



A G E N D A

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.

1. (Chair)

This public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

2. (Chair)

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.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

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 with an applicable official plan.

The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

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

3. (Chair)

The applicant (or representative) will present their application.

4. (Chair)

City Planner, Devon McCloskey, please describe the details of this zoning amendment application.

5. (Chair)

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

6. (Chair)

Is there anyone who wishes to speak in favour of the amendment?

7. (Chair)

Is there anyone who wishes to speak in opposition of the amendment?

8. (Chair)

Are there any questions?

9. (Chair)

As there are no (further) questions, I declare this public meeting CLOSED at _____ p.m.

February 5th, 2019

Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-19-01

Re: Application for Zoning By-law Amendment

Location: 200 Firth Street North

Applicants: Wayne & Lea DeGagne

Agent: Tara Rickaby (TMER Consulting Kenora)

1. Introduction

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 Section 4.3 of the Zoning By-law.

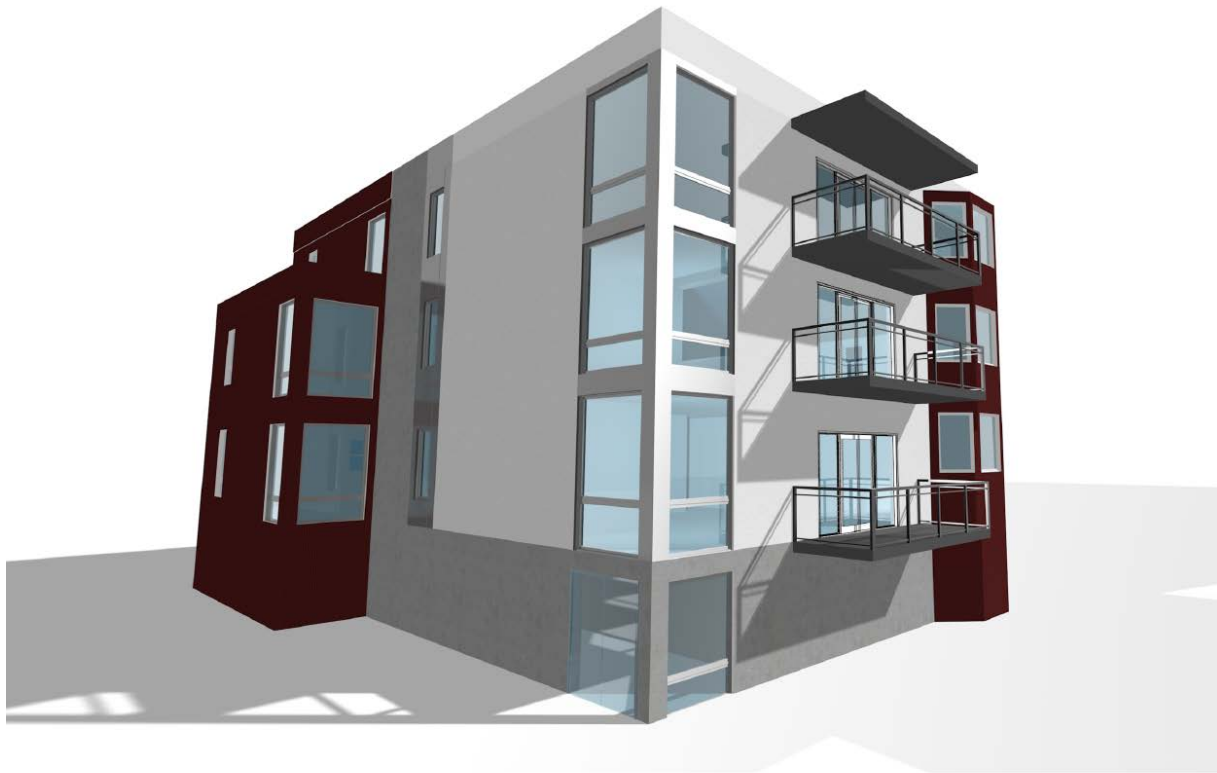
Figure 1 (right) - Aerial sketch displaying subject area of proposed rezone boundaries



2. 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.

Figure 2 – Architectural rendering of the proposed redevelopment



3. Existing Conditions

The property consists of an existing legal non-complying building that was built in 1932 and formerly used as a school board office building. Prior to that, it was a residence for the nuns who taught at Mount Carmel School.

The building is legally non-complying in that the front, eastern side, and rear yards do not meet the regulations for buildings in the Institutional Zone (I).

The property is located at First Street North, and situated adjacent to what is now referred to as the City View Office Building, which is zoned Institutional (I) and used by the Northwestern Health Unit (NWHU) for their offices. Property across the road is zoned Residential Second Density Zone (R2) and developed with single detached dwellings.

Parking will be provided upon additional lands located to the west that are also owned by the applicant (former turnaround area), in accordance with the Zoning By-law.

4. Site Visit

On January 16th, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the existing building and surrounding development.

Photo 1 – View of the front of the building and proposed parking area (fenced left)



Photo 2 – View of the west side of the building



Photo 3 – View of the rear wall of the building from the abutting property on the eastside



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

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

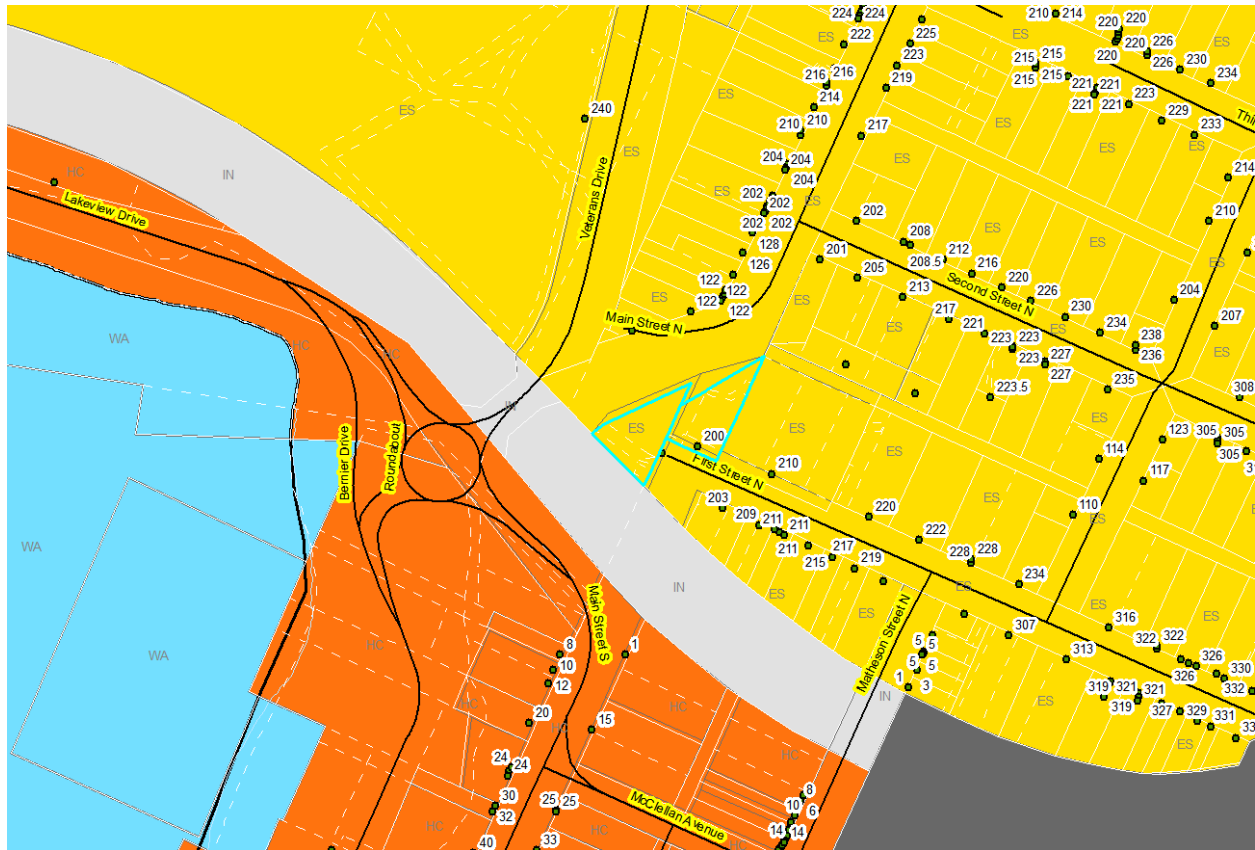


Figure 3 - OP Mapping

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

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

c) Zoning By-law No. 101-2015

Zoning of the property is currently Institutional (I). Permitted uses 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.

The setbacks of the existing structure are as follows:

The front yard setback is 3.01 metres, the east side yard is 1.73 metres, and the rear yard is 1.11 metres.

6. Results of Interdepartmental and Agency Circulation

| | |
|------------------------|--|
| Operations Department | Individual water meters will be required - January 15, 2019 |
| Engineering Department | Noted that there are existing easements to protect City services for the sewer line, when development of the parking area takes place, any retaining wall or other structures would need further evaluation. - January 15, 2019 |
| Roads Department | The Roads Division supports the re-zoning of the subject lands, with the assurance that adequate off street parking will be provided. - December 11, 2018 |
| Building Department | Have or will properties 6016-020-009-002-00 and 6016-020-009-001-00 be merged; I'm assuming the vacant piece (001-00) will be the parking area for the proposed apartment building. - December 11, 2018 |
| Kenora Fire | Kenora Fire has no issues with the rezoning of this structure from institutional to remodel to an apartment building. Full architecture plans will be |

| | |
|----------------------------------|--|
| | <p>submitted for the building permit, which will allow apply the current Building and Fire Code conditions.</p> <ul style="list-style-type: none"> - December 10, 2018 <p>In addition to my previous comments. The turnaround at the end of First Street North must be maintained for fire access (which is located on City property)</p> <ul style="list-style-type: none"> - December 11, 2018 |
| Water and Waste Water Department | <p>Water and wastewater division has no issues. As Todd said the hydrant must have access for repair/maintenance work.</p> <ul style="list-style-type: none"> - December 11, 2018 |
| Kenora Hydro | <p>Kenora hydro has concerns with the mention of Balconies and/or any new construction, thus requires specific details of any changes to the west side of the property adjacent to Kenora Hydro easement.</p> <ul style="list-style-type: none"> - December 11, 2018 |
| Synergy North | <p>We don't have any concerns specifically for the rezoning of these two lots and the re-purposing of the building(s). Any alterations should be careful to not bring people or equipment within the 3m restricted zone without arranging for isolation. Exiting structures are in proximity to high voltage distribution lines. Per the Ontario Building Code, no permit should be issued for construction or alterations within 4.8m of power lines without consultation with the utility.</p> <ul style="list-style-type: none"> - January 15, 2019 |
| Environmental Services | <p>Environmental services has no issues on this property.</p> <ul style="list-style-type: none"> - December 11, 2018 |
| Canada Pacific Rail (CPR) | <p>CP does have concerns with the development being in close proximity to our mainline track.</p> <p>CP has reviewed the noted circulation. The proposed development is located adjacent to our Keewatin Subdivision, which is classified as a Principal Main line as well as close proximity to our Kenora Yard. Canadian Pacific Railway is not in favour of residential developments adjacent to or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.</p> <p>However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that CP's standard requirements are considered as part of the review. The attached requirements are based on a collaborative project by</p> |

| | |
|--|---|
| | <p>the Federation of Canadian Municipalities and the Railway Association of Canada entitled, the Guidelines for New Development in Proximity to Railway Operations (http://www.proximityissues.ca). Some of the requirements/comments may be premature for the current application, but we would appreciate the opportunity to review the site plan for this development when available.</p> <p>- January 31st, 2019</p> |
|--|---|

7. Public Comments

A public meeting is scheduled to be held by Council on February 12th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on January 3rd, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on January 3rd, and circulated to persons and public bodies as legislated.

On January 25th, 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, mailout, 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.

As of the date of this report (February 5th, 2019), 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.

8. Planning Advisory Committee

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on January 22nd, 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, (refer to pages 7 to 11). The PAC passed a motion to recommend the application's approval to Council.

Figure 5 – PAC Resolution



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

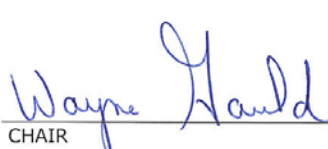
MOVED BY: Ray Pearson

SECONDED BY: Graham Chaze

DATE: January 22, 2019

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve application D14-19-01, subject property located at 200 First Street North, 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, being a legal non-complying building, to change the zoning from Institutional (I) to Residential Third Density (R3) to allow for those uses in accordance with section 4.3 of the Zoning By-law;

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

| DIVISION OF RECORDED VOTE | | | | CARRIED <input checked="" type="checkbox"/> | DEFEATED |
|-----------------------------|-------------------------|------|------|---|----------|
| Declaration of Interest (*) | NAME OF PLANNING MEMBER | YEAS | NAYS |  CHAIR | |
| | Chaze, Graham | | | | |
| | Bev, Richards | | | | |
| | Cianci, Vince | | | | |
| | Gauld, Wayne | | | | |
| | Kitowski, Robert | | | | |
| | Pearson, Ray | | | | |
| | Price, Chris | | | | |
| | | | | | |

9. 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 5th, 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.

Budget: Application fees paid in accordance with the Tariff of Fees By-law.

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of a Whole, and Council provided as per the Notice By-law.

Strategic Plan or Other Guiding Document: The Official Plan provides criteria for the evaluation of Applications for Zoning By-law Amendments.

10. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the 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.

A handwritten signature in black ink, appearing to read "Devon McCloskey". The signature is fluid and cursive, with the first name "Devon" and last name "McCloskey" clearly distinguishable.

Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale, and sketch
- Real Property Report
- Renderings of the Proposed Redevelopment
- CP Principal Main Line Requirements
- Revised Notice of Application and Public Meeting
- Redacted Public Comments – Received January 17th, 2019
- Draft PAC Meeting Minutes



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-01
Planning Act, R.S.O 1990, c.P13, s. 34

Correction: Please note that the time of the Statutory Public Meeting is at 12:00 p.m. on Tuesday February 12th, 2019 (Council Chambers)

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, February 12th, 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 on Tuesday, February 19th, 2019 at 12:00 p.m.

Purpose and Effect:

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 Section 4.3 of the Zoning By-law.

Location of Property:

200 First Street North.
Refer to the map aside.

Public Meeting: Input on the proposed amendment is encouraged. You can

provide input by speaking at the Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing to the City Planner at the address below. 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.



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:

- 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 Kasprick, 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 25th day of January, 2019