



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

Agenda
City of Kenora Planning Advisory Committee
Regular meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
November 19, 2019
6:00 p.m.

Present:

Wayne Gauld	Chair
Ray Pearson	Vice-Chair
Bev Richards	Member
John Barr	Member
Robert Kitowski	Member
Tanis McIntosh	Member
Peter Fox	Member
Devon McCloskey	City Planner
Melissa Shaw	Secretary-Treasurer

Regrets:

John McDougall	Member
Andrew Koch	Member

- i. Wayne Gauld, Chair called the meeting to order at 6:00 p.m. and reviewed the meeting protocol for those in attendance.
- ii. Additions to the 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. None.
- iv. Adoption of Minutes of previous meeting
The Chair asked the Committee is there were any questions or corrections to the minutes as circulated
Approved, October 15, 2019 minutes of the regular Kenora Planning Advisory Committee meeting
Approved as corrected: October 29, 2019 minutes of the Special Kenora Planning Advisory Committee meeting
- v. Correspondence relating to applications before the Committee
 - File: D10-19-13

- i. Regrets on behalf of Jeff Port, Agent-due to personal reasons is unable to attend the November 19, 2019 meeting. Requested that the application be deferred, hearing date to be determined.

vi. Consideration of Applications for Minor Variance- there were none

vii. Consideration of Applications for Consent

- D10-19-11, Brydges

Sayer Down

Sayer Down Professional Corporation

sayer@down

Devon McCloskey, City Planner provided a review of the planning report. The application was originally circulated as File No. D10-17-10. On December 5, 2017 a decision was made to grant provisional approval subject to conditions being met within one year as per Section 35(41) of the *Planning Act*. The application was originally circulated as File No. D10-17-10. On December 5, 2017 a decision was made to grant provisional approval subject to conditions being met within one year as per Section 35(41) of the *Planning Act*.

The effect of approval would be the creation of one (1) new lot in compliance with the minimum required lot size of 600 m² for uses permitted in the HC- Highway Commercial Zone.

A review of the existing site conditions indicated that safe access, and the ability to parking for both the retained and existing lots are unknown at the time of the application.

It was noted that there may be the potential for the owner to acquire part of the abutting Road Right of Way (Spence Street which is yet to be assumed), in order to allow for a larger development. In the event that any disposition takes place, appropriate methods for public notice and procedure would be followed.

The planner reviewed the applications consistency with Legislated Policy and City Directives. In a review of the Provincial Policy Statement (PPS) it was the opinion of the City Planner that in principle the application to create a new lot, would provide a new lot for supply of land to support economic development, however, under Policy 1.1.1 which promotes the managing and directing of land use to achieve efficient and resilient development and land use patterns, the Planner was concerned that the proposed application would a cause traffic hazard.

The Planner reviewed policy within the Official Plan (2015) which states that Arterial Roads are intended to carry large volumes of traffic between areas and neighbourhoods in urban centres and intersect with Collector and Local Roads. The City shall protect the carrying capacity of Arterial Roads by:

- b) Restricting the number of intersecting streets and driveways.
- c) Encouraging internal access between adjacent commercial and/or residential development so as to limit the number of required road access points and encouraging a shared driveway access.

Furthermore, the City Planner indicated that policy 8.1.1.4 of the Official Plan required lot creation shall only be approved when the new lots has reasonable access to and existing public road, while restricting the direct access of new lots from provincial highways and arterial roads wherever possible.

In a review of interdepartmental and agency circulation, recommendation by the City's Engineering Division for the proponent of the application to obtain a Traffic Impact Statement and to provide assurance by a professional traffic Engineer that the ingress/egress is safe. The Kenora Roads Department suggested a shared entrance between the retained lot and the lot created. Special mention was given to the comment by Synergy North which required consultation for a new building development due to concern for an existing pole/push guy on the northwest corner of the property.

The City Planner gave her evaluation of the application, although the proposal meets the provisions of the ZBL, it was the opinion of the Planner that the proposal does not take into account the provision of safe ingress and egress. The City has provided suggestions including use of the existing access with provision of an easement, however the applicant does not wish to undertake such a registration. In addition, the City has suggested down grading the zoning, which the applicant also does not wish to pursue. The Planner noted other matters of issue include servicing to the lot, including hydro, water and waste water have noted that there are major financial undertakings required to complete the necessary work to connect services.

Sayer Down, acting as Agent approached the Committee, Mrs. Debbie Brown provided handouts to the Committee, a prepared response to the City of Kenora Staff report.

Mr. Down summarized the purpose and effect of the application along with history of the file. Mr. Down noted that concerns from the outset have been access to the proposed lot, and any required changes to the retained lot to ensure consistency with the parking provisions within the zoning by-law. Mr. Down explained that his client intends to create a marketable lot, to be sold and to be developed. Mr. Down confirmed there is no development plan at this time, lot creation will allow the opportunity for a developer to come forward.

In response to a comment made by the City Planner, Mr. Down clarified that his client does not wish to downgrade the zoning from the HC-Zone as the lot crated will provided a lot of potential uses to a prospective developer. Mr. Down also reviewed the concern for access, and proposed that there is the potential for a number of access points around the property at the time of future development the access will be reviewed with the City of Kenora through Site Plan Control.

The Agent referenced the planning framework that restricts access to properties on major corridors, he referenced the suggestion by City Staff to provide a shared access off the retained land (KFC) to support future development. Mr. Down clarified that his Client did not wish to limit development nor incur the cost to survey an easement

for access over the retained land. Mr. Down informed the Committee that the retained land is subject to a lease agreement with KFC until 2024, registering an easement on those lands may result in a breach of the existing agreement.

Mr. Down requested that the Committee consider the creation of the new lot without the need for shared access; recommending the use of Site Plan Control for orderly development and safe access once a development is proposed.

Mr. Down informed the Committee that they have filed an FOI to address traffic accidents within the area, however nothing has been received to date from the OPP. Mr. Down maintained that there was no evidence ahead of the Committee to suggest a traffic concern, or traffic congestion.

Mr. Down summarized his presentation, requesting approval of lot creation. He reminded the Committee that the application was approved in 2017, although it lapsed due to expiration of two conditions which Mr. Down is suggesting be dealt with through alternative means such as Site Plan Control.

The Chair asked if there was anyone in the audience to speak in favour of, or against the application. There was none.

The Chair asked the Committee for questions.

Bev Richards sought clarification from the Planner regarding a comment made by the Agent that the subject property would lose the Highway Commercial zoning if it had access from a residential street such as Ninth Avenue South. The Planner confirmed the subject property would maintain the HC-zoning, however providing access to a commercial use through a residential area would not be permitted.

There was discussion between Committee Members and the Agent on alternative access routes off Highway 17E, Spence Street and Ninth Avenue South. The Planner confirmed that a traffic impact statement would be the method to determine the best access route and the need for evaluation by a traffic engineer to mitigate concern.

John Barr questioned the Planner on whether a traffic impact study was a condition of approval in 2017 and if there has been a traffic impact study completed within the vicinity. The Planner responded no.

The Committee discussed the process of Site Plan Control to evaluate development, and discussed the many permitted uses within the HC- Highway Commercial zone. The Committee agreed that the lot to be created has limitations by way of size and dimensions as a result the regulations within the by-law such as lot coverage and parking requirements will not make some of the permitted uses feasible on this particular site.

Chair asked the Committee for discussion.

After some discussion on a possible shared access with an easement across the retained lands, there was concern brought forward by Roberti Kitowski, whether the retained lot could provide enough parking to comply with the provisions of the by-law for a restaurant use (KFC).

Mr. Down, Agent reference a Site Plan with Mr. Kitowski which was presented as part of the 2017 Application for Consent- it was shown that KFC would be able to comply with the parking requirement should lot creation be approved.

The Committee discussed the proposed vacant lot as a HC- zoned lot that is currently being underutilized; Ray Pearson suggested that lot creation will allow a developer a chance to come forward to the City with a plan. Discussion regarding access along Highway 17E and neighbouring uses (namely across the street) that have three accesses, with no concern. The Committee felt there are more hazardous intersections that exist along Highway 17E and that undue hardship was being placed upon the registered owners.

The chair asked for a motion.

Move by: Ray Pearson

Seconded by: John Barr

That application D10-19-11 consent to sever property legally described as; PIN 42168-0485 being part of lots 3, 4 and 5, lying westerly of Hwy 17, subject to an easement in gross over Part 1 of Plan 23R-11929. PIN 42168-0483 being part of lots 7, 16 and lane of Plan M-35, lying east of lot 7, Parts 1 - 3 of Plan 23R-8943. The property is also subject to easement in gross over Part 2 of Plan 23R-11929; civic address 923 Highway 17E, Kenora, ON, for the creation of one (1) lot zoned HC-Highway Commercial, be approved, and provisional consent be granted subject to the conditions outlined within the planning report and the removal of Condition #2 and #7.

~~2. That a new easement for access is surveyed and that the city is provided with a copy of the draft plan prior to registration.~~

~~7. That approvals are received from the City for the provision of an entrance permit, culvert and materials as required to develop driveway access for the severed portion.~~

The Chair asked for discussion.

Robert Kitowski was not confident that removing condition #7 was necessary.

The Committee determined an entrance permit would not be approved without a known use.

The Chair asked for a raising of hands in favour. The motion was carried.

viii. New Business

- Recommendation D14-19-10, The Boathouse

Alex Clark,

A.M. Clark-Natural Resources Consulting
106 Tayview Drive RR#5
Perth, ON K7H 3C7
alexmclark57@gmail.com

The Agent was unable to make representation at the meeting, the Planner presented the report highlighted as application for zoning by-law amendment for to change the zoning of the subject property from GC- General Commercial and HL- Hazard Lands to GC- General Commercial and HL- Hazard Lands, Exception [47] for a portion of property located south of an existing retaining wall.

The effect of approval would allow relief from parking provisions per Table 4: Required Parking Spaces within the Kenora Zoning By-law 101-2015, and limit use to a restaurant which is legally non-complying. An application for consent will be considered once Council has had the opportunity to consider the zoning by-law. THE City Planner reviewed the existing conditions of the property along with findings in her site visit, she noted no concerns.

In an evaluation with the application consistency to Legislated Policy and City Directives, the rezoning was determined to be consistent with the PPS policies that support economic development, employment, long term economic prosperity, vitality and viability of downtowns and main streets. The proposed amendment adheres to the policies within the Official Plan and Zoning By-law, and would enable a severance of the property, while still accommodating a vibrant lakeside restaurant within a walkable area of downtown.

In a review of interdepartmental and agency circulation, there were no concerns raised.

The Planner evaluated the application for recommendation and in consideration that the building is existing, the Official Plan provides flexibility for the creation of a new lot, in recognition of the current use. However, given the limited proposed lot size, its proximity to water, hazard land designation, and inability to accommodate parking, consideration must be taken to limit the permitted use of the property so that hazards are not created. It was recommended that the application be approved to allow for a rezoning for the current use which is a legally non-complying restaurant.

The Chair asked if there was anyone in the audience to speak in favour of, or against the application, there were none.

The Chair asked the Committee for questions.

Ray Pearson questioned the parking, and recalled an application to allow for a lease agreement over 21 years. His questions was with respect to said lease agreement and if the zoning by-law amendment will have any effect on that lease. The Planner noted that any legalities of the removal of the lease shall be upon the owners. Bev Richards confirmed this to be accurate.

Peter Fox questioned the Environmental Reports that were said to be sent with the Application, and if there are any further requirements to do testing at this time. The City Planner confirmed that the property is zoned and used as commercial, as such there are no triggers for a record of site condition and the City does not have a provision to require a RSC at this time.

The Chair asked for discussion.

There was none.

Moved by: Robert motion

Seconded by: Ray Pearson

That the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-19-10, civic address 310 Matheson Street, Kenora, ON. The purpose of the Zoning By-law Amendment is to change the zoning from GC- General Commercial and HL- Hazard Lands to GC- General Commercial and HL- Hazard Lands, Exception [47] for a portion of the property located south of the existing retaining wall. The effect of approval would allow relief from parking provisions per Table 4: Required Parking Spaces within the Kenora Zoning By-law 101-2015, and limit use to a restaurant which is legally non-complying.

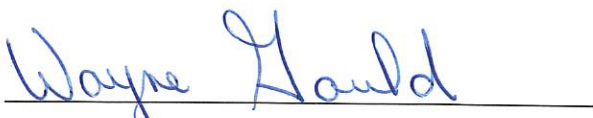
The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2014, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

- PAC Holiday Gathering
 - i. December 10, 2019 at Ristorante Pizzeria Italia at 5:30 p.m.
- ix. Old Business
 - Official Plan Amendment & Zoning Bylaw Amendment- D09-19-03 & D14-19-09 – 331 9th St N (Former Abitibi Mill Site Lands)
 - i. Council adopted By Law 171-2019 and 172-2019

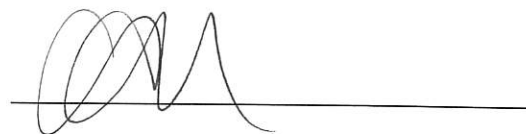
Moved by: John Barr

That the November 19, 2019 Planning Advisory Committee meeting be adjourned.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday November 19, 2019, are approved this 17th day of December, 2019.



Wayne Gauld, Chair



Melissa Shaw, Secretary-Treasurer

