



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-03 Ninth Street North (former mill site))
Tuesday, April 9, 2019
12:00 p.m.

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any Planning Advisory Committee members will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

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.

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 to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. 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 wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

If anyone has a cell phone please either turn it off or use the vibrate option only.

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Devon McCloskey, to describe the details of the planning application.

3. Express Interest

Any person may express his or her views of the amendment and a record will be kept of all comments.

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.

April 4, 2019

Staff Report

To: Mayor & Council
Fr: Devon McCloskey, City Planner
File No.: D14-19-03

Re: Application for Zoning By-law Amendment
Location: Ninth Street North
Applicant: Kenora District Services Board (KDSB)
Agents: Tara Rickaby (TMER Consulting Kenora) &
Ben Reynolds (KDSB)

1. Introduction

An application has been received to change the zoning of the subject property from Residential – Second Density and hold for development plan (R2-h) to Residential – Third Density (R3) and to add a definition for Supportive Housing Use, providing 16 parking spaces.

Figure 1 (below) - Aerial sketch displaying subject area of proposed rezone boundaries, 2014



2. Description of Proposal

To change the zoning of the subject property to allow for development of a higher density use, being a proposed supportive housing facility, that would accommodate 20 units.

Removal of the holding zone is also required. The property is subject to a holding zone in order to ensure orderly development of the property which is part of the former mill site. The property owner has provided a letter with assurance that neither the subject rezoning or subsequent severance will negatively impact upon future development of the property.

The application is also proposing to add a new use for the subject location, and a corresponding definition, being a Supportive Housing Facility, defined as follows:

Supportive Housing

"A residential use building containing rooming units or a combination of rooming and dwelling units, providing residence to any persons requiring supports to live, and with support services on-site which may or may not include collective dining facilities, laundry facilities, counselling, educational services, homemaking and transportation. This does not include Retirement Homes, Continuum Care Facilities (including Bail After-care), Correctional Facilities, or Emergency Shelters."

New parking provisions are also proposed in correspondence with the new use. A total of sixteen parking spaces would be provided for staff, visitors and tenants.

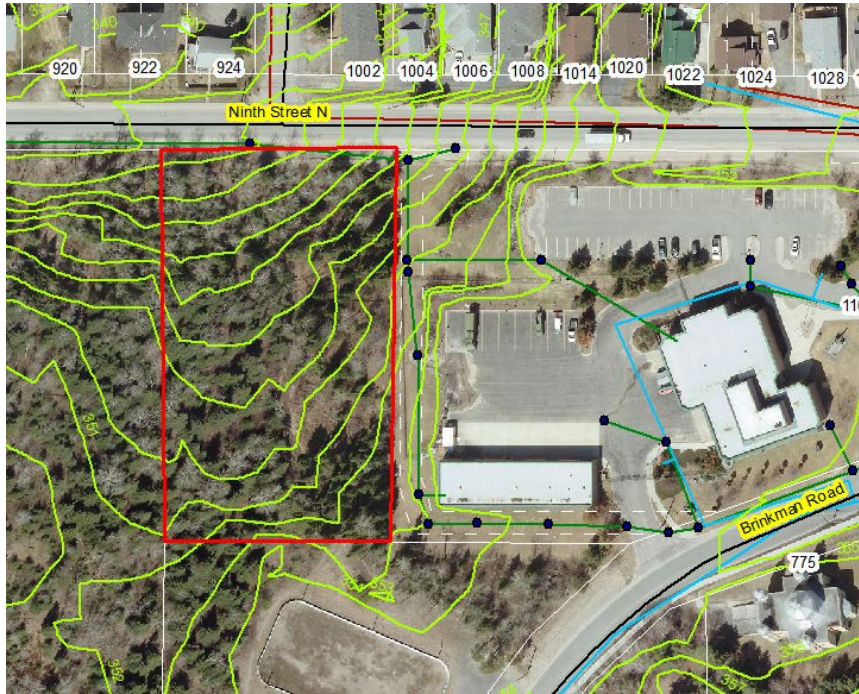
If the Zoning By-law Amendment is approved, it will allow for the submission of an application for consent to sever the subject location from the former mill site. The subject rezoning would then be associated with the legal description for the transferable lot.

3. Existing Conditions

The property is fronting on Ninth Street North, located west of the Kenora Armoury and north of the Evergreen Community Club. The lands are technically part of the property known as the "former mill lands", but are physically and historically separate in use. The lands are vacant and well treed, and located in an area characterized by institutional or open space uses (church, armoury, school, community club). The neighbourhood also includes a church, a school, and to the south, an older residential neighbourhood. There is also residential use across Ninth Street North, and Artillery Way.

There are several well used trails, which pedestrians and deer appear to use to shortcut through the property from Ninth Street and out to Brinkman Road as well as the Evergreen Community Club. The current proposed driveway for the property is located adjacent to North Campbell Street, but another proposal has been provided to Council for the extension of services and a potential driveway access from Brinkman Road.

Figure 2 – Contour map



The topography is evenly sloping from Brinkman Road and down toward Ninth Street, as displayed in the contour map of Figure 2 above.

4. Site Visit

On March 8th, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of some of the topography and existing site conditions.

Photo 1 – Frontage of the subject location at Ninth Street North and North Campbell Street (view east)



Photo 2 – View west showing frontage on Ninth Street North



Photo 3 – View north of a well-used trail from Ninth Street



Photo 4 – View north of the other end of the trail originating from Brinkman Road and alongside the Evergreen outdoor rink.



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

As noted within the applicant's planning rationale, the proposed development would be consistent with those policies that support the provision of increasing the supply of housing, range of types of housing, as well as accessibility for elderly persons or persons with disabilities. The property is located within a designated growth area of the Official Plan. Public services and utilities are able to be provided to the property.

b) City of Kenora Official Plan (2015)

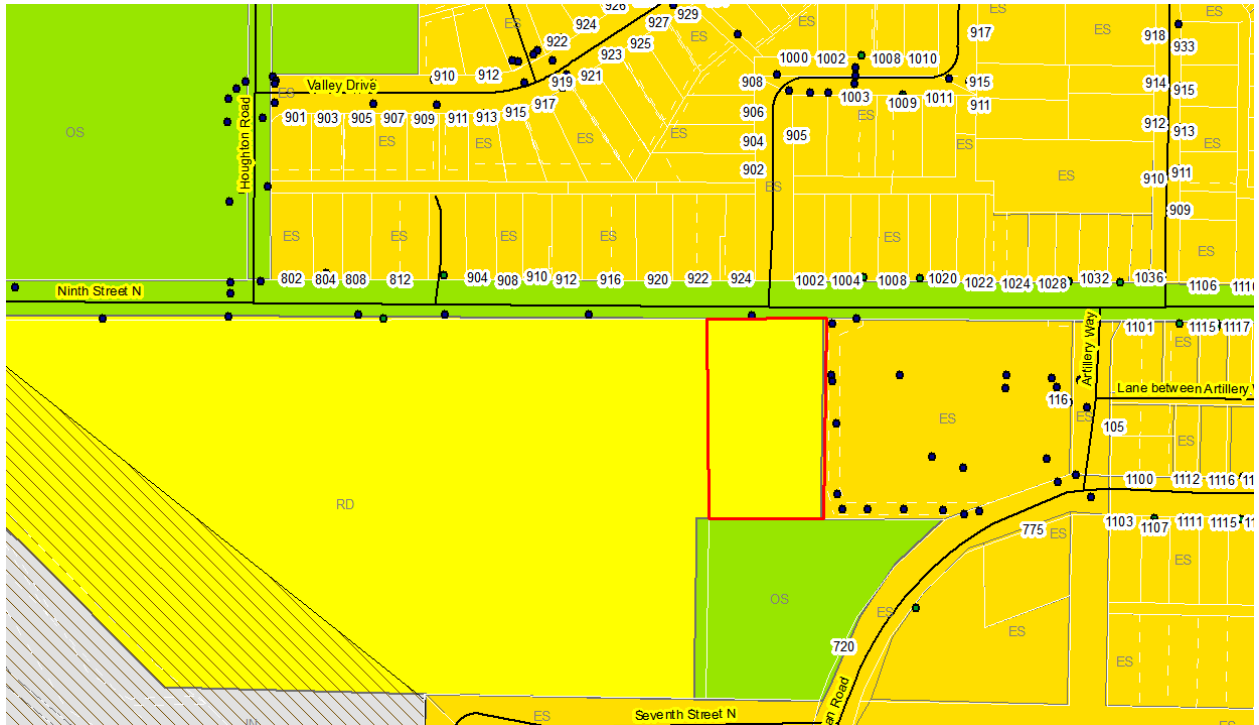
The Land Use Designation of the property is Residential Development (RD).

Section 4.2 of the OP provides direction for development in the RD designation. It states, permitted uses include: *Residential and all housing types, commercial, retail, and institutional uses such as schools, places of worship, shall be permitted.*"

Section 4.2.2 b) states: Development in these areas should occur in a contiguous manner as a logical expansion of existing development.

Section 4.2.2 d) states: In recognition of the future needs of the population, new housing should provide opportunities for affordable housing as well as housing suitable for an aging population and persons with disabilities.

Figure 3 - OP Mapping (below)



c) Zoning By-law No. 101-2015

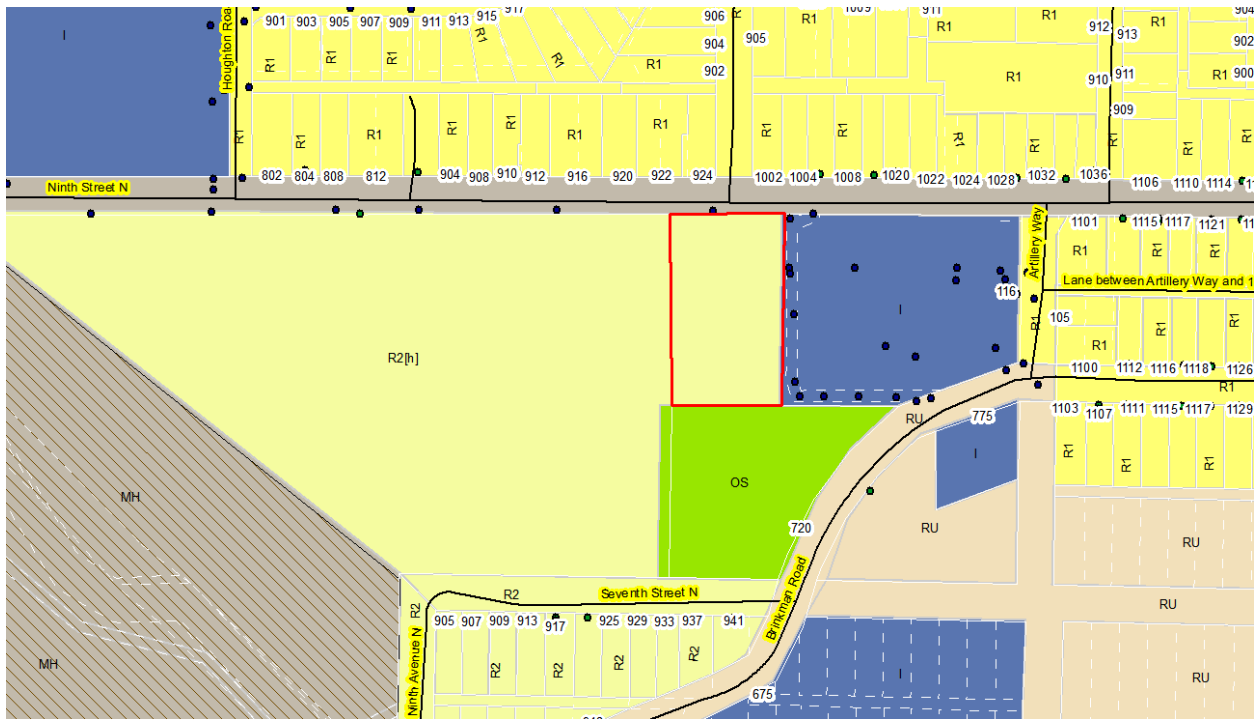


Figure 4 - Zoning By-law mapping (above)

Zoning of the property is currently R2-h which means Residential Density 2 (R2) with a holding zone.

The R2 zone does not currently allow for higher density types of uses, the lot as proposed to be created would supply the required lot area and associated setbacks for the R3 Zone.

The ZBL provides for the inclusion of a holding zone as follows:

1.3.6 Holding Zones

Holding zones are created by adding a lower-case "h" to the zone code on the zoning maps, and that have the effect of allowing the uses set out in the corresponding text of the by-law at some time in the future, when the holding symbol is removed by an amendment to the zoning by-law once specified conditions are met (e.g. such as conditions related to environmental, transportation, servicing matters).

6. Results of Interdepartmental and Agency Circulation

Operations Department	No comments received
Engineering	<p>No concerns or issue from Engineering for the rezoning application.</p> <p>In regards to the consent application, there are details to determine if the project proceeds:</p> <p>Access The proposed main entrance is shown to connect on the north side of the property onto 9th St North which creates some concern related to the downward slope of the access onto 9th St N and the steep slope of 9th St N directly east of the proposed driveway. There have been discussions between the City and KDSB to look at the option of a second and or alternate access to the property via the City owned Evergreen Rink property as shown on the application documentation.</p> <p>Water Service Water service is only available via the current Evergreen Rink property with a required watermain extension from Brinkman Road through the City owned community club lands.</p> <p>Sewer Service The only sewer connection available would be connecting into the existing sanitary sewer in the intersection of 9th St North and North Campbell St. This connection to the sewer would be priority scope of work to have installed as the City will be repaving 9th St North hill under its 2019 Paving Program project.</p>

	<p>Storm Drainage Land drainage is suggested to be directed into the existing storm sewer located on the south side of 9th St North, and as per the comments related to the sewer connection, this storm sewer scope of work should be a construction priority conducted prior to the City repaving 9th St North in 2019.</p> <p>- February 22, 2019</p>
Building	<p>The Building Department has no comment at this time.</p> <p>- February 25, 2019</p>
Water and Wastewater	<p>Water/Wastewater Division has no issues.</p> <p>- February 22, 2019</p>
Environmental Services	<p>Environmental services division has no concerns.</p> <p>- February 25, 2019</p>
Synergy North	<p>We have an interest in maintaining access to anchoring which could be into property depending on the location of the property line. The lead is 2.44 meters at the surface from stub pole #ANewPo7. (8') The mainline pole#A00200 is 14 meters from stub pole #AnewP07 (45.932')</p> <p>- March 8, 2019</p>
Roads Department	<p>The Roads Division offers the following comment on the Application:</p> <ol style="list-style-type: none"> 1. The KDSB be given access to the subject property by means of a gravel access road contained within the newly proposed 20m Municipal Road Service Easement (also containing a new municipal watermain to provide connection to the proposed building). 2. The driveway over the proposed Municipal Road Service Easement be maintained, during all seasons, by the KDSB till such a time as it is developed to a full municipal urban cross section based on the needs of the further development of the remaining lands <p>- March 5, 2019</p>
Kenora Fire	<p>Kenora Fire has no issues with the rezoning of the area. There are no hydrants within 90 metres of the location, therefore private hydrants should be constructed. Access should be a minimum of 6 m in width and should be constructed to support large truck weights.</p> <p>- February 22, 2019</p>

7. Public Comments

A public meeting is scheduled to be held by Council on April 9th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on March 7th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on March 7th, 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 KDSB also went above and beyond to initiate their own community consultation, including going out door to door to speak with property owners, as well as holding a community meeting to present their application, and to answer questions and hear concerns.

As of the date of this report (April 2, 2019), Nine (9) letters of comment have been received from property owners who received the KDSB's Notice as well as the City's Statutory Notice. Statements of concern are generally being made about the occupants of the Supportive Housing Facility. Assumptions are being made about the characters of persons and the writers are stating that the facility should not be located adjacent to the Evergreen Community Club (outdoor recreation facility) or in the area of schools (Evergreen Public School).

Requests to fence and/or buffer the property are noted, and the future of the Evergreen Community Club is also a point of concern. Further clarification of the extent of supports and supervision is requested, as well as an understanding of the source of funding and the sustainability of the project.

A letter of support was received from the Director of Education/ Chief Executive Officer for the Kenora District School Board, wherein he explains:

"...assurances specific to the project were more than sufficient to provide the level of scrutiny around the integrity of the intake process, as well as security. Further, to support this effort from an educational perspective, the Keewatin-Patricia District School Board would like to offer an adult education teacher on site, to support residents in their aspirations of earning a high school diploma, Ontario Secondary School Diploma, (OSSD), once the project is operational and functional."

Furthermore to address the apparent disagreement from the community, the letter states:

"The concept of supporting such a transitional housing project, can be construed as "easy" when the project is located away from one's own property and near another area of town. I welcome the opportunity to bring attention to the need of such a project, and encourage your Board to be brave and make the decision to build because it is the right thing to do; and not potentially the popular course to take for a segment of the community that cannot accept that change is here."

8. Planning Advisory Committee

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 March 19th, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

The agents for the application, Tara Rickaby (TMER Consulting Kenora), and Ben Reynolds (KDSB), Henry Wall (KDSB), and Sara Stevenson (KDSB), presented the proposal to the committee. A summary of the proposed amendment to change zoning from R2-H to R3 was provided, as well as a description of the property development, and intended provisions for assistance, and programming.

The PAC asked questions and discussed the application. A full set of the draft minutes is attached to this report for Council's information. Refer to pages 13 to 27 for the subject application. The PAC passed a motion to recommend the application's approval to Council. Refer to Figure 5.

Figure 5 – PAC Resolution



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Robert Kitowski

SECONDED BY: Ray Pearson

DATE: March 19, 2019

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-19-03, subject property fronting on Ninth Street North, located west of the Kenora Armoury and north of the Evergreen Community Club, part of Roll # 6016 020 009 135 000, to

- To remove the hold for development plan (h)
- To change the zoning of the subject property from Residential Density 2 (R2) Zone to Residential Density 3 (R3) Zone; *site specific R3*

AND


- To add a definition for Supportive Housing to Section 2 of the By-law:

Supportive Housing

A residential use building containing rooming units or a combination of rooming and dwelling units, providing residence to any persons requiring supports to live, and support services on-site which may or may not include collective dining facilities, laundry facilities, counselling, educational services, and transportation. This does not include Retirement Homes, Continuum Care Facilities, Correctional Facilities, or Emergency Shelters

- ~~To add Supportive Housing as a permitted use to the R3 and I Zones;~~
- To amend Table 4 of Section 3.23, to include Parking Requirements for Supportive Housing at the rate of 0.25 per rooming unit or 4 beds plus 1 per 100 m² of gross floor area used for medical, health or personal services.

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.

DIVISION OF RECORDED VOTE				CARRIED <input checked="" type="checkbox"/>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Chaze, Graham			 CHAIR	
	Richards, Bev		1		
	Gauld, Wayne				
	Kitowski, Robert	1			
	Pearson, Ray				
	Barr, John				
	McDougall, John				
	Koch, Andrew				
	McIntosh, Tanis				

9. Evaluation

The application proposes to allow a Supportive Housing development on the subject property and proposes a new definition for inclusion in the Zoning By-law. In my opinion the definition as proposed, is suitable for inclusion in Section 2 of the By-law, but also generally as an amendment to Sections 4.3.2 and 4.14.2 of the By-law, being the Residential Density 3 (R3) Zone as well as the Institutional (I) Zone, and this can be contemplated with future updates to the OP and ZBL.

Although the application contemplates the provision of parking spaces referencing the criteria for Apartment Dwellings, more comparable criteria may be referenced for uses such as a Group Home or Emergency Shelter, where the criteria for parking is 1 per 100 m² of gross floor area. The criteria for a Continuum Care facility is even less, 0.25 per rooming unit or 4 beds plus 1 per 100 m² of gross floor area used for medical, health or personal services.

More detailed elements of the development proposal in terms of servicing, access, and provision of facilities will be further contemplated with review of the severance/lot creation, as well as the Site Plan Control Application.

Public concerns which were brought forward regarding the future of the Evergreen Community Club, can also be addressed. The draft site plan layout displays the outdoor rink being repositioned in order to accommodate the proposed access driveway to the proposed development. The City met with representatives of the Evergreen Community Centre, and were able to confirm that with the city's assistance, the outdoor rink will be redeveloped, the boards are in need of replacement and the improvement is timely.

The subject property was identified as having great potential for housing development in 2015 when the OP and ZBL were written. Housing of all types is desperately needed in Kenora, and the application's planning rationale provides a clear description of the justification and need for the use.

As described in the application, "the City of Kenora has been struggling with issues of chronic homelessness and behavioral issues for many years. Provision of supports to provide individuals and families with opportunities for safe living accommodations is the foundation of moving forward towards resolving issues associated with poverty."

"Beyond the benefits to the individuals and families, are the benefits to the community-at-large. The impacts to the taxpayer, in the form of reduction in policing and emergency/long term health care costs are also significant. The following information is taken from analysis of a similar project in Sioux Lookout."

"Once this project is implemented, the City of Kenora will achieve many cost savings from decreases in EMS calls, Emergency Room visits, and most notably Policing calls. The project's operations in Sioux Lookout has already produced tangible data related to policing costs that can be expected to be realized in the City of Kenora as well".

The goal is to provide the City of Kenora with an opportunity to establish a staffed, residential, affordable housing setting to that provides a comprehensive and coordinated package of services and programs to help individuals and families maintain their optimal level of health and well-being (In-Focus fact sheet– Canadian Research network for care in the community).

In discussion with the applicants, the proposed parking ratio as provided in Table 4 of Section 3.23, being the rate of 0.25 per rooming unit or 4 beds plus 1 per 100 m² of gross floor area used for medical, health or personal services, would be adequate for the proposed development, and suitable for inclusion to the By-law generally. So it is recommended that the amendment is approved to allow for this ratio which is more in line with the format of the By-law.

In addition, some minor changes are recommended to the definition which would be more in keeping with the format and of the By-law.

Budget: 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.

10. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the following amendments to the Zoning By-law be approved, in lieu of public comments that may yet to be received:

- To change the zoning of the subject property from Residential – Second Density and hold for development plan (R2-h) to Residential – Third Density (R3)
- To add a definition for Supportive Housing to Section 2 of the By-law, and to allow Supportive Housing as a permitted use, site specific to property described as, being 0.6 hectares located at the west end of the former mill site, having 62 metres of frontage on Ninth Street North.

Supportive Housing

A residential use building containing rooming units or a combination of rooming and dwelling units, providing residence to any persons requiring supports to live, and support services on-site which may or may not include collective dining facilities, laundry facilities, counselling, educational services, and transportation. This does not include Retirement Homes, Continuum Care Facilities, Correctional Facilities, or Emergency Shelters.

- To amend Table 4 of Section 3.23, to include Parking Requirements for Supportive Housing at the rate of 0.25 per rooming unit or 4 beds plus 1 per 100 m² of gross floor area used for medical, health or personal services.



Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale
- Phase 1 Environmental Site Assessment (ESA) – February 11, 2019
- Site Plan dated March 14, 2019
- Notice of Application and Public Meeting
- Public Comments – Received to date (April 2, 2019)
- Letter of Support - KPDSB