



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D-14-19-08, 915 Ottawa Street)
Tuesday, August 6, 2019
12:00 p.m.

Present: Mayor D. Reynard, Councillor M. Goss, Councillor R. McMillan, Councillor A. Poirier
Councillor K. Ralko, Councillor S. Smith

Regrets: Councillor C. Van Wallegghem

Staff: Karen Brown, CAO, Heather Pihulak, Manager of Administration/City Clerk, Devon McCloskey, City Planner

Mayor Reynard opened the meeting and declared 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 Council 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.

The applicant was present and deferred to the City Planner's report.

Devon McCloskey, City Planner presented the planning report for the zoning amendment application:

An application has been received for the subject property, to change the zoning from Institutional (I) to Residential Third Density (R3) with varied building access, reduced building setbacks, reduced visitor parking, and reduced parking stall length per Table 4 of Sections 3.23.1, 3.23.2, and 3.23.4 of the Zoning By-law No. 101-2015.

1. Description of Proposal

To allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear yard), and a total of 8 10 parking spaces on site. 7 parking spaces will have reduced lengths of 5.36 m.

On July 7th, the applicant provided new information to remove the request for reduced parking. Since they would be able to remove the exterior staircase to the lower units, parking at the rate of 1.5 per unit could then be supplied as per the By-law for Apartment Dwellings and Visitor Parking. It is important to point out that the notice circulated to the public had less parking spaces provided due to this new information provided.

2. Existing Conditions

The property is located at 915 Ottawa Street, PLAN 18 BLK 49 LOT 12; Townsite of Keewatin. The property is a corner lot with an exterior side yard on Eighth Street. It is located at the westside of business area in Downtown Keewatin. Property to the west is zone Residential Density 1 (R1), and developed with single-detached dwellings, and property to the north

and east are zoned Institutional (I) and General Commercial (GC) and developed for building supply, retail, restaurant, and institutional uses.

The building is legally non-complying to the Institutional Zone since the front yard, interior side yard, and rear yard do not meet the current zoning provisions, as it was constructed in 1992. Most recently, the building was used as an Office and a Place of Worship. Currently parking is provided along the exterior side yard and the rear yard.

3. Site Visit

On June 17th and July 8th, 2019, the Planner attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing building, property, and surrounding development.

4. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The proposed rezoning is consistent with those policies that support increasing the supply of housing that is located within a walkable and centralized area of the community.

In particular, the provision for a range and mix of housing types and densities (Policy 1.4.1), which will support economic development, and attraction of workers. The location of the proposed redevelopment is ideal, with its accessibility to public service facilities, and commercial areas, by means of active transportation (Policy 1.4.3 d).

b) City of Kenora Official Plan (2015)

Figure 2 - OP Mapping

The Land Use Designation of the property is Established Area (ES). Policy 4.1 of the Plan describes that permitted uses shall include residential, commercial, industrial and institutional uses.

PL 4.1.2 c) of the plan explains that residential development shall be encouraged.

PL 4.1.2. e) states "Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law."

c) Zoning By-law No. 101-2015

Zoning of the property is currently Institutional (I), permitted uses include Place of Assembly, Place of Worship, Retirement Home, Group Home, Offices and Recreational Facilities.

A change in zoning to Residential Third Density (R3) would allow for permitted uses within the R3 zone including multiple apartment dwelling, converted dwelling, and multiple attached dwelling.

Zoning regulations including parking is required, and the application demonstrates that parking will be provided, however the stall length of the spaces provided along Eighth Street will be slightly less than regulated, and that these spaces would continue to be accessed directly to the roadway, despite section 3.23.4 of the By-law.

6. Results of Interdepartmental and Agency Circulation

Engineering	<p>There is a concern on the proposed parking stalls fronting/closest 8th St may encroach into the sidewalk causing issues for pedestrians all year round and for sidewalk snow plowing in the winter. There has to be assurance that this parking will not affect the sidewalk and this may mean the stalls being proposed may have to be diagonal as opposed to perpendicular to ensure the sidewalk is clear of parked cars. Also, there is a timber retaining wall that is about 0.5 m out from the west wall of the building that takes away potential parking stall depth as seen in the photos below, but it could be assumed that the front overhang of the car could encroach in the area between the building wall and the timber retaining wall?</p> <p>It would be beneficial for more area for parking if the stairwell heading into the lower level of the building was eliminated as per the photo below, but it is uncertain if this set of doors is required to remain to accommodate the proposed re-development?</p> <p>- June 24, 2019</p> <p>Response from Vanessa Nowe –</p> <p>We truly feel that there will be no issue with the parking stalls fronting/closest to 8th Street encroaching on the sidewalk, as stated we plan to only park cars along that strip but we did take pictures of our real estate agents SUV (larger vehicle than we plan to allow) as per the attached to show you that even a larger vehicle does not encroach at all. You will note the retaining wall will not be an issue as the vehicles front overhang can go over and will actually act as a stop to ensure no one hits the building with their car as such we did include that area as parking area in our drawings as it truly is. The timber retaining wall is exactly 29" from the building which as you can see in the pictures provides a perfect distance for the front overhang. We plan to also install padding on the building to ensure vehicles can pull up as far as possible and the hand railing on the front of the parking will also be removed to allow vehicles to pull closer to the building. I also included pictures of my van which is very low</p>
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	<p>(we always scape the sidewalk when parking) and even it doesn't touch the retaining wall at all. I completely agree that a truck would be an issue, which is why we will assign parking according to the tenant's vehicle that they drive. We would be happy to provide each tenant some parking rules when they sign their lease letting them know that they must pull up close to the building and ensure that their vehicle isn't encroaching on the sidewalk for the safety of pedestrians, we can even incorporate that into our lease agreement to ensure that we can issue warnings etc for those that violate. Diagonal parking is an option but less spots would be able to fit so then our total parking spots would decrease plus it would be more difficult for tenants to parallel park then perpendicular park.</p> <p>As for snow removal, we have already contacted a company to provide us that service, all snow will be removed and taken away, no snow will be piled along the building at all or anywhere else for that matter. For smaller snows there is a space beside the side entry way that we purposely left to allow for a smaller pile of snow, this area is shown in the drawings and will not affect the parking, will not be piled along the building wall and will not be along the sidewalk. When the company comes to remove snow this pile would be removed at the same time. The same company will be providing snow removal for our 2nd street building.</p> <ul style="list-style-type: none"> - June 26, 2019 No outstanding concerns from Engineering - June 28, 2019
Roads	<p>After discussions with Marco and reviewing the pictures that were taken by engineering staff and the assertion by the property owner that parking and snow clearing will be closely monitored and controlled I tend to agree with Marco's position.</p> <ul style="list-style-type: none"> - July 2, 2019
Water and Wastewater	<p>W/WW has no issues.</p> <ul style="list-style-type: none"> - June 19, 2019
Building	<p>No comments received as of July 31, 2019</p>
Kenora Fire	<p>In review Kenora Fire has no concerns at this time with to change the zoning from I-Institutional to R3-Residential Third Density with reduced required parking spaces. There will be no encroachments hydrants or fire department access.</p> <p>Kenora Fire will review further when the official plans for reconstruction of the building are submitted.</p> <ul style="list-style-type: none"> - August 1, 2019

Synergy North	No comments received as of July 31, 2019
Environmental Services	No issues - June 20, 2019

7. Public Comments

A public meeting is scheduled to be held by Council on August 6th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on July 4th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on July 4th, 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.

As of the date of this report (July 31st, 2019), two public comments have been received, refer to the attachments to review a redacted copy of each.

The first, provided by an existing business in Keewatin, offered support for the application to rezone. The second, explained that the property is part of the business district in Keewatin, that there has been a revitalization of buildings and new business; but expressed concern for setting precedence of changing commercial uses to residential that could lead to the loss of businesses established in Keewatin. Increases to on street parking was also noted to be a concern.

The notice that was circulated stated as part of the purpose and effect of the application, that 2 less parking stalls would be provided, however the applicant has since undertaken a further evaluation of the renovation of the building and determined that additional parking will be available with the removal of a staircase which currently accesses the basement.

8. Planning Advisory Committee Meeting

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 July 16th, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

On July 16th, the applicant presented the proposal to the Committee, describing the existing conditions of the property, and the proposal to renovate the building interior, improve the building exterior, and provide off street parking.

9. Evaluation

Most recently the property was used as an office and church. The building has been vacant and for sale, for years. The Official Plan, as well as the Community Improvement Plan, are supportive of increasing the housing supply, and for mixed neighbourhoods in Keewatin.

Use of the property for commercial opportunities is limited given proximity to established residential areas, housing is in high demand, and the prospective purchasers are proposing to renovate and bring this vacant property back to life.

If approved, the requested rezoning will add to the supply of housing, opening more opportunities for tenants who are looking to reside within a centralized location of Keewatin. One of the units is planned to be barrier free, and a tenant has already been selected.

To date, parking has been provided upon the property in the same alignment as the application proposes. The applicant has described that the spaces along the exterior side yard, which do not currently conform to the by-law, given that drivers would access directly to a road, and that the stall length is 0.62 metres short of the regulated requirement, would still be viable.

The tenants will only be permitted to park small cars, and will be made aware via their rental agreements. Other examples of this can be seen in Kenora, such as at the Safeway parking lot, along the south side of the property at Laurenson's Creek.

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. D14-19-08, to change the zoning of the subject property to allow an existing building to apply for a change of use permit for an apartment dwelling containing six units, and having interior and exterior access; with legal non-complying building setbacks (4.3 m front yard, 0.6 m interior side yard, 8 m rear yard), a total of 10 parking spaces on site, and 7 parking spaces having reduced lengths of 5.36 m; should be approved for a site specific amendment, in lieu of public comments that may yet to be received.

The applicant added that additional housing for seniors in Keewatin is needed and they feel this would be a great addition to the community of Keewatin.

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

Mayor Reynard questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Reynard questioned if there was anyone who wished to speak in opposition of the amendment?

Erin McCuaig and Irene McCuaig advised that in the matter of the application to change the zoning from Institutional to Residential Third Density at 915 Ottawa Street, they wish to inform Council that a second offer to purchase has been made and has been accepted by the seller. This offer is conditional on the pending completion of a commercial appraisal which is required for financing. The offer was made by DanceWorks Kenora with the intent of converting the building to a dance studio which would also include art studio space for Inglenook Art Studio. This use falls within the parameters of institutional zoning requirements and therefore would not require a zoning change. The commercial appraisal is scheduled to be completed by August 15, 2019 which means that DanceWorks Kenora's financing could be finalized by August 19, 2019. They could not provide input before their July 16th PAC meeting. They have only recently

confirmed the sustainability of this building for their purposes. They are aware of the time and consideration already given to the request for a zoning change and again apologize for their late entry into the scene. They wanted Council to be aware that there is a second option that exists for the use at 915 Ottawa Street.

Mayor Reynard asked if there were any questions.

Councillor Smith questioned with this new information the applicants offer was pending rezoning. If another offer is brought forward they would have the option to remove the financing clause and move forward with the offer without the rezoning clause.

City Clerk Heather Pihulak clarified that Council simply makes their decision on the zoning amendment application in front of them and it has no bearing on any other offers for purchasing the property. Their only decision is on the rezoning and Council will make their decision at next Tuesday's regular Council meeting.

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 12:21 p.m.