



**PROCEEDINGS**  
for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D14-19-01 Degagne)**  
Tuesday, February 12, 2019  
12:00 p.m.

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**PRESENT:** Mayor D. Reynard  
Councillor M. Goss  
Councillor R. McMillan  
Councillor A. Poirier  
Councillor K. Ralko  
Councillor S. Smith  
Councillor C. Van Wallegghem

**Staff:** Karen Brown, CAO  
Heather Kasprick, City Clerk  
Devon McCloskey, City Planner  
Adam Smith, Development Services Strategist

Mayor Reynard opened the meeting and stated that the public meeting is being held by the Council of the City of Kenora in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 101-2015, as amended.

The Chair advised that 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. It was advised that if anyone wishes to receive the Notice of the Decision of Council, they are to leave their name and address with the City Planner.

An appeal may be made to Ontario Municipal Board 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 by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

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.

**Tara Rickaby, TMER acting as agent presented the applicants planning rationale.**

Tara Rickaby, of TMER Consulting Kenora, has been hired to apply for a zoning by-law amendment by Lea and Wayne DeGagne, operating as 2225171 Ontario Corp., owner of lands described as Parts of Lots 1, 2 and 3, Part of Main Street N and First St N Block 3 Plan 3 and M-6 and Parts 3 and 4 Plan 23F 12204, locally known as the former Kenora Catholic District School Board Office.

The owner of the property is proposing to rezone the former school board office property, and the abutting lands to the west (former turnaround area) to R3 –Residential Third Density in order to renovate the existing building to accommodate six (6) apartments and associated parking and amenity space.

This site was originally (circa 1932) the location of a residence for the nuns who taught at the former Mount Carmel School (now CityView Office Centre – Northwestern Health Unit), and more recently (until 2011) the offices of the Kenora Catholic Separate School Board. The school board sold this property, and the property to the east, which currently houses the Northwestern Health Unit, to the current owners in 2009. The existing structure was vacated by the school board in 2011 and has remained vacant ever since. Multiple attempts to rent the property for institutional uses have not been successful.

In 2013, the Owner reached an agreement with the City of Kenora to purchase portions of the Main Street North and First Street North in order to consolidate their holdings. There are two easements on the property; Part 8 23R 12204 to the City of Kenora for utility purposes, and Part 7 of the same plan in favour of Kenora Hydro.

The owner proposes to rezone the property which, currently houses the vacant building, to R3 – Residential Third density, to repurpose the building by developing six (6) apartments dwelling units.

The location of the existing building will be considered as legally non-complying as the front, eastern side and rear yards do not meet with the regulations for apartment structures in the R3-Residential, Third Density zone. The lands are functionally separate from the CityView Office Centre property, as well as defined by a retaining wall and grade change.

There are two existing easements on the property to be rezoned; one for utility purposes in favour of the City of Kenora, and one for hydro purposes in favour of Kenora Hydro. These easements will not affect the development of the property for the proposed apartment use.

The subject property is located west of the building known as CityView Office Centre which houses the Northwestern Health Unit. There is a church located east of that, on First Street

North. There is a significant grade change (drop off), to the west of the property, which abuts Main Street North, and Veteran's Drive. The lands to the south include the CPR mainline and several residences further to the east. A parking lot associated with the Institutional use (Northwestern Health Unit) is located between the residential uses and a City turnaround.

#### Provincial Policy Statement 2014

The PPS 2014 promotes efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The provision of a range and mix of housing solutions provides the foundation necessary to attract workers. The approval of this application will provide much-needed rental stock in the City of Kenora. There is a current shortage which has been an issue for prospective employees seeking job opportunities in the City.

The development of six new dwelling units within an existing structure is efficient intensification of land and structures within a settlement area. It represents compact development, which can be accommodated without the need for the expansion of municipal services, while repurposing an existing structure.

The provision of six new rental units, which are to be developed in a compact form within the municipality, adds to the range and mix of housing uses, which are currently in short supply in the City of Kenora.

#### City of Kenora Official Plan (2015) and Zoning By-Law 101-2015

The subject property is designated in the City of Kenora Official Plan 2015 as Established Area. Residential uses are permitted and encouraged as redevelopment of existing uses on full municipal services. Minor changes to land use, that are compatible with existing uses, and are similar in scale to surrounding built form, and that improve the quality of life for residents, may be permitted by zoning by-law amendment. The existing structure has been a part of the neighbourhood, both as multi-unit residence and offices, for over 80 years. The proposed apartment use and associated parking will not negatively affect the character of the neighbourhood.

The City's guiding principles include sustainable development by promotion of compact development using land and existing infrastructure efficiently. The structure, which when redeveloped, which will house the six new dwelling units, exists and represents compact redevelopment using land, an existing building and existing infrastructure efficiently. The objective of the OP, to provide a mix and range of housing types that meets the physical and financial needs of current and future residents is well reflected; the goal of responding to housing needs will be met with approval of this application to amend the zoning by-law. The provision of six new rental units supports existing and new business by providing a rental housing option.

The redevelopment of the building will not affect neighbouring residential properties' views, sun/shadow as it is located at least 20 m from the closest residence. Traffic to the area is generally using the parking associated with the Northwestern Health Unit, which is located to the across from or to the west of the existing residential uses (vehicles must pass the

residences to access the parking). The traffic and parking patterns have been a part of the neighbourhood since the establishment of the nearby church, and former school (now Cityview Office Centre). The additional vehicular traffic will not negatively impact the neighbours.

The lands and building (circa 1932) are located within 300 m of the CP Rail mainline, however the property has previously been the location of a residential (sensitive) use. There is an approximately 8m grade change and a roadway between the structure on the subject land and the rail line and other residences constructed in closer proximity to the main line. In discussion with the City Planner, it was agreed that, given the historical use and the other factors, a noise and vibration study will not be required for the redevelopment of the building.

On January 31, 2019, the City of Kenora received comments from CP Rail (Josie Tomei, Specialist Real Estate Sales & Acquisitions, which indicated concern with residential development in close proximity to the CPR mainline. This correspondence, and the CP Rail's "Guidelines for New Development in Proximity to Railway Operations" were fully reviewed by the property owner. On the 7th of February, the City Planner indicated that further correspondence was received, from CPR, after a request for clarification with respect to timing of the required conditions of development of the land. Further discussion regarding the application, CP is aware that many of our comments are premature and not applicable at the rezoning stage. CP has no concerns with addressing our requirements at the site plan stage of the development. '

Based on all of the information provided by CP Rail, the property owner is prepared to go forward with the application to amend the zoning by-law, understanding that conditions will be required to be met before a building permit is issued. The required conditions will ensure safety of the public and no conflict between the railway (industrial use) and the residential use.

The subject lands are currently zoned I-Institutional in the Kenora Zoning By-law 101-2015, reflecting the most recent use of the property. In order to be able to apply for a building permit to renovate the structure to accommodate six (6) dwelling units, the by-law must be amended to zone the property as R3- Residential Third Density, which permits apartments as a use.

The location of the existing structure does not conform with the front or rear yard setbacks of the zoning by-law, however will be considered to be legally non-conforming (per discussion with City Planner, because the building exists, leaving it as legally non-conforming allows the property to be rezoned without exceptions and is less cumbersome). Per the parking requirements of the zoning by-law, nine stalls plus 2 visitor parking stalls. Amenity space will be provided both in the form of balconies and at grade, solid waste storage will also form part of any site plan agreement required by the City.

#### Description of Proposed Development:

- Amend the City of Kenora Zoning By-law 101-2015, as amended, on the subject property from I-Institutional to R3 – Residential Third Density. The lands which are the subject of the lot addition to be included in the R3 zoning
- Nine (9) parking stalls and 2 visitor parking stalls will be provided, on the subject property, per the City of Kenora Zoning By-law No 101-2015,

- Solid waste and recycling will be stored in a secure area, out of view from the street

The objective is to permit the renovation and re-purposing of an existing structure to develop six (6) residential (apartment) dwellings.

The approval of this application will result in the orderly, and much-needed residential development which adds to the mix and range of housing types offered in the City, and which is compatible development in height and massing, shadowing, vehicular access, associated parking and residential amenity area. This is a sustainable and efficient approach to land use as it is, compact an infill project located in an area which is using existing infrastructure with pedestrian access to the downtown service area.

The renovated built form will be desirable re-development of lands, which will address the housing needs of present and future generations.

The City of Kenora Planning Department forwarded a letter outlining concerns of a number of residents of the neighbourhood. The concerns, if not already addressed previously, are addressed below:

**Parking availability:** Nine parking stalls and two visitor stalls will be provided on the property, which was formerly a municipal turnaround, per the site plan. This will meet the minimum requirements of the zoning by-law.

**Snow removal:** Snow will be removed by the property owner and there will be no impact to the municipal road allowance. Scheduling of the private snow removal will be at the discretion of the property owner and tenants. The City of Kenora will continue to use the turnaround which it developed.

**Garbage:** Solid waste and recycling will be stored in a secure area and dealt with by the property owner in a timely and efficient manner.

**Noise/Traffic:** The noise of vehicular traffic, as a result of the redevelopment of the property, will not further impact the current situation during the weekdays, and during some evenings when there are church services or meetings at the Northwestern Health Unit. The dead-end nature of the street results in the majority its use being by residents of the neighbourhood during evenings and weekends. There are sidewalks on either side of the street which provide safe pedestrian routes. The parking area, associated with the proposed development, will be located at the furthest western end of First Street; away from other residences and therefore vehicle exhaust will not be an issue for the neighbourhood.

**Other safety issues:** The existing situation, with the temporary location of the emergency shelter in the Cityview Office Centre building, will come to an end in the very near future. The traffic flow from the hiking path will be greatly reduced or removed completely with the redevelopment of this property. Other issues mentioned should be dealt with by the police.

The proposed site plan (to be dealt with more formally in the site plan application process) and draft renderings and floor plans provide clarification of the owners' intentions in redeveloping the subject lands.

The renderings and discussion of same, with the neighbours present at the January meeting

of the Kenora Planning Advisory Committee were helpful in providing a more robust understanding of the proposed development.

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

An application has been received to change the zoning of the subject property from Institutional (I) to Residential Third Density (R3) to allow for development of those uses permitted within the R3 zone, being six (6) apartment units with legal non-complying requirements in accordance with the Zoning By-law.

**Description of Proposal**

To change the zoning of the subject property and lands to the west to allow for an existing non-complying building to be remodeled and renovated for creation of apartment units, including the provision of parking, and amenity space. Report included an architectural rendering. It will certainly be an improvement to the current property and building.

Conducted a site visit. Building is run down and needs to be renovated.

**Consistency with Legislated Policy and City Directives**

**a) Provincial Policy Statement (PPS) 2014**

As noted within the applicant's planning rationale, the proposed development would be consistent with those policies that support increasing the supply of housing.

In particular, the provision for a range and mix of housing types and densities (PL 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 (PL 1.4.3 d)

**b) City of Kenora Official Plan (2015)**

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.

The plan explains that residential development shall be encouraged. It 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."

**a) Zoning By-law No. 101-2015**

Zoning of the property is currently Institutional (I). Permitted uses at this time also include group homes, continuum care facilities, and retirement homes.

Zone regulations for development noted within the table found at section 4.14.3 are very similar to those that would apply for development within the proposed R3 – Residential

Density 3, with the R3 zone being generally more restrictive. For example front, side and rear yards are all required to be larger in the R3 Zone than in the Institutional Zone.

Application was circulated internally. Operations department noted they require individual water metres in the development. The City Planner reviewed each department comments.

## **6. Public Comments**

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on January 3<sup>rd</sup>, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on January 3<sup>rd</sup>, and circulated to persons and public bodies as legislated.

On January 25<sup>th</sup>, the notice was corrected to state that the time of the Statutory Public Meeting would be held at 12:00 p.m. (not 9:00 a.m. as previously stated in error), the notice was recirculated with a posting in the paper, mail out, and email to those who attended the PAC meeting and left their email address.

Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments, and consider passing the By-law at a regular meeting.

One letter was received from property owners in the area, who expressed concerns, and requested answers to several questions related to garbage, parking, and undesirable activity. A copy of the letter with redacted personal information was provided to the agent for the application. Toward addressing the concerns, the Planning Rationale was revised to provide answers and address concerns. The agent also presented this information at the PAC meeting and was available to answer questions directly of the public.

## **7. Planning Advisory Committee**

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on January 22<sup>nd</sup>, 2019.

The agent for the application presented the proposal to the Committee. Renderings of the proposed redevelopment were circulated to the Committee and public for their information. Neighbouring property owners were in attendance and asked questions about the proposed areas for parking, pedestrian and vehicle access, garbage storage, and tenancy. The agent and the applicants provided confirmation for the construction of a fence and retaining wall to prevent trespassing up to the property which has been problematic for the neighbourhood, that parking would be provided in accordance with the Zoning By-law, and that redevelopment would be subject to Site Plan Approval.

The PAC asked questions and discussed the application. The full set of draft minutes is attached to this report for Council's information. The PAC passed a motion to recommend the application's approval to Council.

## **8. Evaluation**

The subject property and existing building have not been occupied for several years, although the owners had planned to undertake the required renovations for the proposed development for some time. Prior to development and an application for a building permit, approval of an application for site plan would be required, to review facilities associated with grading, and lighting, as well as the location of buildings, parking stalls and so on. Concerns from the City's Engineering Department with regard to development adjacent to the City's Easement and buried infrastructure would be reviewed more closely at that time.

Comments from CPR with regard to proximity to the main track should be evaluated. The building is located within 75 metres, which triggers the need for a vibration study. Noise concerns were also noted, but these can be mitigated dependent on physical characteristics such as berms and walls, either natural or built.

Unfortunately the PAC did not have the opportunity to review CPR's comments since they were submitted after the PAC meeting. The agent for the application was provided with the comments, and intends to discuss the undertaking of a Vibration Study with the owners, and qualified consultants.

CPR also requests that any agreement for sale or lease incorporates certain clauses to notify residents of potential noise and disturbance as a result of proximity within 300 metres.

As noted in Section 3.6 of the Official Plan, the completion of a study to the satisfaction of the City in consultation with rail companies shall be completed. The recommendations of a study should be carried through, and where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

In a further discussion with CP on February 5<sup>th</sup>, it was discussed that their comments could be dealt with at the Site Plan Application review stage, and that they would not oppose the subject rezoning.

## **9. Recommendation**

The City Planner recommends the Application for Zoning By-law Amendment, File No. D14-19-01, to change the zoning of the subject property being a legal non-complying building for those uses permitted in the R3 - Residential Third Density Zone; should be approved, in lieu of public comments that may yet to be received.

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?

There were none.



Mayor Reynard asked if there were any questions?  
There were none.

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 12:19 p.m.