



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-12 – 768 Ninth St N, Rideout Bay, Clarifier Site)
Tuesday, December 10, 2019
12:30 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 5, 2019

Council Report

To: Mayor and Council

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

File No.: D14-19-12

Re: Application for Zoning By-law Amendment

Location: 768 Ninth Street North, Rideout Bay, Winnipeg River

Owner: 2447904 ONTARIO LTD.

**Agents: Randy Seller (Hook Seller Lundin LLP) and Brandon Powell,
BES, MBA, MCIP, RPP, President and COO, Lombard Group
North Ltd.**

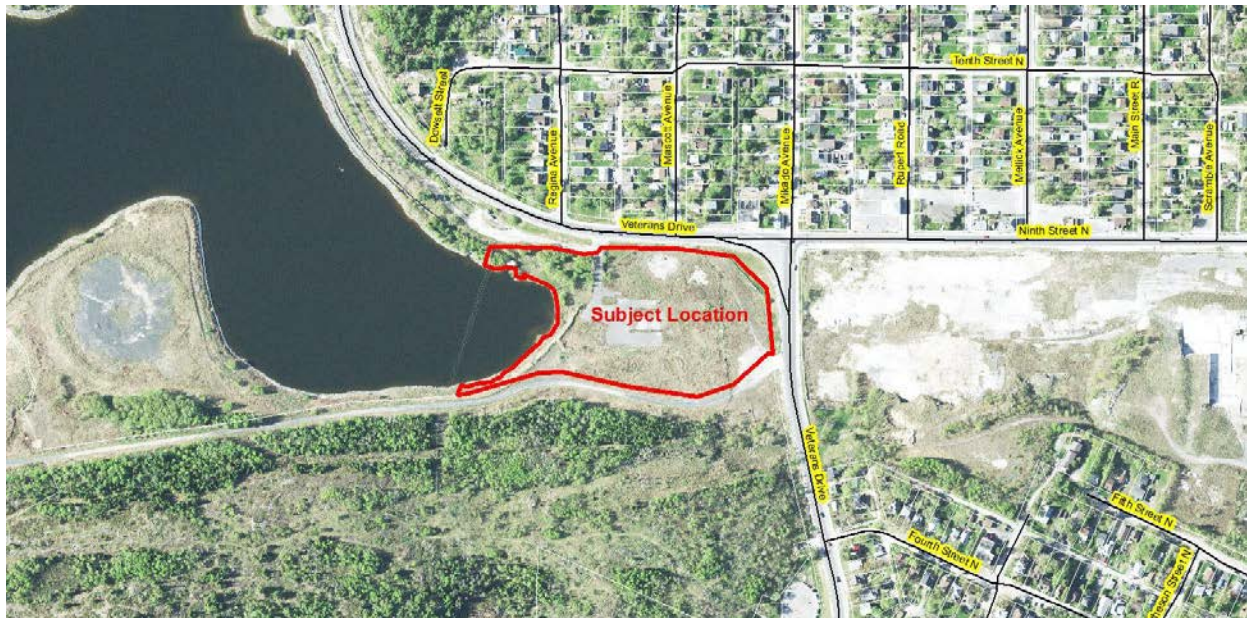
1. Introduction

An Application for a Zoning By-law Amendment (ZBLA) as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-2015), was submitted to the City of Kenora ("the City") by 2447904 ONTARIO LTD.

The ZBLA is for land located at 768 Ninth Street North, Rideout Bay, Winnipeg River and known as the "Clarifier Site", which was part of the "Former Abitibi Mill site". The property is described as Part Block F of Plan 158, and by reference plan of survey being Parts 8, 10, 11 and 12 on Plan 23R-14566, being PIN # 42163-0274 (see **Figure 1** "Subject Location").

The application is proposed to change Zoning from Heavy Industrial (MH) to General Commercial (GC). The effect of approval would be to allow for development in accordance with Section 4.7.2 of the Zoning By-law for an existing vacant lot. The GC zone allows for a wide range of uses and services to meet the need of residents, businesses and tourists including but not limited to hotel, retail store, restaurant and shopping centre.

Figure 1: Key Map of Subject Location (2017 Aerial Image)



2. Description of Proposal

The vision for the proposed redevelopment of the Former Abitibi Mill site is to allow for development of commercial uses, as listed in the Zoning by-law. The subject lands are currently unserviced (there is no water, wastewater, hydro, gas, telecommunications or internet services to the vacant lands).

The current owner would then be in a position to provide the lands for sale, and a developer would be able to pursue development toward a commercial use.

Future development of the property will be subject to Site Plan Control and/or Development Agreements as required, which may require further planning and detailed technical studies to ensure adequate servicing, access and so forth.

The following supporting documentation was submitted as part of the ZBLA applications:

- Planning Rationale (Zoning Amendment) (Lombard Group North Ltd., November 4, 2019)
- Former Clarifier Site Sketch (October 30, 2019)
- Former Clarifier Site Zone Amendment Map (October 30, 2019)
- Phase III Environmental Site Assessment (AMEC Earth & Environmental, December 2010)

3. Existing Conditions

The subject location has a total site area of 24.7 hectares (61.03 acres) with approximately 247 metres of frontage on Rideout Bay, Winnipeg River. The subject

lands are generally bordered by Veteran's Drive to the east and north (also referred to as the "D-2").

Historical use of the property was for processing in association with the Former Abitibi Millsite. Remaining infrastructure on the property includes a City storm water pipe which extends east to west through the property, to empty into Rideout Bay. An easement was established at the time that the mill was still in operation, and was situated to avoid buildings and future development areas. It's catchment area includes the residential properties to the north of the Ninth Street North.

Contour mapping of the property indicates that the lands abutting the water are low lying, consideration of the Lake of the Woods Control Board flooding easement will need to be taken into consideration for any lands below the hazard land elevation.

An easement for access over abutting lands to the south also exists for minor amounts of ingress/egress associated with current use (vacant industrial).

A chainlink fence wraps around the perimeter of the property, and a gated access driveway is provided on the north side to Veterans Drive. Remnants of concrete/asphalt surfacing remains closer to the water, as well as berms, pole fencing along the water's edge, and a light standard. A building on the north shore possibly for a former fire suppression water pump also remains. Refer to figure 2 aerial photo which displays the property in 1997.

Figure 2: 1997 Aerial image



North of the site, lands are developed for residential use (primarily consisting of 100-year old single-detached houses), east of the property and across Veterans Drive lands are vacant but also previously accommodated the former Abitibi Millsite including buildings and equipment for manufacturing. Lands to the west include another clarifier site and of course Rideout Bay which accommodated a log boom area.

4. Site Visit

A site visit was conducted on November 20th, 2019 to view existing conditions from the outside of the fenced area.

Photo 1: View of the subject property looking East



Photo 2: View of the subject property looking south east from across Veteran's Drive



Photo 3: View of the property looking south west from the driveway (through the gate)



Photo 4: View of the property looking south west from across Veteran's Drive



5. Site Background

The subject lands were formerly occupied by the Abitibi Mill; they are located within the Established Area in the City of Kenora and situated closeby to existing residential development and proposed commercial development to the east. As a result of the Mill closure, the site has been predominantly vacant since approximately 2006.

In 2016, the property owner successfully undertook an amendment to redesignate the subject property Commercial Development (CD) toward implementing the vision for commercial development on Rideout Bay of the Winnipeg River. Lands to the west were redesignated for Residential Development (RD) to establish the vision for serviced residential use.

Subsequently an application was approved to sever lands to allow for the transfer of lands located further west (also a former clarifier site), sever the lands which are the subject of the current application for rezoning, and to retain lands to the south and a narrow strip along the north side of Rideout Bay.

In 2011, the City of Kenora adopted the Former Mill Site Community Improvement Plan (CIP) to encourage and provide incentives for the redevelopment of the underutilized site. In 2015, the Community Improvement policies in the City's Official Plan were revised to include policies to encourage and incentivize construction of affordable housing, in keeping with provincial regulatory changes. In 2017, the Former Mill Site CIP was updated to expand the Community Improvement Project Area to include lands west of Veteran's Drive, to add financial incentive programs for housing, and to include updated policy and regulatory changes since the CIP was originally adopted in 2011. These changes were completed in consultation with the community and key stakeholders.

As such, the existing Former Mill Site CIP (2011, updated 2017) contains policies and financial incentive programs which support the following vision for the redevelopment of the site: "to create jobs and affordable housing for local residents and local Indigenous peoples, and provide business opportunities to use local resources by revitalizing the site in aesthetically pleasing manner."

The proposed ZBLA supports the redevelopment of the site by permitting a range of commercial land uses, that have the potential to provide employment opportunities and enhanced compatibility with residential areas.

6. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The proposal is consistent with policies of the PPS including the following:

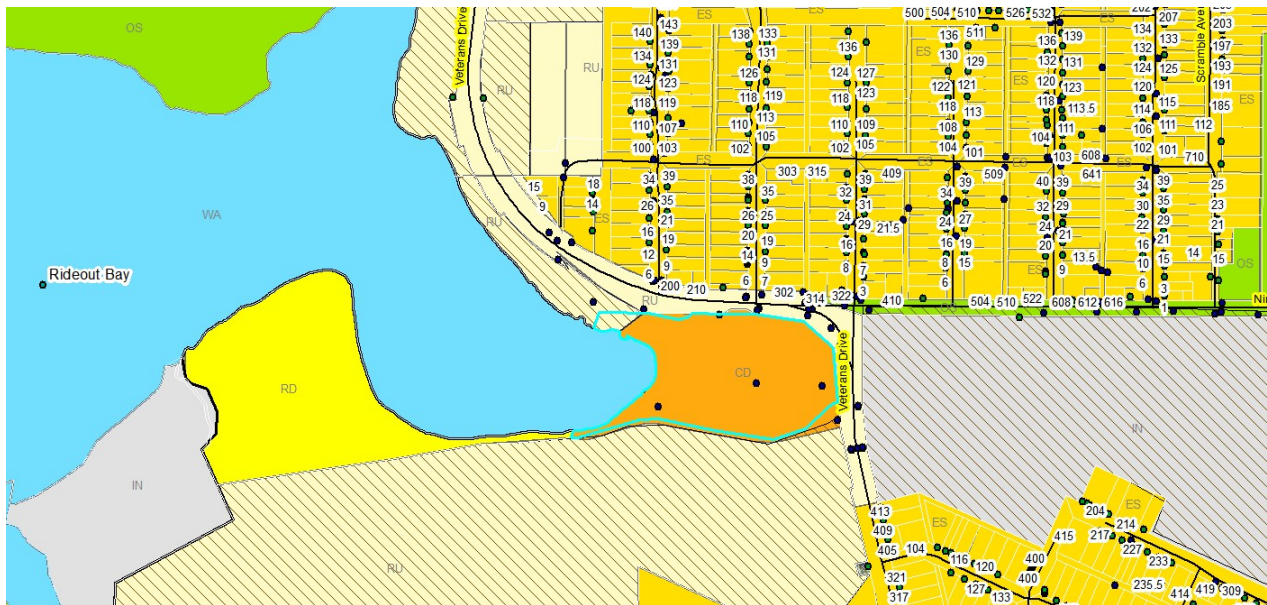
- Policy 1.7.1 e) explains that long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites. Further, Policy 3.2.2 explains that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any development activity on the site associated with the proposed use such that there will be no adverse

effects. The proposed ZBLA promotes the redevelopment of contaminated areas for repurposed uses, and if required, will be remediated by future lot owners as per provincial regulatory requirements. In the event that a sensitive use such as residential is proposed, even as accessory to commercial use, a Record of Site Condition (RSC) would be required to be filed per the Ontario Building Code (OBC).

- Policy 1.2.6 explains that major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term viability of major facilities. **The proposed ZBLA will implement the vision of the OPA which was approved in 2016, to enable redevelopment of the property for commercial use. Since historical and permitted use of the property is for heavy industrial development, it is reasonable to consider that commercial use will be more compatible with adjacent existing and future residential use.**

b) City of Kenora Official Plan (Council Adoption May 19, 2015; Ministerial Approval November 5, 2015)

Figure 3: OP Mapping of the Subject Location



Section 2.2.1 Principle 1 – Sustainable Development of the OP states that Kenora shall promote sustainable development to enhance the quality of life for present and future generations.

Objectives under Principle 1 include:

- To promote compact development by using land and existing infrastructure efficiently.
- To support infill and intensification in built-up areas where services exist (i.e. roads, hydro and connection to Municipal water and wastewater).

- To provide opportunities for the adaptive re-use of former industrial areas and brownfield sites where the industrial use is no longer viable.

Section 2.2.3 Principle 4 – Diversified Economy of the OP states that Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth, to withstand global market conditions and provide financial stability.

Objectives under Principle 4 include:

- To support existing businesses and attract a diverse range of new employment opportunities for new and existing residents.
- To promote a diversified economy in both the urban and rural areas of the City.
- To continue fostering partnerships with First Nations, Métis, and Grand Council Treaty #3 to identify economic development and other opportunities.
- To develop the City as a centre of excellence for telecommunications, health care, industry, trade, commerce, tourism and services throughout Northwestern Ontario, western Canada and Midwestern United States.
- To ensure that there are sufficient municipally serviced lands for the expansion of industrial development that may expand and diversify the City's economy.

Section 2.2.6 Principle 6 – Complete Communities of the OP states that Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.

Objectives under Principle 6 include:

- To support mixed-use neighbourhoods.
- To provide opportunities for the redevelopment of the Former Abitibi Mill site with employment uses.

Section 2.2.6 Principle 7 – Neighbourhood Design of the OP states that Kenora shall promote a desirable built form in any development or re-development.

Objectives under Principle 7 include:

- To promote built form that addresses the needs of present and future generations (i.e. live, work, play).
- To ensure that all aspects of neighbourhood design (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.

Section 1.3.1 The Challenge Ahead of the OP states that the City of Kenora is growing and continues to experience an aging population. As a result, it is not uncommon for youth in northern communities to migrate and remain in larger centres in search of educational and employment opportunities. The City must ensure that sufficient land and opportunities exist for employment uses so that youth can attend school, particularly postsecondary institutions, and find employment without leaving Kenora.

Policy 3.13.1 of the Official Plan provides direction on the use and development of Hazard Lands as follows:

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 Winnipeg River, the following elevations define the Hazard Land designation from the Dalles First Nation upstream to the rapids below Rideout Bay at Old Fort Island below 320.6 m Canadian Geodetic Vertical Datum of 1928 (CGVD28); old Fort Island upstream to the Lake of the Woods dams below 321.4 m CGVD28 datum. On the Lake of the Woods, the elevation correlating to the Hazard land designation is 324.60 m CGVD28 datum.

Lands outside of those areas addressed by the Lake of the Woods Control Board that may also be subject to flooding and erosion, such as lands adjacent to watercourses and waterbodies other than the Winnipeg River or Lake of the Woods. In these areas, Hazard Lands should be defined as follows:

- By engineered flood plain mapping, where it exists; and
- Where there is no engineered flood plain mapping, Hazard Lands, as defined by this Plan should include:

i. For slopes equal to or greater than 1:1, all lands within 15 m of the top-of bank of any watercourse or water body; and

ii. For slopes less than 1:1, all lands within 15 m horizontal distance of the 1:100-year flooding elevation along any watercourse or water body.

In the Commercial Development Area designation, the continued development of retail commercial uses shall be promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States (Policy 4.4). Permitted uses shall primarily serve vehicular traffic. Permitted uses include, but are not limited to, automobile service stations and sales agencies, car washes, building supply outlets, motels, hotels, restaurants, landscaping services, horticultural nurseries, garden centres, tourist establishments, shopping centres and accessory uses (Policy 4.4.1 (a)).

Section 8.2 – Community Improvement of the OP states the City has adopted a Community Improvement By-law for the Former Abitibi Mill site. The City adopted the Former Mill Site Community Improvement Plan in 2011, which was updated in 2017. Among the objectives of Community Improvement Plans are:

- To upgrade and maintain all essential municipal services and community facilities.
- To ensure that community improvement projects are carried out within the built up areas of the City.

Section 8.8 – Potential Contaminated Sites of the OP states where planning approvals are required prior to the development of any property which may have been contaminated by previous uses, or where a change in use to a more sensitive land use has been proposed, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with the Ministry of Environment and Climate Change guidelines.

In some cases, where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition, acknowledged by the Ministry of the Environment and Climate Change [note: now the Ministry of the Environment, Conservation and Parks (MECP)]. The effect of this policy is to prevent the development of a more sensitive land use until such time that site remediation has been completed.

The Province uses Records of Site Condition as a safeguard to protect public health and safety from contamination which may be present on a property and which may result in an adverse effect, as defined under the Environmental Protection Act. Records of Site Condition (RSCs) summarize the environmental condition of a property at a specific point in time and are used to demonstrate that a property has undergone the appropriate studies and remediation to support proposed development. Changes to the proposed use of a property can trigger the need for filing an RSC with the Province. Based on information provided by the Province in a presentation in February 2019 (see **Figure 2**), changes from an existing land use (“Category 1”) to a more sensitive land use (i.e. “Category 2” - residential, parkland, and institutional and “Category 3” - agricultural and other uses) requires the submission of an RSC.

Figure 2: Excerpt from Ministry of the Environment, Conservation and Parks Presentation, Records of Site Condition, Developer Roundtable, February 6, 2019

Property Use Changes Triggering Record of Site Condition (RSC)			
Standards Category 1	RSC Required to Cross to Sensitive Property Use	Standards Category 2	Standards Category 3
Industrial (e.g., manufacturing)		Residential (e.g., home)	Agricultural (e.g., farm)
Commercial (e.g., office building)		Parkland (e.g., town park)	Other (e.g., the rest)
Community (e.g., community centre) - except section 14(10)		Institutional (e.g., university)	
RSC Required to Cross to Sensitive Community Uses			
Community section 14(10): Indoor pool, arena, enclosed stadium, indoor sports field or gymnasium that is Group A occupancy			

- Standards same for uses within a category.
- Change from category 1 requires an RSC (more sensitive).
- Changes within categories do not trigger, with exception of sensitive community uses (Section 14(10)).

The proposed ZBLA conforms to the Official Plan. As directed in the objectives under Principle 1 – Sustainable Development, the proposed amendment intends to intensify a large underutilized brownfield site through redevelopment and adaptive re-use of existing structures.

The proposed ZBLA supports Principle 4 – Diversified Economy by allowing redevelopment plans for the Former Abitibi Mill site to expand capacity for municipally serviced land and create readily available employment lands for future development. The availability of such lands at this location will enhance economic development opportunities and accommodate a wide range of commercial interests.

The proposed ZBLA also supports Principle 6 – Complete Communities in that it provides an opportunity to redevelop the Former Abitibi Mill site with employment uses. Further, the proposed amendment supports Principle 7 – Neighbourhood Design by supporting new employment and housing options that enhance the City's capacity to address the needs of its residents. Detailed design will be determined through Site Plan Control applications from future landowners. This will ensure aspects of neighbourhood design are attractive and compatible with development in the area.

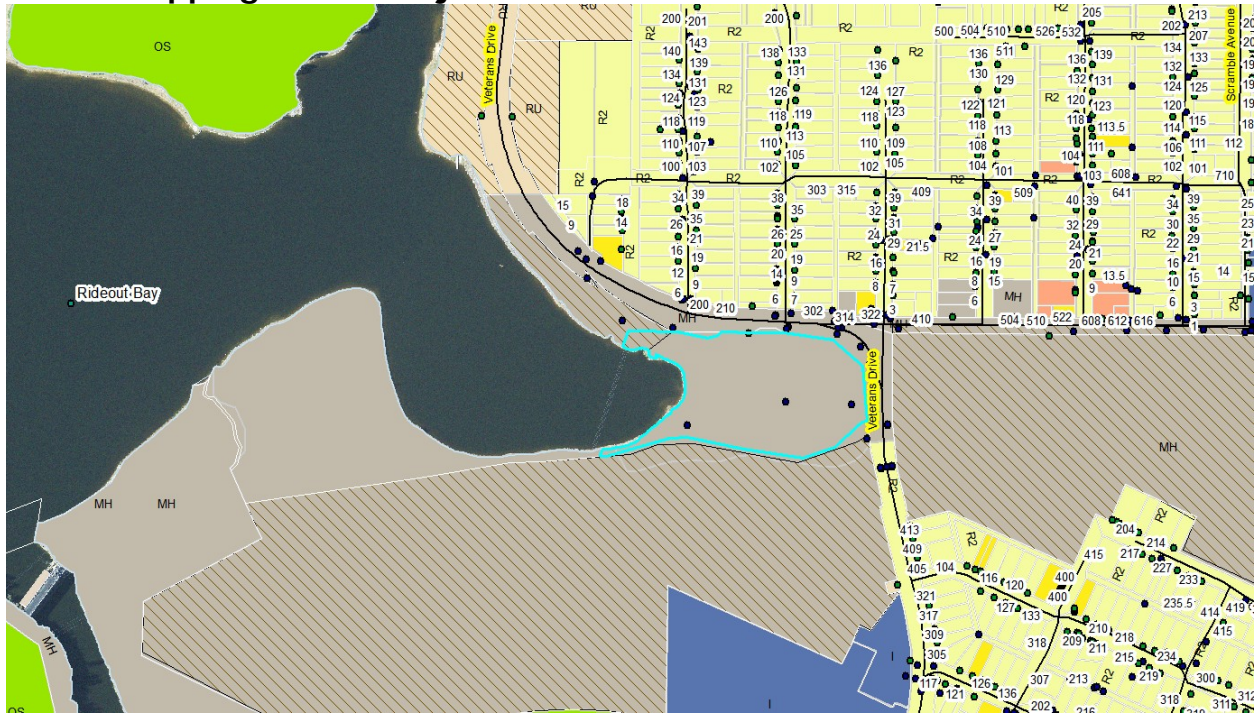
The proposed ZBLA conforms to the policies in Section 1.3.1 The Challenge Ahead. The proposed amendment promotes a balance between existing residential and employment lands. Redevelopment will not only support continued use and opportunities for increased density in existing residentially zoned areas, but investment in new commercial enterprises creating additional jobs for residents of the City of Kenora.

Section 8.2 – Community Improvement of the OP states the City has adopted a Community Improvement By-law for the Former Abitibi Mill site. Redevelopment plans will require future lot owners to invest in municipal upgrades as necessary. The location of the development site is situated among Established Areas of Kenora, making it a desirable focal point including commercial development. Incentive programs offered through the CIP are tangible tools to help generate investment by developers and businesses.

The proposed development is subject to Section 8.8 – Potential Contaminated Sites. The site was formerly the location of the Abitibi Pulp and Paper Mill in operation from 1924 - 2005. In 2010, a Phase III Environmental Site Assessment was completed by AMEC (now known as WOOD). The methodology implemented a conservative approach contemplating future residential land uses for the entire study area in order to calculate estimated impacted soil volumes (note: the most sensitive land use (i.e. residential) was used as redevelopment plans at the time were not entirely known). Findings from the report suggested isolated areas of Polyaromatic Hydrocarbons (PAHs), Petroleum Hydrocarbons (PHCs) and metals above applicable standards in the proposed Industrial Development and Commercial Development Areas. The MECP's requirements for commercial and industrial lands are generally less restrictive than the requirements for residential land uses. The Phase III Environmental Site Assessment was supplied to the City and the owner said it would also be given to prospective buyers for their future consideration. A future purchaser may be required to undertake further study of their properties to identify that there are no further concerns or to highlight further remediation strategies (if necessary) to ensure no negative impacts are created as a result of site development. MECP does not require a Record of Site Condition for commercial and industrial land uses.

c) Zoning By-law, By-law 101-2015 (Adopted December 15, 2015) Figure

4: ZBL Mapping of the Subject Location



With respect to the Zoning By-Law, the zoning for the subject property site is currently Heavy Industrial (MH). Under the existing zoning, a wide range of industrial uses is permitted, along with some commercial and service-orientated uses.

6. Results of Interdepartmental and Agency Circulation

<p>Engineering Department</p>	<p>Here are a few points to consider about the ZBL change proposed on the west and south of Veterans' Dr related to the potential for uses permitted in the CD zone including a hotel:</p> <p>The City would have safety and operational concerns of a construction of an easterly access/egress from the subject property onto Veterans' Drive. Should a developer pursue an entrance/exit at this location the City would require an engineering study/report from the developers traffic engineering professional on the adequacy of such a entrance/exit for the City to consider its acceptance for construction. The City promotes access/egress to the subject property along the north property line onto Veterans' Drive</p> <p>The developer will have to confirm the adequacy of the City water supply for the proposed development. Sewer and water</p>
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	<p>servicing alignment would be limited to the north side of the subject property onto Veterans' Drive.</p> <p>It is suggested for the subject property to have discussions with property owners to the west to investigate options for joint access/egress over the subject property in favour of those property owners to the west taking into consideration that the City does not support an entrance/exit easterly onto the north south section of Veterans' Drive.</p> <p>The subject property has a current active City land drainage sewer pipe that traverses the property in a east to west alignment that will have to be taken into considered in developing the subject property in regards to the closeness and type of infrastructure and building that is proposed in the vicinity of the easement corridor. It is assumed that this land drainage sewer pipe has not been designed for additional runoff flows from any former Mill lands.</p> <p>- November 11, 2019</p>
Roads Department	<p>As per our conversation few minutes ago I should've have been more clear in my comments. The no concern comment is that from roads maintenance such as snow plowing or any road works in the area it doesn't change our maintenance required. As for any Entrance that will be established. Engineering and I will have the decision as to where a proper and safest entrance will be approved. Engineering will have the final decision on the entrance.</p> <p>- November 8, 2019</p>
Building Department	<p>From a Building Department perspective, future owners/developers should be aware that municipalities in Ontario are subject to the Ontario Building Code (OBC). Among other requirements within the Regulations is a list of Applicable Law (Article 1.4.1.3.). A Building Permit cannot be issued unless Applicable Law is met; listed Legislation for this property would include but is not limited to the Planning Act (Zoning By-law, Site Plan Control) and the Environmental Protection Act. For those developers not familiar with the OBC; it is strongly recommended that they seek the services of Ontario design professionals, as necessary.</p> <p>- November 7, 2019</p>
Kenora Fire & Emergency Services	<p>Kenora Fire has been involved in previous planning meetings for this project and has no concerns at this phase of the project to rezone the property from Heavy Industrial (MH) to General Commercial (GC), to allow for development for a commercial use.</p> <p>- November 9, 2019</p>

Water and Waste Water Department	Since the location is very close to two sewage pumping stations (especially Sultana and Subway) there could be rare chance of sewer smell issue. So far, we never have received any complaint from these stations but pumping stations are never 100 % free from odor. There are no other issues. - November 7, 2019
Synergy North	No comments received at the time of this Report.
Environmental Services	(A developer) can either hire contractor to manage their solid waste and recycle or they can bring their recycle and garbage to the transfer station by themselves. There are no any other concerns from Solid Waste department. - November 8, 2019
Ministry of Municipal Affairs and Housing	No written comments were received, but the City engaged in several verbal discussions with the Ministry to discuss the proposed ZBLA, early in the process. In these discussions, the Ministry confirmed that they are supportive of the methodology being used by the City to ensure that provincial interests would be addressed.
Ministry of Natural Resources and Forestry (MNRF)	No comments received at the time of this Report.
Northwestern Health Unit	No comments received at the time of this Report.

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 published in the Municipal Memo of the Newspaper on November 14th, 2019, 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, at their regular Council meeting on December 17th, 2019.

The Statutory Notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of these applications to Council at a Special meeting on November 26th, 2019. Resolution and minutes of this meeting have been forwarded on to Council for their information.

As of the date of this report (December 5, 2019), one written submission has been received by a member of the public.

8. Evaluation

The proposed ZBLA is intended to rezone lands to conform with the Official Plan Amendment which was approved in 2016 to enable commercial uses to occur on the subject lands.

The proposed amendment is consistent with the Provincial Policy Statement, 2014, conforms to the policies of the City of Kenora Official Plan (Council Adoption May 19, 2015; Ministerial Approval November 5, 2015), and meets the purpose and intent of the City of Kenora Zoning By-law, By-law 101-2015 (Adopted December 15, 2015).

9. Recommendation

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

That the following amendments as proposed for the Application for Zoning By-law Amendment, File No. D14-19-12, be approved:

Proposed Zoning By-law Amendment:

- Rezone the subject lands from Heavy Industrial (MH) to General Commercial (GC)

Attachments

- Complete Application for Zoning By-law Amendment including Planning Rationale, and Site Sketch
- Notice of Complete Application and Public Meeting
- PAC Resolution
- PAC Staff Report
- Draft PAC Minutes
- Phase III Environmental Site Assessment and Appendices
- Preliminary Geotechnical Investigation
- Redacted Public Comments Received as of December 5, 2019



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-12
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) Special meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

**Special
PAC Meeting**

When: Tuesday, November 26th, 2019 at 6:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON



Location of Property: Area of Veterans Drive and Ninth Street North, with frontage on Rideout Bay, Lake of the Woods. Refer to the map above.

Purpose: to change the zoning from Heavy Industrial (MH) to General Commercial (GC).

Effect of Approval: to allow for development in accordance with Section 4.7.2 of the Zoning By-law for an existing vacant lot. The GC- General Commercial one allows for a wide range of uses and services to meet the need of residents, businesses and tourists including but not limited to hotel, retail store, restaurant and shopping centre.

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 20th, 2019 and directed to:

Ms. Devon McCloskey, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmcloskey@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:

- 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.
- 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 14th day of November, 2019



PLANNING ADVISORY COMMITTEE MEETING RESOLUTION


MOVED BY: Robert Kitowski

SECONDED BY: Bev Richards

DATE: November 26, 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. D14-19-12, civic address 768 Ninth Street North, Rideout Bay, Winnipeg River, Kenora, Ontario, locally known as the "Clarifier Site"; legally described as Part Block F of Plan 158, and by reference plan of survey being Parts 8, 10, 11 and 12 on Plan 23R-14566, being PIN # 42163-0274. The purpose of the Zoning By-law Amendment is to change the zoning from Heavy Industrial (MH) to General Commercial (GC). The effect of approval would be to allow for development in accordance with Section 4.7.2 of the Zoning By-law for an existing vacant lot. The GC zone allows for a wide range of uses and services to meet the need of residents, businesses and tourists including but not limited to hotel, retail store, restaurant and shopping centre.

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		✓		
	Richards, Bev	✓			
	Gauld, Wayne	✓			
	Kitowski, Robert	✓			
	Pearson, Ray	✓			
	Barr, John		✓		
	McDougall, John	✓			
	McIntosh, Tanis	✓			
				 CHAIR	