



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-10 – 310 Matheson Street South, Boathouse)
Tuesday, December 10, 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 Planning Staff, 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 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 Planning Staff will provide a summation of the 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 Clerk.

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 Planning Staff Report/Rationale

- City Planning Staff to describe the details of the planning application.

2. 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.



December 3, 2019

Council Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Melissa Shaw, Planning Analyst**

File No.: D14-19-10

Re: Application for Zoning By-law Amendment

Location: 310 Matheson Street

Owner: K-Cor Investments Ltd.

**Applicant: Alex Clark of LakeLand Consulting Services & A.M. Clark-
Natural Resources Consulting**

1. Introduction

An application has been received 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.

2. Description of Proposal

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.

3. Existing Conditions

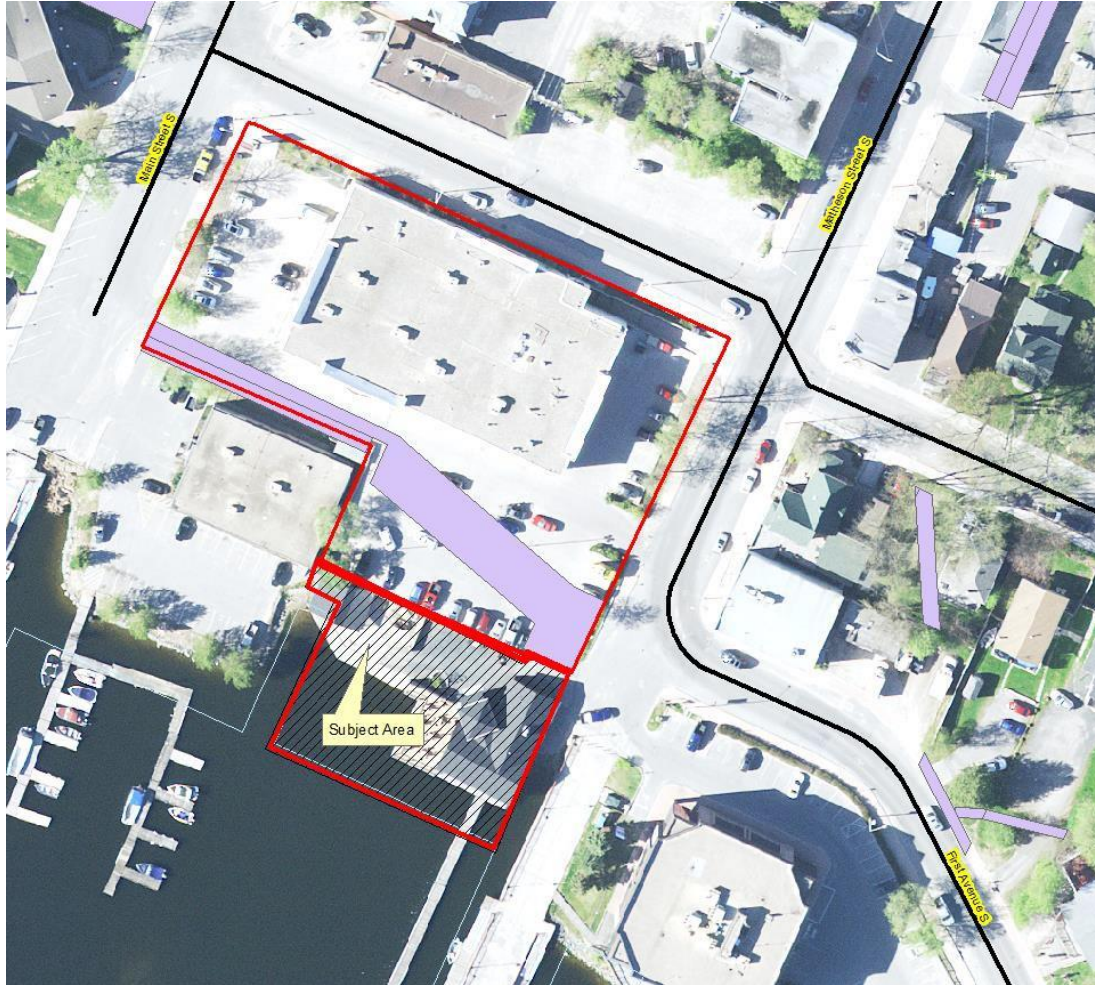
The area of the proposed rezoning is located on Matheson Street and fronting on Lake of the Woods. It is developed with an existing building including kitchen and inside dining, patio for seasonal dining outside, and docking for restaurant patrons.

The building was reconstructed in 2016, it is legally non-complying to the General Commercial Zone since it is setback from water closer than 20 metres at 0 metres; setback from the exterior side yard closer than 5 metres at 1.39 metres; and the rear

yard is less than 5 metres at 3.9 metres.

The property does not provide any parking for patrons, however there is an empty lot located north of the restaurant on the corner of Matheson Street and Third Street South, where patrons are able to park free of charge.

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



4. Site Visit

On October 7th and 31st, and November 12th, 2019, the subject location was visited to view existing conditions. The photos herein are intended to provide a visual of the existing building, property, and surrounding development.

Photo 1 – View of the rear of the building



Photo 2 – View of the front of the building from Matheson Street pier (north)

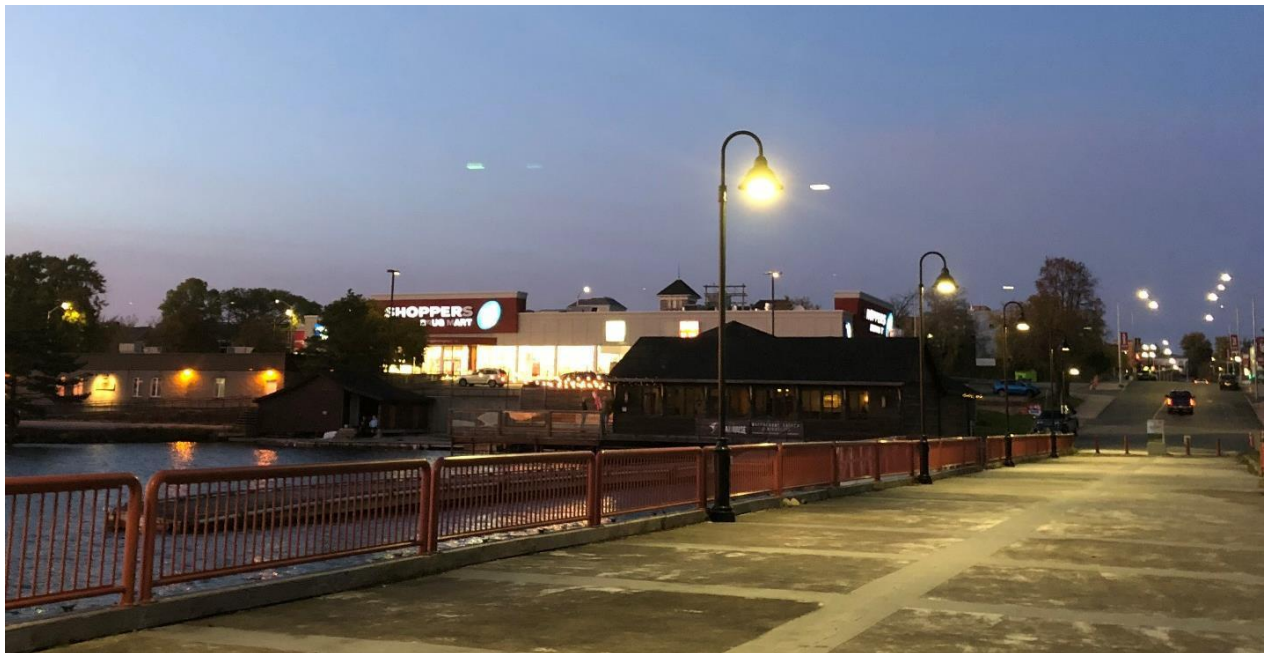


Photo 3 – View of the building from the interior side yard, showing the retaining wall on the left



Photo 4 – View of the building and exterior side yard with public boat launch in use.



Photo 5 – View of the retained lands, retaining wall, parking lot and Shopper’s Drug Mart



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The proposed rezoning is consistent with those policies that support economic development, employment being Policy 1.3 as well as Policy 1.7 which speaks to long term economic prosperity, vitality and viability of downtowns and main streets.

b) City of Kenora Official Plan (2015)

The Land Use Designation of the property is Harbourtown Centre (HC). Policy 4.3.1 of the Plan describes that permitted uses shall include *commercial, entertainment, recreation and residential uses shall be permitted.*

Policy 4.3.2 of the plan speaks to objectives of the designation to recognize and support commercial activities and functions of the Harbourtown Centre area "by providing a wide range of goods and services within the overall commercial land use hierarchy established by this Plan".

Policy 4.3.2 f) and g) provide as follows:

"to maintain the unique sense of place and human scale derived from the heritage streetscapes and pedestrian orientated characteristics of the Harbourtown Centre;"

"to provide for ongoing integration of the Harbourtown Centre with the Lake of the Woods through ongoing waterfront improvements and linkages;"

The proposed amendment would enable a severance of the property, while still accommodating a vibrant lakeside restaurant within a walkable area of downtown.

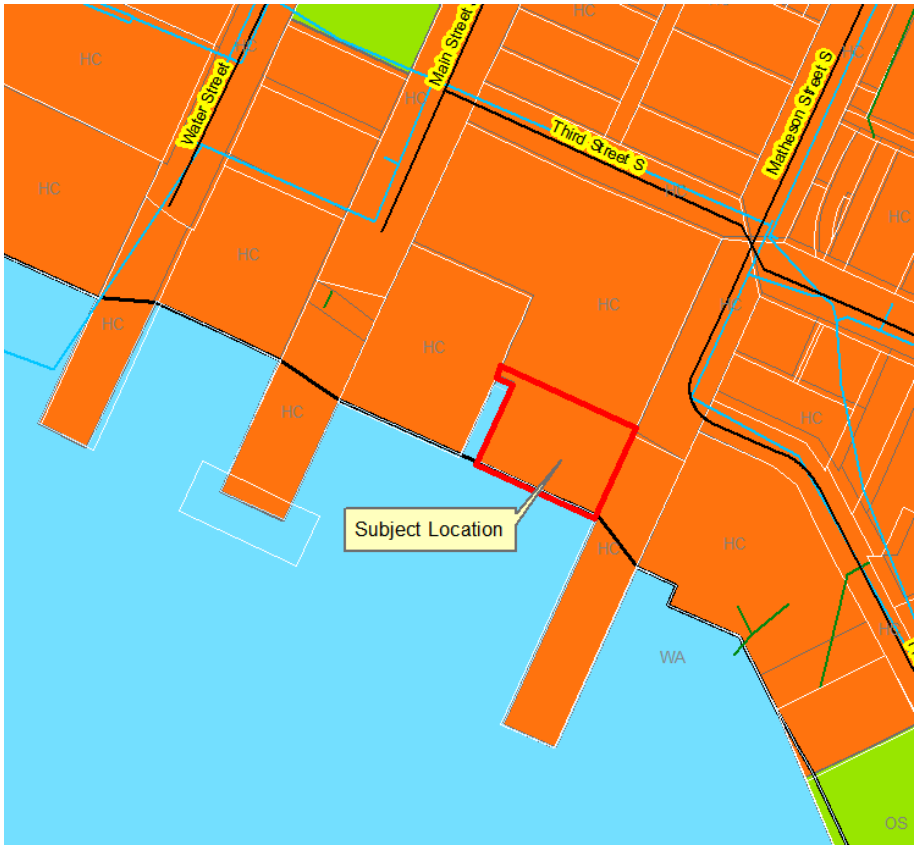


Figure 2 - OP Mapping

c) Zoning By-law No. 101-2015

Zoning of the property is currently General Commercial (GC) and it is also subject to a Hazard Land Overlay. Permitted uses include Restaurant, Retail Store, Hotel, Marina, Studio, Taxi Stand, and would also allow for residential uses. The property is also subject to the hazard land overlay, since it is located closer than 20 metres to the water, and the elevation is less than 324.60 m CGVD28 datum.



Figure 3 - Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

Engineering	No issues or concerns from engineering as there is currently no parking associated with the Boathouse next to or adjacent to the restaurant. - November 11, 2019
Roads Division	As we discussed last week I don't see any concerns from the roads Department. We discussed parking which is in the planning part which states no parking will be established on the property. I think you said there was one spot there by the restaurant that was being used for one vehicle at this time. It doesn't look like it will be a problem with any road maintenance in summer or winter. - October 29, 2019
Water and Wastewater	No concerns. - November 13, 2019
Building	Department has no comments. - November 5, 2019
Kenora Fire	Kenora Fire has no issues with the Zoning amendments to allow for parking in the property known as "The Boathouse" at 310 Matheson Street South. -October 21, 2019
Environmental Services	No concerns. - November 13, 2019
Ministry of Natural Resources	MNRF has no changes to our comments from July 5, 2019. The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. Given that both the retained and severed lots are already developed, that this severance itself would not involve further development and that there are no negative impacts to natural heritage values anticipated, the ministry has no concerns with this proposed application. - July 5, 2019

7. Public Comments

A public meeting is scheduled to be held by Council on December 10th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on November 7th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on November 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 notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on November 19th, 2019. Resolution and minutes of this meeting has been forwarded on to Council for their information.

As of the date of this report (December 3, 2019), no public comments have been received.

8. Evaluation

Policy 3.13.1 d) of the Official Plan provides for the recognition of existing uses despite the natural hazardous characteristics of the land. *“Expansions to such uses will be discouraged: however, reconstruction and/or minor alterations to existing buildings and structures, and additions and extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the City subject to the policies of this section of this Plan.”*

Policy 8.11.4 of the Official Plan which provides direction on the “Creation of New Lots”, provides as follows:

- g) Lot creation shall not be granted or approved in the following circumstances:*
- for a parcel of land that is zoned Environmental Protection or Hazard Land which is subject to flooding unless sufficient non-hazardous land forms part of the severance to permit all buildings for human occupation.*

Finally, Official Plan policy k) provides for the following:

k) Notwithstanding any other policies of this Plan, consents may be granted to correct lot boundaries, to convey land to an adjacent lot, to grant easements, or to separate buildings or structures in existence at the date of the adoption of this Plan, provided that the requirements of the Zoning By-law are met.

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.

As submitted, it is recommended that approval is given to allow for a rezoning for the current use which is a legally non-complying restaurant.

9. Recommendation

In consideration of the latest comments received from Ministries, Agencies, and the Public, my recommendation remains to be as follows:

That the Application for Zoning By-law Amendment, File No. D14-19-10, to change the zoning of the area identified to allow for an existing legal non-complying building and restaurant, by changing 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 retaining wall.

The effect would allow relief from parking provisions as 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; that it should be approved.

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale and sketch
- Notice of Application and Public Meeting
- Sketch Ref Plan
- Sketch Consent Site Plan (note: the consent application will be heard on Dec 17 2019 at 3:30 p.m.)
- PAC Report
- PAC Resolution
- Draft PAC Minutes

Planning Rationale in Consideration of a Zoning By-Law Amendment Allowing Off-site Parking to Accommodate the Boathouse Restaurant

A. The property owners (K-Cor Investments Ltd. of Hamilton, Ontario) are the registered owners of the land presently occupied by the Shopper's Drug Mart and the Boathouse restaurant. The proposal is to provide separate title to the Boathouse restaurant by severing the property from the Shopper's Drug Mart portion. There is a natural separation of the property because the property is on two levels. An upper tier upon which the pharmacy is located that forms a barrier and a lower tier along the shoreline of Lake of the Woods, which is the location of the restaurant.

The land is zoned as General Commercial. The area surrounding the property is commercial in nature as it is surrounded to the east by the Banks of Montreal, Dominos Pizza to the north across 3rd Street S., an accounting firm to the south west and Lake of the Woods to the south. Refer to the attached sketch for the physical location of the neighbouring commercial establishments.

The Boathouse restaurant is located on the shore of Lake of the Woods. It has indoor and outdoor accommodation for diners. The front of the restaurant facing the lake has a dock fronting the restaurant and a finger dock that extends out into the lake to accommodate clients that arrive at the restaurant by boat. There is sufficient boat docking to accommodate patrons arriving by boat.

The restaurant location does not have sufficient land to accommodate future parking on site.

B. The available historical records were searched and these showed the site has a previous history as a dairy until 1975 when it was purchased by Canadian Tire Corporation who constructed a retail store and automotive garage with an attached marina operating on the shore of Lake-of-the-Woods. During Canadian Tire's occupancy, the site contained both above-ground and underground fuel and waste oil storage tanks which were decommissioned in 2004/2005 followed immediately by a cleanup of hydrocarbon-impacted soil on the east side of the site next to the service bay doors of the garage. Six previous environmental reports were reviewed and these describe the decommissioning and cleanup of the site at the east side of the Canadian Tire store. Verification sampling was conducted following the cleanup and this was reported to meet the applicable site condition standards (SCS) in effect at that time (O. Reg 153/04 - October, 2004). This Regulation was revised in December, 2009 and several SCS values were lowered along with a re-definition of petroleum hydrocarbons but the changes do not affect the conclusions drawn in the reports. Canadian Tire transferred the site to (6292470 CANADA INC.) in November of 2005 at which time it was converted to a Shoppers Drug Mart outlet after extensive renovations to the Canadian Tire Building were conducted. The property was transferred to K-Cor Investments Ltd., October 24, 2017.

To address the potential environmental concerns with the site because of the previous Canadian Tire operation a Phase 1 Environmental Site Assessment Report (ESA) was completed by A&A Environmental Consultants Inc. (July 24, 2017) that was based on previous environmental site reports for the property. This was part of the due diligence conducted by the prospective purchasers of the property (Procrinic Reality Advisors Inc.). As a result of this work it was recommended that a Phase 2 ESA be conducted on the southern portion of the property to resolve the issue raised in an earlier report (Winchurch Environmental Inc.'s phase 1 report (October 2013)). The concern revealed that the southern portion of the property and the site at the former marina could still have soil and possibly groundwater contaminants exceeding the current site standards for petroleum hydrocarbons. A phase 2 Environmental Site Assessment of the Shoppers Drug Mart site was conducted August 24, 2017.

None of the soils examined in the field or the laboratory showed any detectable levels of petroleum hydrocarbons. The conclusion from the Phase 2 investigation was that there was no evidence that the area had been adversely impacted by petroleum hydrocarbon contaminants. Both ESA Reports are appended to this application.

The subject site is located on the lakefront of Lake-of-the-Woods in downtown Kenora between Main Street south and Matheson Street South. It comprises three contiguous lots, the largest of which occupies the northern 3/4 of the site and is occupied by Shoppers Drug Mart. The total property encompasses 0.673 ha. The smaller southern portion fronting on the lakeshore is occupied by a restaurant. The total area of the site occupied by the Boathouse restaurant is 0.172 ha. The site is located in the General Commercial zoned area of the town.

C. The proposal is to amend the current Zoning parking requirements that requires approximately 18 parking spaces, based on the floor area of the restaurant. The proposal is to consider relief from the parking requirements because the restaurant is located within the area defined as the Kenora Town Centre. Within this area all other restaurants do not have on-site parking. They rely on off-site parking and other forms of Municipal parking. (parkade, roadway parking, the Harbourfront) The restaurants are destination locations, meaning people are prepared to park and walk to these locations.

D. The proposed use as a restaurant at this location is well suited to the lakeshore site. The Boathouse restaurant is the only restaurant in Kenora that is located on the water and also includes docking for clients. It provides a great atmosphere for people looking to dine on the lake.

Many of the comments received regarding the restaurant on their web site feature positive comments regarding the location and water accessibility.

The restaurant is located in the downtown core of Kenora making it a convenient location for people to consider for dining when they come to town from the lake. It helps to promote Kenora as a North American boating destination.

There is not sufficient on site parking to meet the present vehicle parking requirements, only that of service vehicles. For the restaurant floor area there would need to be approximately 18 parking spots. Presently the parking is accommodated by a piece of the Shopper's Drug Mart property along the northwest portion adjacent to 3rd Street S. The By-Law amendment being sought is to utilize present of-site parking and other forms of Municipal parking in the Kenora Town Centre core area. This is the situation with all other restaurants in the area of the Town Centre. The By-Law Amendment would allow for a legal non-conforming use, if approved. The Boathouse restaurant, like many others in the Town Centre is considered a tourist destination and hence people are accustomed to finding parking throughout the Town Centre area and then walking to the restaurant.

E. The use of the site as a restaurant compliments the surrounding commercial uses and services. It compliments the existing developments of the area, providing an opportunity to dine, shop and bank. It helps to provide economic diversity to the city. The accompanying map illustrates the proximity of the other commercial services available in the immediate area of the restaurant. There is sufficient off-site parking along Matheson St., Main St. and 3rd St. S. to accommodate patrons of the Boathouse restaurant. In the summer many of the patrons arrive by boat and tie-up at the docking facilities provided by the Boathouse Restaurant. This needs to be considered as part of the parking

accommodation.

F. The use of the site as a restaurant is appropriate at this location because it provides the area with a diversity of services, from banking, pharmacy, and a butcher shop to an adjacent residential area. The site has a minimal land base footprint with minimal environmental impact.

The proposal is appropriate for the conditions of the site, which has limited parking. All of the other restaurants in the Town Centre do not have on site parking and rely upon off-site and other forms of Municipal parking to accommodate patrons. There is sufficient off-site parking in the immediate area to accommodate the needs of the guests travelling to the Boathouse restaurant by vehicle as well as the docking facilities provided by the restaurant.

G. The site has been the location of a prior marina and shore land for a previous dairy. The restaurant provides minimal impact to the natural environment, creating a more peaceful use of the area where diners can come and enjoy the lake during the four seasons.

H. There is no additional area in close proximity to this property available for development as a restaurant. The site is the only location on the water available for a restaurant, which makes this property somewhat unique.

I. The impact on municipal services will be minimal since it was the site of previous commercial enterprises. It has already been fully serviced with water, sewer, natural gas, hydro, roads and garbage pickup.

J. At this time a Consent to Sever the Boathouse restaurant from the Shoppers Drug Mart property has been submitted and is before the PAC Committee. However an easement is being recommended in the event that the Shopper's Drug Mart owners require access to the base of the retaining wall for maintenance purposes. See the attached sketch for the location and approximate size of the proposed easement.

K. Proposed text for consideration: **"Notwithstanding the General Provisions of the Zoning By-Law (By-Law 101-2015) and Section 3.2.3, relief is being sought from the parking requirements which specifies the number of parking spaces which the property cannot accommodate in favour of off-site Municipal parking. This would create a legal non-conforming use, consistent with all other restaurants in the Kenora Town Centre core."**

L. The proposal is consistent with the Provincial Policy Statement (2014) in the following areas of responsible land use and progressive Community development.

The following represents sections of the PPS that apply to this application:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns:

1.1.1 Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

1.6 Infrastructure and Public Service Facilities

1.6.3 Before consideration is given to developing new infrastructure and public service facilities:

a) the use of existing *infrastructure* and *public service facilities* should be optimized;

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing: municipal sewage services and municipal water services.

1.6.7 Transportation Systems

1.6.7.2 Efficient use shall be made of existing and planned infrastructure.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

2.0 Wise Use and Management of Resources

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

M. General Purpose of Kenora's Official Plan

As described in Kenora's Official Plan document the general purpose of the Plan "is to establish a vision, guiding principles, objectives, and policies to manage and direct physical development and the effect of change on the social, cultural, economic, and natural environment for the planning horizon (i.e. until the year 2031).

The proposal follows the general purpose of the Official Plan in consideration of the following principles:

- a) protection of ecological systems, including natural areas, features and functions;
- f) adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- h) orderly development of safe and healthy communities;
- l) adequate provision of employment opportunities;
- q) appropriate location of growth and development;

The proposal complies in part with the City's Zoning By-law through the following:

- a) the area is designated as a General Commercial Zone (GC);
- b) this zone allows for the permitted use such as a restaurant;
- c) the building height is consistent with zone regulations, does not exceed 11m.;
- d) commercial uses are permitted only on the ground floor of a building in the GC Zone, unless the commercial use on upper story's is an extension of the ground floor use;
- e) restaurants shall not include drive through facilities.

N. The following relevant Official Plan policies will be addressed, both general polices and site-specific land use designations and policies.

3.13 Hazard Lands, Docks and Shoreline Development

The policies of this section of the Plan apply to all navigable water bodies and watercourses within the City of Kenora. These areas provide opportunities for development oriented to the water. This Plan provides for the development of these areas in accordance with the policies of the applicable land use designation and other applicable policies of this Plan, provided that the aquatic environment is protected.

For the purposes of this Plan, Hazard Lands include:

a) Those lands along the Winnipeg River and Lake of the Woods that are defined as Hazard Lands on the basis of elevations identified by the Lake of the Woods Control Board. On the Lake of the Woods, the elevation correlating to the Hazard land designation is 324.60 m CGVD28 datum. The elevation has been estimated by the consultants to be at 324.78 based on the May 9, 2018 data from the Lake of the Woods Control Board. It is presumed that at the time of the rebuild in 2015 that prior to a building permit being issued the proponents would have had an engineering report that prescribed the new build height in compliance with the Hazard Land definition.

3.13.3 Docks and Shoreline Development

Land uses permitted along shorelines shall be as specified in the policies of the applicable land use designation. Proposed development within these areas shall be governed by the policies of Section 3.13.1 (Hazard Lands) of this Plan

A vi) Docks, waterfront and marina structures on property abutting water shall: be constructed and placed so as to minimize the impact on natural vegetation, and topography and shall not have a negative impact on natural heritage features such as fish habitat, wildlife habitat, habitat of endangered and threatened species, and wetlands.

c) Commercial uses on the shoreline shall be designed to be compatible with surrounding uses. Developments which contribute to the tourism industry shall be encouraged.

3.15 Land Use Compatibility

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses.

Where planning approvals are required to accommodate the establishment or expansion of major facilities or sensitive land uses, proponents may be required to provide supporting technical studies, prepared by a qualified professional and in accordance with Ministry of the Environment and Climate Change land use and compatibility guidelines. These studies will assist in the evaluation of proposed developments to ensure that land uses will be appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety.

In the case of the Boathouse restaurant, Environmental Assessments for petrochemical contaminants have been completed. Level 1 and 2 site assessments have been conducted and the site has been determined to be contaminate free.

O) Compatibility with Other Relevant City Documents-Waterfront Development Guidelines

The focus of this Policy is the Waterfront of downtown Kenora that spans the area from McLeod Park in the West to the Recreation Centre in the East.

This area is primarily commercial with a few residential properties and is considered the main focus of this study.

The guiding principle of the document can be summed up as follows: As Kenora continues to diversify as a tourist destination the importance of developing a waterfront that is attractive, conducive to public use and balances new residential and commercial uses will be critically important.

Objective #6 - **Views to Water** is the most relevant in terms of the location of the Boathouse Restaurant. "There exist today some primary views from the downtown to the waterfront. These critical views should be maintained and strengthened wherever possible. One of the keys ways that a waterfront community is linked to its waterfront is through the views that exist throughout the community to the water. "

Prepared By: A.M.Clark-Natural Resources Consulting, August 21, 2019.



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-10
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, December 10th, 2019 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, December 17th, 2019 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Meeting

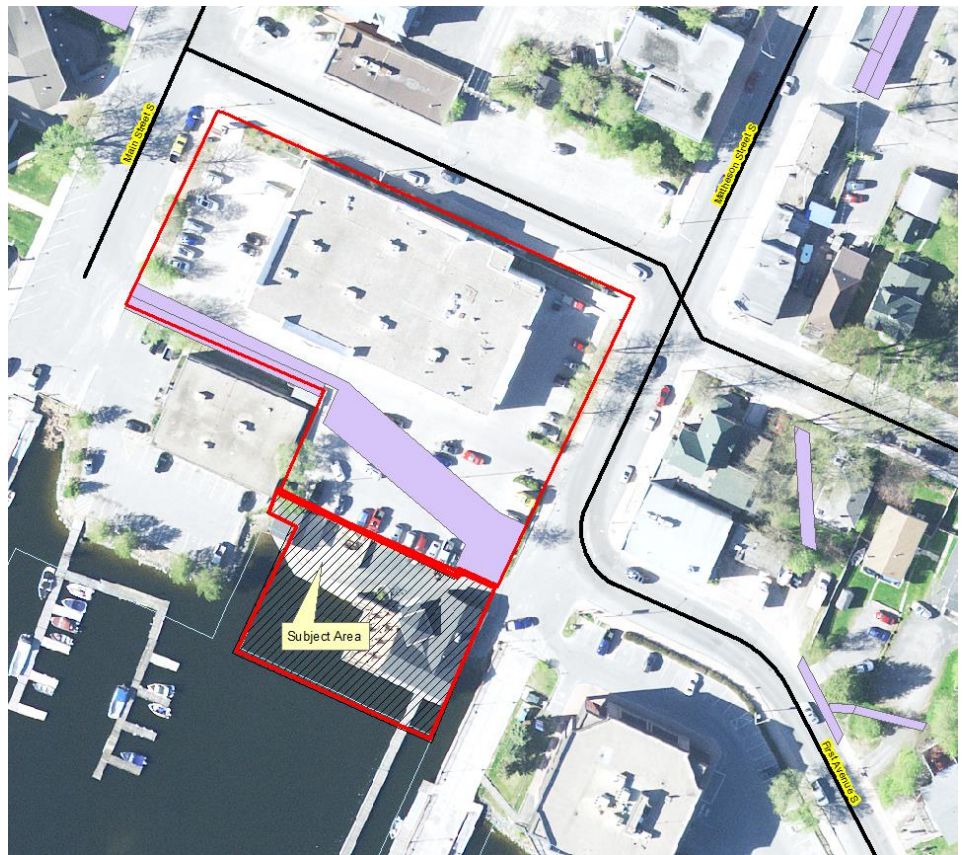
When: Tuesday, November 19th, 2019 at 6:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Purpose and Effect: is 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 the property located south of the retaining wall. The effect would allow relief from parking provisions as 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 amendment.

Location of Property: 310 Matheson Street South; generally known as "The Boathouse". Refer to the map aside.

Public Meeting:

Input on the proposed amendment is encouraged. You can provide input by speaking at the PAC or Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing. If you are aware of any person interested in or affected by the application who has not received a copy of this notice you are requested to inform that person of this meeting.



If possible, written submissions are requested to be made before November 14th, 2019 and directed to:
Ms. Devon McCloskey, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmccloskey@kenora.ca

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Devon McCloskey, City Planner, if you require more information: Tel: 807-467-2059 or Email: dmccloskey@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 7th Day of November, 2019.

SKETCH OF PROPOSED SEVERANCE

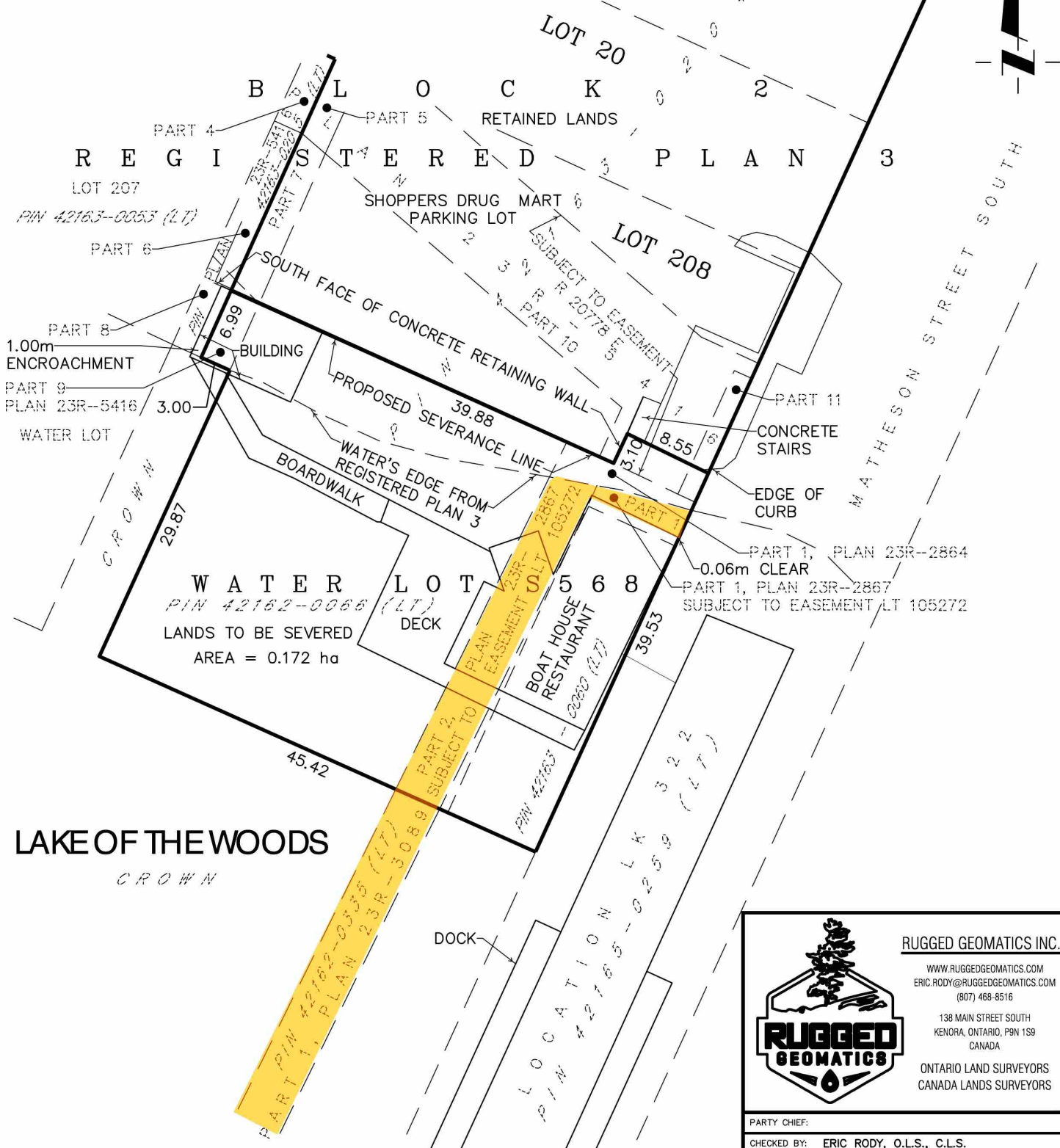
CITY OF KENORA

SCALE 1 : 500

10 5 0 10 20 30 METRES

METRIC: DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

AREAS SHOWN ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471.



LAKE OF THE WOODS
CROWN



RUGGED GEOMATICS INC.

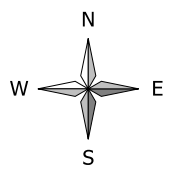
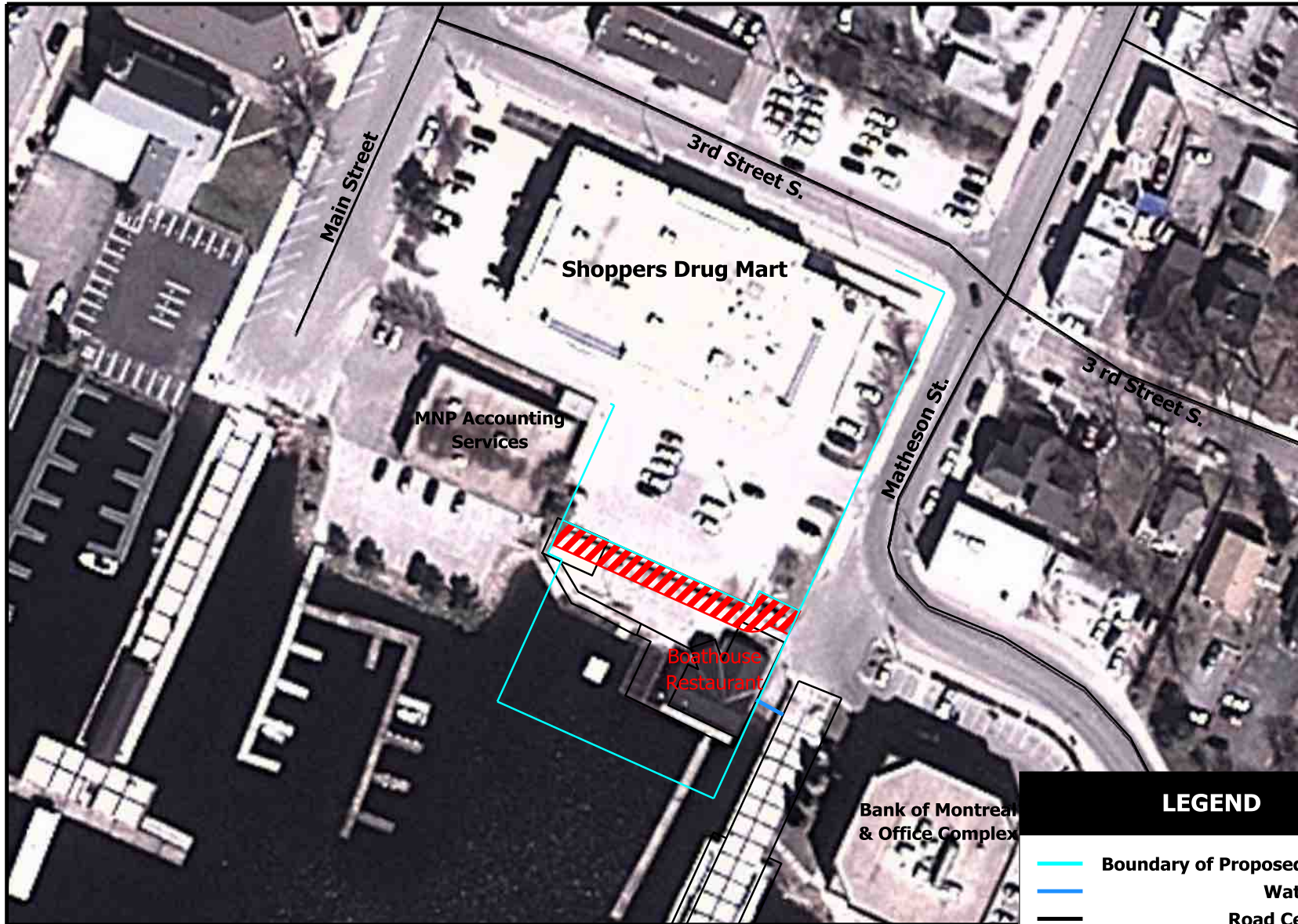
WWW.RUGGEDGEOMATICS.COM
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(807) 468-8516

138 MAIN STREET SOUTH
KENORA, ONTARIO, P9N 1S9
CANADA

ONTARIO LAND SURVEYORS
CANADA LANDS SURVEYORS





PARTY CHIEF:
CHECKED BY: ERIC RODY, O.L.S., C.L.S.
FILE: SK18114 DRAWN BY: JOSEPH HANSTEAD

Overview - Location of Boathouse Restaurant



Note: Projection, Universal Transverse Mercator, Zone: 15 N
 Datum: North American Datum, NAD 83

Scale 1:1000
 0 25 m

LEGEND	
	Boundary of Proposed Consent
	Water's Edge
	Road Centerlines
	Retaining Wall Easement-5m.



Prepared By: A.M.Clark-Natural Resources Consulting
 in Consultation With: LakeLand Consulting Services

Project:

Consent to Sever Shoppers Property
 In Consideration of the Boathouse
 Restaurant

Data Copyright: The Queen's Printer for Ontario
 Imagery: Google Earth under Licence

Date: March 2019



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION


MOVED BY: Robert Kitowski

SECONDED BY: Ray Pearson

DATE: November 19, 2019

RESOLVED 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.

DIVISION OF RECORDED VOTE				CARRIED _____	DEFEATED _____
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Fox, Peter	✓		 CHAIR	
	Richards, Bev	✓			
	Gauld, Wayne	✓			
	Kitowski, Robert	✓			
	Pearson, Ray	✓			
	Barr, John	✓			
	McDougall, John				
	Koch, Andrew				
	McIntosh, Tanis	✓			