) will allow public uses that would be implemented through the Zoning By-law by a public agency and not a developer or the City.

The Committee agreed to move the discussion to the next application, which is concurrent to the OPA.

- D14-19-04, City of Kenora

Nadia De Santi & Anita Sott, Agents
WSP
Via Teleconference

Nadia De Santi and Anita Sott carried on to present the Zoning By-law Amendment application. They explained that definitions for Public Use and Public Agency need to be added to the Zoning By-law to make it clear. Right now, there is a definition for Public Authority but it is not as clear as it should be. The term "Agency" would be more appropriate as it can include ministries, departments, commissions, authorities, boards etc. The proposed definition is a bit broader and will encompass various groups. Because Public Authority had been used in a few other definitions, those would also be amended to change the wording to "Public Agency". Lastly, the general provisions for Public Uses would be amended to include additional text to permit "a public use, including but not limited to an institutional use, housing, and supportive housing" to the identified zones. There are seven zones that implement the four Official Plan land use designations that pertain to the Official Plan Amendment application: Residential – First Density Zone (R1); Residential – Second Density Zone (R2); Residential – Third Density Zone (R3); Local Commercial Zone (LC); General Commercial Zone (GC); Highway Commercial Zone (HC); and Institutional Zone (I).

Public Uses, including but not limited to an institutional use, housing, and supportive housing will be permitted under those seven zones through the general provisions.

The Agent referenced to Section 4.8 in the Provincial Policy Statement (PPS), which describes that Zoning By-laws are important for the implementation of the PPS and that planning authorities shall keep their Zoning By-laws up to date with their Official Plans. The proposed Zoning By-law Amendment is consistent with all other policies that had been referred to for the previous application. She then explained that in the seven zones to which apply in this application, residential and institutional uses are generally permitted. She noted that the proposed changes go back to the concept of complete communities and having a mix of uses. Any proposed use would need to comply with the Zoning By-law and otherwise, would require Planning Act approval.

It was the Agents' professional opinion that the Committee recommends to Council that the application is approved.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application.

Chris Lentinen
1109 Fourth Street South

Chris Lentinen stated that to him, it seems like the City is allowing a Public Agency to do anything on any property in Kenora. The Agent explained that it was not the case; the proposed amendments would allow public uses in certain zones and if there was a change in zoning standards, it would be a public process. Right now, there are public uses that are permitted in the Official Plan such as utilities, electric generation, etc. so really, the intent of this application is to assist in the implementation of the proposed Official Plan Amendment which then goes back to meeting the intent and goals of the Strategic Plan for housing.

Mr. Lentinen stated that seven zones were listed that would be affected. He asked how many are left.

The Planner responded by saying that there are a number of zones that were determined as being uncondusive to housing development, such as Light and Heavy Industrial zones, Open Space zones, etc. There are at least ten other zones that would not be applicable.

John McDougall asked if there is a definition for supportive housing. The Planner explained that if the Zoning By-law Amendment passes for file D14-19-03, the City would have a new one. John asked what an institutional use would be.

The Agent explained that it could be something like a retirement home, continuum care facility, etc. but that it is not defined in the Zoning By-law. There is a relevant section in the Official Plan and currently, the Established Area and Residential Development Areas allow institutional uses.

John Barr asked if any of the permitted uses under the I-Institutional zone would be considered under institutional uses. He further clarified that he was asking because a Correctional Facility is permitted under the I-zone. The Agent stated that yes, it would be correct to say, in addition to an Emergency Shelter or Retirement Home, for example.

John Barr asked why the RR-Rural Residential and RU-Rural zones were excluded. The Agent explained that from a planning perspective, the selected Official Plan designations and zones are reflective of areas that already have municipal services and roads. The intent would be to enable housing in more built-up areas and it is also the direction of the PPS 2014 to grow these areas.

John Barr stated that there are properties zoned RR that are fully serviced in the City, such as those on Rabbit Lake. He also asked why there would be an Institutional zone if there is talk of institutional uses. The Agent explained that she was the lead planner on the City of Kenora comprehensive Zoning By-law review. The Institutional zone was to reflect and outline areas that could have these permitted uses. Some municipalities do not have an Institutional zone but it was a direction at that time in 2014 and 2015 to maintain the zone. The City can consider at the next review to remove it, although she did not believe it was the City's intention to do so under this application.

John Barr asked if the Committee will review a definition for institutional use and one that excludes a correctional facility. The Planner explained that they did have that discussion with the consultant. The Institutional zone allows for institutional uses which are those generally owned by a public agency and that's where your services come from. That's what it would be and the City can try to add a definition for that.

Adam Smith, Development Services Strategist, added on by saying the challenge is that there are several types of housing and so the City does not want to exclude some uses that might not strictly fit to the definition proposed. That's why there are several words used in the definition for Public Uses.

The Agents stated that they can definitely look into having another definition for institutional use. She explained that there is already a definition for Correctional Facility, which is a different type of facility that provides people a place to live. They can look at adding a definition for Institutional Use that would exclude a Correctional Facility.

The Chair asked the Committee for discussion.

The Agent clarified that if the direction by the Committee is to add a new definition for Institutional use, they can do that. They don't have the language right now but what they would come up with would be based on the direction of the Official Plan and the definition would exclude a Correctional Facility. The report to Council would be revised and would encompass that new definition.

Anita Sott, Co-Agent, explained the Town of Cochrane example. They do define Institutional Use and it is permitted in a number of their zones. She read the definition that they use.

John McDougall expressed that he thought the definition was very encompassing and liked how it was defined under that example.

The Planner clarified to the Committee that the Official Plan does have a definition for Affordable Housing and if approved by Council, the definition for Supportive Housing would be established through application file D14-19-03. This particular application would also allow for supportive housing by virtue of the ownership and the organization of the developer being a public agency. The definition for Institutional Use will be looked at, as wished by the Committee.

Bev Richards asked again about the exclusion of the RR zone from this application. The Planner further explained there are serviced RR lands that are large parcels and somewhat setback from serviced areas. However, the City is working towards developing a land inventory and redoing some of their mapping in order to take those lands with great potential for servicing and higher density development, as well as changing the designations and zoning. The City is leaving them out for now. Perhaps they should have been re-zoned in 2015 but at the time it was not known their potential or perhaps the property owner wasn't on board with it. Those would be opportunities that we would look at in the updates for the Official Plan and Zoning By-law in 2020. Right now, the City is trying to eliminate red tape that involves the Official Plan. We don't want to see all these kinds of uses in areas that aren't serviced.

The Secretary Treasurer read the proposed recommendation to Council, as per the Planning Report.

John Barr wished to add that institutional use is defined, that excludes a correctional facility, as part of the recommendation to Council, to which the Agents confirmed that they can do.

Moved by: John Barr

Seconded by: John McDougall

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve City-wide applications D09-19-01 and D14-19-04, City of Kenora, to:

Proposed Official Plan Amendment:

- Section 3.20 Public Uses of the Official Plan would be amended to permit a public use, including but not limited to an institutional use, housing and supportive housing, in the following land use designations, without the need for an Official Plan Amendment, with consideration for the policies in the Land Use Compatibility Section of the Official Plan:
 - Established Area;
 - Residential Development Area;
 - Harbourside Centre; and
 - Commercial Development Area

AND

Proposed Zoning By-law Amendment:

- Amend Section 2 Definitions to add a new definition for "Public Use";
- Amend Section 2 Definitions to add a definition for "Institutional Use"
- Amend Section 2 Definitions by replacing "Public Authority" with "Public Agency" and by amending the definition;
- Amend the definitions of "Conservation" and "Sewage Facility" in Section 2 Definitions to replace references to "public authority" with "public agency"; and
- Amend Section 3.34.5 Public Uses to add a new provision to allow a public use, including but not limited to an institutional use, housing, and supportive housing, in the following zones:
 - Residential – First Density Zone (R1);
 - Residential – Second Density Zone (R2);
 - Residential – Third Density Zone (R3);
 - Local Commercial Zone (LC);
 - General Commercial Zone (GC);
 - Highway Commercial Zone (HC); and
 - Institutional Zone (I)

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

Carried.

Karen Brown (CAO) thanked the Committee for their support.

The Committee took a break at 7:52 p.m.

The Committee commenced again at 7:55 p.m.

(ix) Old Business

- Small Home Zone

The Planner gave another brief update. She explained that she had a conversation with one of the developers looking at doing development under a Small Home Zone. They are happy with how the zone is proposed to be. A notice would go in the paper for the new zone prior to next month's meeting.

Andrew Koch asked if there are multiple developers interested. The Planner explained that right now there is only one. However, property owners have been contacting the department asking about the possibility of building less than the 80 m² minimum.

Tanis McIntosh asked whether the proposed zone had been worded solely based on the one developer's opinion or if other ideas have been included. The Planner confirmed that it was written with consideration of other potential development interests and that the criteria had been adjusted. The zone will be available for anyone, there just aren't many examples to use.

Tanis McIntosh asked about the possibility to have a second suite on unused lawn, which is hindered because of the 40% maximum lot coverage in the residential zones. The Planner explained that it would be more of a tiny home concept that that there will need to be adjustments made within the Official Plan. Part of the 40% maximum coverage is to ensure that there is medium density. It is not very often that a property exceeds the 40%, even in areas such as Lakeside.

The Planner further explained that in other parts of Canada, large rear or front yards aren't really needed and that dwellings would be set up more so like a condo-type development. However, for a single detached dwelling or stick or modular housing build, this would be a zone that would accommodate those uses.

John McDougall asked if the Planner has any examples of other communities with small home zones. The Planner said an example would be Selkirk. She wasn't sure of an example in Ontario at the time, but noted that it seems like most communities have some kind of small home area. She said that she would try to pull some examples and photos for the next meeting. For pricing, she believed it would be around \$220,000. The developer that is interested in Kenora informed her that they would be trying to do something no more than \$250,000.

The Planner stated that it wouldn't be considered a trailer park, either. From the examples seen, the proposed dwellings are fairly wide and not very deep. The one developer that has been in contact with are looking at more affordable options with smaller frontages in Kenora. They do not know the exact target demographic at this time, but that they anticipate the development being for singles, retirees, or those just entering the housing market. In conversations, one concern was available parking and whether it is reasonable to accommodate only one parking space. Most people in town will have one or two cars and a boat, etc.

John Barr noted that snow removal would be a concern if the dwellings are close together. Kenora isn't like other municipalities where snow is removed and taken away. Here, the snow is plowed to the sides of the streets.

- OACA Conference 2019

The Planner stated that the City has budgeted \$10,000 to send two staff and three Committee members. The City would be covering registration, hotel and air fare. The conference takes place in Toronto, June 2nd to June 5th 2019.

The following committee members expressed their interest in attending: Tanis McIntosh, Wayne Gauld, and John Barr.

Wayne Gauld stated that it is a struggle to get training as a group. The conference has a selection of different workshops to attend and there is lots of conversation and examples shared. He recommended that Committee members attend if they can.

In a separate topic, John McDougall suggested potentially having a shared drive that the Committee could access for material relating to the monthly meetings. He believed that it would simplify things, as he is struggling a bit with the email strings. The Planner stated that the City can look at options and that there may be something online.

The Committee discussed the possibilities for a shared drive and how it could be beneficial.

(x) Adjourn

Moved by: Graham Chaze

That the April 16th, 2019 Planning Advisory Committee meeting be adjourned at 8:22 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday April 16th, 2019, are approved this 21st day of May, 2019.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer