



**P R O C E E D I N G S**  
for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D-14-19-02 Lakeview Drive)**  
Tuesday, March 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 (arrived at 12:09 p.m.)  
Councillor S. Smith  
Councillor C. Van Wallegghem

**Staff:** Karen Brown, CAO  
Heather Pihulak, 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.

**Sasa Radulovic, from 5468796 Architecture in Winnipeg, acting as agent presented the planning application for Council and the public.**

Mr. Radulovic explained that the area is the former site of the Anchor Inn and he is part of a team of consultants who are working on this project.

The site is in the west side of Kenora. The applicant displayed a PowerPoint presentation with a photo from 1970 of the area. The client owns a few sites in the area and there are four sections to be considered. The site has great views of the lake and the islands. This development is a great amenity for the site, and the site conditions are great.

The team has done their due diligence, and are not coming here lightly and the intention was always to explore the best use of the property. There is a 6 meter drop to the water and 9 meters from the top. This project is an opportunity to explore their architectural minds as there is no back to this project.

It is to be appealing to the clientele and the best model is to give a reference point. The project will consist of the main development on the primary site, parking to the east of it, fairly extensive amenity space including a leisure place, a pool in the water, and the upgrades to the docks, which are all seen as a positive. The clubhouse they are proposing aligns with a public deck used for reception of the Grace Ann deck and for the guests of the resort. There will be up to 35 resort suites, ranging from 1,100 to 1,500 square feet and they will be geared towards families. The nature of the place is a family space, the club house concierge is a games room, and is sort of designed that the entire resort will be looking over the clubhouse.

Water amenities are 70 + docking spaces, lake deck, swimming pool, private beach, Grace Ann II. The clubhouse has two suites, and the conceptual views from the water are displayed.

There is a portion of land that would be given back to the City that would help clear up all the encroachments.

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

The City Planner's full planning report is on-line and encourage everyone to review in detail. An application has been received to change the zoning of the subject property from Highway Commercial (HC) to a site specific form of Tourist Recreational (TR) to allow for development of uses permitted within the TR zone, including a Resort.

The application is also requesting relief, from the Zone Regulations of Section 4.8.6, as follows:

- Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback 4.5 m to 2.4 m, reduce the front yard setback 8 m to 6 m, reduce the rear yard 8 m to 4.5 m, increase the building height 10 m to 15 m;
- Area 'C', to allow for a Club House, Administration Office, and two (2) second floor guest units, per Section 3.30 b) i., ii. to reduce the setback from water 15 m to 6 m, to reduce the rear setback 8 m to 4.5 m;
- To increase the lot coverage for the overall development 40% to 44%.

Ms. McCloskey referenced that the applicant and the City started working together early summer of 2018 and worked through the process to try to grasp everything that is proposed. This is a phenomenal development for Kenora, and worked closely with applicants to bring this development forward.

Other Planning approvals are required including a Merger Agreement to establish all of the subject property as one cohesive unit; Site Plan Control in accordance with Section 41 of the Planning Act, an application for Draft Plan Approval of a Condominium to establish 35 resort units, and an application to exchange property ownership with the City.

The Resort Units will be marketed as accommodation within Kenora, a prime year round tourism destination. Ownership will be based on a financial model, called "fractional ownership" where each unit will be sold in 1/10 ownership shares, this translates into 350 owners, along with their families, guests, and renters.

35 private docking spaces will also be provided for the resort.

Another component of the development, will be accommodation of the Grace Anne Yacht. Guests of the yacht would use the location to park their vehicle and board for their trip.

Building renderings showing views from the highway were provided by the applicant for the purpose of demonstrating massing, however they are highly conceptual and may be changed prior to the submission of a Site Plan Application.

#### Existing Conditions:

The property consists of an existing legal non-complying hotel being the Anchor Inn. When putting this application together, they decided to start fresh. There are various issues with the properties now and therefore it was best to start fresh.

The main development site is situated adjacent to Nash Drive, and Norman Bay of Lake of the Woods. It is approximately 0.3 hectares, and uniquely positioned with a sloping elevation and views to the lake. The applicant describes the topography as providing for a natural amphitheatre setting for resort units facing the lake. Property on the south side of the road

provides water access for docking. There are approximately 60 stalls, including some which are protected under an overhead canopy.

On February 1<sup>st</sup>, 2019, the Planner attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the subject property despite its existing development. Captured the elevation of the property.

Aspects of the application are consistent with the Provincial Policy Statement. The applicant describes that the proposal is consistent with policies of the PPS including the following: Policy 1.7.1 which promote opportunities for economic development and community investment. The proposed development will support tourism, encourage a sense of place, and promote well-designed built form.

The Official Plan designation of the subject development property is Commercial Development (Area A) and Established Area (Areas B & C).

Section 4.4.1 of the Commercial Development (CD) designation includes tourist establishments as a permitted use:

#### 4.4.1 Permitted Uses

a) Permitted uses in the Commercial Development Area land use designation 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.

Furthermore, the OP directs that commercial development shall be appropriately setback and buffered to protect adjacent sensitive use, and that onsite parking shall be provided.

#### 4.4.2 Commercial Development Area Policies

a) The Zoning By-law shall ensure that developments in the Commercial development Area are appropriately set back from roadways and provincial highways, including outdoor storage and loading areas. They shall be buffered to protect adjacent residential, institutional and open space uses. Adequate on-site parking shall be provided.

Section 3.13.3 of the OP provides policy on docks and shoreline development. Item c) within the policy states that "commercial uses on the shoreline shall be designed to be compatible with surrounding uses. Developments which contribute to the tourism industry shall be encouraged."

Item e) provides direction for development adjacent to shorelines as follows, and this policy can be implemented with review of a site plan control application:

e) Where new development occurs adjacent to any navigable waterway within the City of Kenora, a 5 m natural vegetation area will be required and a 10 m natural vegetation buffer will be strongly encouraged adjacent to the shoreline to minimize the impact of development on water quality in the water body.

The application is requesting relief from the zoning mechanisms of the TR zone, being those setback requirements, and limitations on height, etc.

Policy 3.15.5 of the OP provides compatibility criteria to guide the evaluation of new developments. Item a) provides direction for evaluation of height and massing, directing that "new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable."

Item b) provides direction for the pattern of surrounding community, "proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design".

Item d) refers to shadowing, directing that "shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas."

The application deliberates on the above items, refer to Section 5 of the attached Planning Rationale to the application.

Between 2007 and 2009 the City commissioned a Planning consulting firm to prepare *Waterfront Development Guidelines*. This document was used to inform policies of the Official Plan, and to inform the implementing zoning mechanisms of the Zoning By-law, height regulations in particular.

The objective of the guidelines was to provide direction for maximum building heights, preserving critical views to and from the water, and ensuring built form does not dominate the waterfront. The plan focuses on the Harbourfront area of the Kenora townsite, but also provides direction for the waterfront of townsites in Keewatin and Norman.

Section 11 provides special considerations for the Norman Waterfront, stating that: "all noted design guidelines apply to lands on the waterfront within the limits of Norman. Except for objective 5 "Building Height" – which for the Norman area will read:

#### 10.5 OBJECTIVE #5 – Building Height – NORMAN

Development along the waters edge in Norman should be built so that the maximum height of The building does not negatively effect the quality of the viewscape, public access, building dominance and is in scale with the existing community.

#### BACKGROUND

The Norman Waterfront is primarily a residential area with lower density than the downtown. A lower maximum height is appropriate for this area and should be established.

The guidelines provide the same maximum building height for the Keewatin townsite, but the maximum building height given in the downtown waterfront area is 16.5 metres. Where tall buildings are proposed, the plan directs that a balance is struck using landscaping to soften their appearance.

The Plan assumes that such tall buildings would be constructed with zero lot line setbacks and that the full height of the building would be situated up against the side walk or street.

The creation of prominent visual and physical connections through the site, with peaks and dormers to create interest were also noted.

Section 7 of the guidelines remark on the character of the views from water, certain buildings are highlighted as offering interest and character, and others are described as having a lower quality design, and are even suggested for replacement.

Zoning of the primary development property (Area A) and waterfront (Area C) is Highway Commercial (HC), Area B is zoned Residential Density 3 (R3). Refer to Figure 4 below for zone mapping of the subject area and adjacent properties.

Permitted uses of the Highway Commercial (HC) Zone are limited to those that serve the travelling public and often requires large land areas for development. Examples of permitted uses include Automobile service stations, Commercial Storage facilities, Light industrial uses, and Hotels, some of which are particularly undesirable given the topography of the subject property, its proximity to water, and view shed of the lake.

The Tourist Recreational (TR) Zone, allows for a variety of accommodations to be established for recreational and tourism purposes; which include a Marina, Motel, Recreation Facilities, and Resort.

For the most part, the zoning mechanisms of the TR zone are more restrictive since a larger lot area is required, as well as larger building setbacks.

### **Results of Interdepartmental and Agency Circulation**

Many comments were received from internal departments:

Operations Department	<p>My only concern with the intended plan is the easterly access point (for the proposed new parking) appears to be at a "cliff". Unless I am reading their proposed plan incorrectly, I see significant issues with creating an access point here and the overhead utilities. I think from an access perspective (and safety perspective) we would be better having them access the property and parking off Nash and only using the one entrance point currently existing at the bottom of the hill.</p> <p>-</p>
Engineering Department	<p>Seeing this is a planning process approval, the technical engineering review would be conducted upon the availability of detail drawings and plans at the site plan/development agreement stage of the project.</p> <p>With the limited detail provided as part of the application there is no concern on the rezoning from Highway Commercial to Tourist Recreational. However there are a few general comments I have on the proposed development with application and documentation as provided: (Questions and Applicant's answers are provided below)</p> <p>Q1: With regard to the proposed height of the building, would you be able to provide any renderings of the front side which faces the Hwy? It would also be helpful to know what design elements are proposed.</p> <p>Section 3.15.5 of the Official Plan provides some criteria for</p>

compatibility including height and massing, and pattern of the surrounding community. I am anticipating that further questions will arise with regard to the requested height, and we will need to speak to these policies – please see below:

A1: As discussed over the phone, we are going to bring a schematic model that will show the height, massing and articulation of the building facing HWY#17. The model will address some if not all policies outlined below.

### **3.15.5 Compatibility Criteria**

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

Compatibility of new developments shall be assessed based on the following criteria:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;

Q2: It is uncertain if the diagonal parking proposed along Lakeview Drive is achievable. A portion of the stalls appear to encroach into the building, the drive aisle appears to be narrow. It is also uncertain as to what is being proposed in reference to the "Proposed Guard Fence" between the diagonal parking stalls and the sidewalk and if the stalls are nose in or back in? Consideration should also be taken into account on the City has an existing retaining wall and guiderail that would need to be dealt with for the easterly portion of the diagonal parking stalls along Lakeview Drive.

A2: Diagonal parking is intended to serve the highway commercial use. If this use is not deemed necessary the requirements for parking in the area might be reduced or eliminated. It is the intention for the development to include a parking platform in line with Highway that would permit egress from the parking area on the east side of the property. The drive isle is kept to a minimum of 12 feet which is a standard for 45° parking one way traffic [west - to - east] - all stalls are intended to be back in. This dimension can be increased if requested / required by the CoK. The southernmost portion of each stall shown are to be under the building - which is why they were shown 'encroaching'.

Guard fence is to be a decorative fence that would prevent the vehicles from exiting highway in an uncontrolled manner, and limit the curb cuts to ingress and egress locations only. The detail design for the fence is not determined at the moment, however it is envisioned that it would be a series of bollards that would allow pedestrians to move freely while limiting vehicular access.

Q3: The north wall fronting Lakeview Drive appears to be ranging between 9.5 m (30 ft) to 12 m (40 ft) in height in relation to the elevation of Lakeview Drive. This would mean that this north wall could be higher than the top of the hydro poles that are located along Lakeview Drive that are adjacent to the property. This height may cause concern to the public and or adjacent property owners. It is also unknown as to the architectural finish of the tall wall so no further comment can be provided as the aesthetics of the tall wall. The same can be said for the east wall that would parallel Nash St.

A3: Please refer to A1 for our response. We are not clear how to interpret expressed concern about the Hydro poles in terms of height - please advise as this is not an uncommon condition as long as distance from the hydro poles and wires meets the regulations?

Q4: There is a City storm pipe that is located in the shoreline property. It is uncertain at this time if there is a conflict with this storm pipe and the proposed Club House/Administration building.

A4: The design team are aware of the pipe. As we develop the design further, we will take this particular concern into account. As the proposed structure on the Shoreline Property is required to be above the Regulated Water Level, it will be constructed / elevated on posts. This type of construction should permit the pipe to remain undisturbed while permitting the structure [as long as adequate clearances from the pipe are maintained]. In the case that this solution is not deemed acceptable by CoK, we will either design / construct the building in a way that it does not affect access to the pipe, or work with the CoK to relocate the pipe to facilitate the construction of the Clubhouse.

Q5: There is question as to why there is land being suggest to turn over to the City, specifically being located at the south west corner of the main property fronting Lakeview Drive. In looking at the property survey overlaid on the aerial photo, there is no road encroachment, and if the lands for transfer to the City as depicted on drawing 2. Development Lots With Proposed Setbacks, this offered land to the City terminates into the adjoining private property to the west. Therefore, with the details provided at this time, there may be no benefit in the City obtaining this land unless there are other issues that are not apparent with the application documentation.



	<p>A5: This sliver of land was offered to the city to establish a desired ROW width of 66 feet, measured from approximate centre line of the existing road. Ultimately we expect that this decision is to be made by the CoK.</p> <p>Q6: The width of the proposed land for the City to provide to the development located on the west side of Nash Street should be better determined as there is City sewer and water mains that are located on the west side of Nash Street and adequate distance between the east wall of the building and the sewer and water should be maintained so as any future excavation on the sewer and water will not affect the proposed building.</p> <p>A6: This concern was brought to our attention in the first meeting we had with the CoK. Please advise what that distance is and we will accommodate in the next step of the design process.</p> <p>- January 24, 2019</p>
Roads Department	<p>Roads Division has no concerns with the Application.</p> <p>- January 25, 2019</p>
Building Department	<p>From a Building Code perspective there is no comment at this time.</p> <p>Other comments include;</p> <ul style="list-style-type: none"> <li>- Is the parking along Hwy 17 E feasible?</li> <li>- Ref. plan page 2 – for the purpose of lot coverage are the 3 properties treated as 1 or 3 separate?</li> <li>- Are there conceptual drawing available for the HWY 17 and Nash St Elevations? 15 M of exposed wall face!</li> </ul> <p>- January 25, 2019</p>
Kenora Fire	<p>I have no issues with the rezoning and adjustment to the set back. In review of the written description of the building, the topography of the site and the terraced design. The architect must take into account the Section 3.2.5.6 Fire Dept Access Design of the 2012 Building Code. Specifically the maximum gradient change of 1:12.5 over at least 15 metres to prevent larger trucks from dragging its rear end or mid-section. This will all be dependent on the final building location.</p> <p>There are two hydrants in this location one located on the north portion of the property, with poor access, on Nash Street. It is recommended that a turnaround be constructed in this area to accommodate fire apparatus. If Nash Street exceeds 90 metres a turnaround it will have to be constructed.</p> <p>- February 22, 2019</p>
Water and Waste Water Department	<p>Water/wastewater division has no issues other than an existing nearby sewage pumping station at the intersection of Nash Drive and Lakeview Drive on the west. Though we have no odor issues with this station, it's our duty to make Developer aware on its location.</p>

	<p>- January 22, 2019</p>
Synergy North	<p>Sorry we were unable to comment before the deadline. It wasn't clear in the supplied drawings if any of the property boundaries were changing. IE Surplus and conveyance of Nash St. If that's the case, we'd ask for easements for our infrastructure or contribution towards the relocation.</p> <p>Currently, there are a number of services to various buildings on each of the three identified properties which will need to be consolidated as new services are requested. Per our Conditions of Service we allow 1 service per property. The 2012 Ontario building code have clarified that no buildings are to be permitted within 5m (horizontal distance) of overhead energized wires. Please contact John Oriecua 807-343-1168 for servicing and infrastructure relocation options.</p> <p>- February 7, 2019</p>
Environmental Services	No comments
Ministry of Natural Resources (MNR)	<p>The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. The proposed commercial docking will require occupational authority by Crown Lease and resolution of the long-standing encroachment across the projection of the west property line.</p> <p>The proposed amendment poses a low risk to fish and wildlife features, therefore the Ministry of Natural Resources and Forestry has no concerns with this application at this time.</p> <p>- February 13, 2019</p> <p>As per the memorandum of understanding between MNRF and the Boating Ontario Association, water lots for large scale commercial marinas (more than 500 linear feet of dock space) are to be authorized by Crown Lease. The owner of the Anchor Inn is aware of this but we are waiting for the encroachment to be resolved before proceeding.</p> <p>- February 2, 2019</p>
Lake of the Woods Control Board	<p>Provided the structure is resilient to flooding up to the hazard contour, the LWCB would not have concerns with it. I would appreciate seeing design details that show this to be the case.</p> <p>- February 20, 2019, 8:25 a.m.</p> <p>Are you able to provide me with the datum used for the contour in the drawing you provided? In the official plan, the datum used to define the hazard contour is Canadian Geodetic Vertical Datum 1928 (CGVD28). If the contours on the drawing are relative to that datum, the proposed Area 'C' building is nearly entirely on hazard land (lands below 324.6 m elevation).</p> <p>For the Primary Development site, there contour of 324.6 m ends abruptly at the development site. Depending upon where this contour</p>

extends, and what the grading plan is for the primary development, portions of it might also be within hazard land.

I'd appreciate any more detailed drawings of the site plans including grading plans.

- February 20, 2019, 7:55 a.m.

The Lake of the Woods Control Board today received the Notice of Complete Application and Public Meeting for the subject file, the bylaw amendment related to the Anchorage Inn Project.

I am writing to see if you are able to provide more information on the planned construction of the clubhouse/administration office described for Area C. If I understand the application correctly, it appears to be very close to the water's edge:

The Lake of the Woods Control Board provided input to the City of Kenora for its Official Plan, including recommendations on hazard land definitions relative to Lake of the Woods water levels. Based on the materials in the notice, I am concerned that the proposed amendment would permit construction of a building within the hazard area, and therefore be subject to period inundation from high Lake of the Woods water levels beyond the control of the LWCB.

I'd appreciate any materials you can provide that would describe the contour of the building envelope relative to the hazard land level as well as any information on the proposed structure for Area C that would make it safe from inundation if it is indeed within the hazard area. If the proposed construction is indeed within the hazard area and not designed to withstand periodic inundation, the LWCB will submit input opposing the amendment.

- February 19, 2019

A public meeting is scheduled to be held by Council on March 12<sup>th</sup>, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on February 7<sup>th</sup>, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on February 7<sup>th</sup>, 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.

On February 21<sup>st</sup>, 2019, the notice was republished in the paper for the purpose of correcting the file number on the notice which was erroneously published as D14-19-01 in the first publication. The reference to the location and all other information was correct, so that there was no need to restart the notification period.

As of the date of this report (March 5<sup>th</sup>, 2019), three (3) submissions, and now have received four submissions neighbouring property owners east of the subject location, including a resident of the Kenora Condominiums, a legal representative of the Kenora Condominium

Corporation Number 2, and the owner of large vacant lands at the end of Nash Street. Letters of comment received to date are attached this report.

The foremost concern identified within the comments is for Area C, which is the part of the property located closest to the water, and is requesting relief from the zoning by-law to allow for a 2 storey building to be developed for an administration office and clubhouse, with two (2) guest suites on the second floor. Concerns include a negative impact to their view of the lake and marina, as well as safety concern about increased vehicle and pedestrian traffic along Nash Drive, and concern that future development along Nash Street will be disallowed. There is also concern about loading of boats, and unsafe area for unloading cars and people to docks.

Further concerns include an impact to sight lines of drivers as a result of the proposed setback reduction of the building proposed in Area C, as well as diminished greenspace, increased congestion, and flooding concerns. The height of the building is also a concern, and the writer suggests that the uses can be accommodated within Area A instead.

Comments were also submitted in regard to the proposed exchange of land ownership with lot additions. Since the City refused to sell the Condominium Corporation shoreline property for a parking lot, which was submitted in an application to purchase dated 2015, the Corporation feels a precedent was set and that this application should be refused also.

### **Planning Advisory Committee**

The Statutory Notice also stated that on February 26<sup>th</sup>, 2019, the Planning Advisory Committee (PAC) would have the opportunity to consider a recommendation of the application to Council. The PAC's resolution and draft meeting minutes are attached.

The agent for the application presented the proposal to the Committee, which included a power point presentation with displays of the 16 layout options considered early in the process, building renderings, topography contours and elevations, as well as details of the business model and fractional ownership concept.

The PAC asked questions and discussed the application. A major concern was brought forward by a PAC member with regard to the dimensions of Area C, noting that the site plan did not accurately display the property boundary, and that lands to the west are filled lands and not part of the applicant's ownership. The applicant understood the rationale for the concern and said that he would double check with the surveyor as well as the Ministry of the Natural Resources (MNR) who is the owner of the bed of the lake.

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. Refer to Figure 7.

### **Evaluation**

The proposed Zoning By-law Amendment will allow for development of a resort, which is historically very similar to the use that existed for many years in its capacity as the Anchor Inn.

The proposed development has strategically taken into consideration each of the greatest assets of the location, which include the view, access to the lake, access to the Hwy, and

even the topography which by virtue of its slope, is able to take advantage of a terraced building design.

At the outset of the project, the applicant described the various methods that would be incorporated to ensure that the proposed development would be suitable for the area, despite the various reliefs that are being requested. For example, the effect of building height which is proposed to exceed the maximum height prescribed by the Zoning By-law, as well as the waterfront guidelines, would be minimized by incorporating design features that would lessen the impact, such as to limit the height of the front wall to 2 stories, so that it would not appear stark from the Hwy.

The reliefs requested to reduce the building setbacks, are discussed within page 7 of the planning rationale. Building setbacks are intended to allow for access to other parts of the building, to provide for parking, amenity space, privacy, a margin of safety and distance from roadways, snow removal, etc.

For the primary development site (Area A), the applicant describes that the existing building is closer to the front lot line than 6 metres, and that if the setback can be reduced from 10 metres to 6 metres, it would enable better access to the front of the building since there is a slope. Other buildings along the hwy are also located closer than permitted by the By-law, so a precedent is already established.

The setbacks along the side property lines are also requested to be reduced. Currently the building is closer than permitted on the westside, and it is not causing any issues. Given the configuration of the lot, a narrowing variance is also requested along the east side lot line which is abutting Nash Street, which is a quiet roadway providing access to just one dwelling, and the proposed resort parking lot. If allowed for, these reliefs would enable a larger amenity space to be provided for within the interior of the resort property.

The rear yard setback on Nash Drive is requested to be reduced to 4.5 metres, which the applicant explains would allow for the optimal balance of the units. The east side of the building is currently positioned less than 0 metres, and actually encroaches onto Nash Street.

Relief is also requested for Area C, to allow for a building on the shoreline to encompass an administration office, a clubhouse, and two resort suites on the second floor. Concerns have been raised with regard to the build height (maximum of 7 m), the reduced setback to the road, and general congestion.

Shoreline development which supports tourism is encouraged, as such use of the shoreline for administration and leisure may be suitable. Without confirmation for the size of the land area, and in the absence of renderings to demonstrate compatibility such as massing, and pattern of the surrounding area, it is extremely difficult to provide a supportive recommendation for the second floor resort suites aspect of the proposal.

Applications for Draft Plan Approval of Condominium, as well as Site Plan Control will be submitted following an approval for the subject Zoning By-law Amendment. Through Site Plan Control, a close review of the various concerns submitted by the City's Operations and Engineering Departments can be undertaken. Facilities associated with drainage, lighting,

as well as the location of buildings, parking stalls entrances to the property and so on, would all be considered at that time.

All public comments received to date have been provided to the applicant for their review and the Planning Department is awaiting a response. This includes questions posed by the Lake of the Woods Control Board, and the most recent concerns presented at the PAC meeting with regard to property dimensions of Area C.

### **Recommendation**

As the Planner for the City of Kenora, it is my professional planning opinion that if the property dimensions of Area C can be confirmed, that the following amendments as proposed for the Application for Zoning By-law Amendment, File No. D14-19-02; be approved, in lieu of public comments that may yet to be received.

To change the zoning of the subject property from Highway Commercial (HC) to a site specific form of Tourist Recreational (TR) to allow for development of uses permitted within the TR zone, including a Resort.

- Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback to 2.4 m, reduce the front yard setback to 6 m, reduce the rear yard to 4.5 m, increase building height to enable a variable terraced design to 15 m;
- Area 'C', to allow for a single story Club House and Administration Office, to reduce the setback from water to 6 m, to reduce the rear setback to 4.5 m;
- To increase the lot coverage for the overall development to 44%.

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.

Councillor McMillan questioned if it is required to have a formal survey on that, and secondly, is it contingent on MNR marketing the land to the developer.

Ms. McCloskey explained that the property "C" is described as the exception. Described as lot

32. That section was taken out to be a roadway. In 1897 it was described as a sawdust fill. It was the water edge that described the lot line on the water. The discrepancy is where the water line would be defined. There wasn't a precise measurement. There was a measurement with the top and bottom. Until the property is surveyed we will not know. There is a risk of a 50% difference. There will be a boundary survey required in order to complete the transfers of land to the City. This piece will get sorted out before a building permit is issued through a registered plan of survey.

MNR said that they would entertain the transfer of the land to the developer contingent on the survey. General approvals are required for new docks. Owners working with the MNR to obtain a lease. They would have to be working through the MNR for tenure with the MNR. The MNR and the Planning office work together as they want to be consistent with the zoning bylaw and provincial requirements.

Councillor Smith questioned the access point on the easterly part of the property. All approvals are required for access points to the property. The roads and engineering department would be agreeable to this type of a project.

Mr. Brian Ingo stated that his interest as a property owner beyond the development. What are the dimensions of the road? Has the developer established what the plan for the road is? It was clarified that there wouldn't be a proposal for upgrades to the road. The road would become 20m in width. There are pinch points within the legal ownership of the road which would be addressed. The travel portion of the road won't change.

The other concern posed by Mr. Ingo is the water issue. He questioned the plan to have 70 stalls and presently you have 60. There is marketing desires and what is realistic. The client is in negotiations with the MNR. Currently the docks are encroaching over the side lot lines, so that will all be rectified with the MNR. This application is not dealing with the docking.

Further, bringing the Grace Ann into the area and that is a big deal. The intent is for it to be housed under the existing covered deck. It is proposed to be housed there and the reception services would be there.

The Planner explained that the structure would have to be refurbished or replaced. The structure that is currently there is legally non-compliant. Basically the size of the roof could be occupied again, there would be an application to evaluate that. There would be a circulation to the community.

Rudy Ramchander is a property owner of unit 2 of the condominiums on top of the hill. There are 10 unit owners up the hill. He contacted all of them and have received 7 responses from them who agree with him. The presentations were excellent and the work done on this project. Tourism is the life blood of this town. The questions he has made reference to beach pool marina and requested clarification.

Mr. Sasa Radulovic explained that the designs are very conceptual and we don't know what will get approved by the MNR. Water amenities haven't touched on little piece of land that the MNR have not provided approval on. The intent is to provide reception services for the Grace Anne in the little building. Rentals of various amenities would be included and will be shielded by the building.

It was questioned what the dimensions of the pool are. 16x30, however, again this is conceptual. Ms. McCloskey explained that this is in a very early conceptual design of this proposal, but will note that in the original proposal, this was a four season pool.

Rudy Ramchander questioned where the water lot is and who currently owns it. The area with the docks is owned by the MNR. The area by the shoreline is owned by the applicant and the area of uncertainty is either the applicant or the MNR.

There is a very thin piece of land owned by the City, which may be available, it was abutting land that the city owned. The only group that would be able to rent those spaces would be the back shore owner which is the Grace Ann Cottage Club.

Harry Ripley, frequent visitor to Kenora. Daughter used to own a condo there and he was concerned with blocking of the view of those current condos.

Sasa Radulovic explained that one reason he brought the model is to demonstrate the view. The proposed development is only blocking the area out front. Maintained through very high standards.

Wendy Patrick lives in the condos above this proposed development. Her concern is the roadway and amount of traffic on Nash Street. In the summer it is almost impossible to make a left turn with the traffic on that road. Going from a 10 unit structure to the proposed development, you are bringing in a lot more traffic. Would like to see Council do something to address that traffic impact in that area. House a lot of office buildings, busy part of road. Nash Street, one house at the end. People live on those boats all summer. When talking about only a few houses that's not realistic. Lot of people are living there in the summer. The amount of traffic is significant and especially when people go onto boats come on Friday nights, loading boats, so vehicles sit on Nash Street. Sometimes you can't get by to get to the residences. If you are going to the club house there is there going to be parking there for people to pull off Nash Street? People park their vehicles in front of the first set of docks there for the whole weekend.

The property will not encroach anymore and docking and will be for guests only. The developer will have to police that now, and will have to deal with that on their own. They are hoping that it will have to go. There will not be accessible parking as it is just a drop off and they don't want to see vehicles there.

It was questioned what changes they are going to make now to dock the Grace Anne as it is going to be a concern. The public love the look of it, but think Kenora should have green space too. Section C would like to see smaller and see some green space. They are intending on greening some roofs as well including the club house. Trailer storage will be offsite.

Ken Carlson, a member of the Kenora Airport board and has been a user of the dock space at Anchor Inn for past 7 years. A year ago the City erected signs do not park here. Tickets weren't consistent. Synergy North and Hydro One boats both use those covered docks because they have to put boats some place. It was questioned what if they can't find suitable replacement.

It was further questioned how many parking spots are needed for 70 docking spaces. If you



are renting then the requirements are one to one requirements. One parking slip to one dock slip. The parking/docking ratio isn't that exact and they still need to work number of dock slips. 60-70 dock slips the resort units would be providing 33 parking spaces then there would be an assumption of one boat slip tied to each of those. Then legally non complying approvals for dock slips are already in the water now. All the spots in the canopy now would be removed. It is not intended that there would be dock rentals there.

Dave Scribner, a resident of Kenora. Mr. Scribner is questioning the statement of buildings that are adjacent to the water will not have sanitary facilities. That simply meant that buildings on top of water.

Ms. McCloskey explained that the official plan policies do speak to docks water front and marine structures abutting water or over water and does state that the policy is intended to be more associated with residential use. There was a lot of issues with boathouses turning into secondary dwellings. It seemed like a lot of intensification. They put in extra policy to ensure that was not going to be the case moving forward. All dwelling would be pushed back 20 metres into the shoreline. This development is different because it's commercial development. Looking at green space, buffers and the environment is definitely considered.

Mr. Scribner is also concerned with boat parking. From the Ariel view of the plan, the covered parking is going to disappear. That leaves two possible docks and he doesn't see how we can do with less docking in this community. The use of spots that may or may not be used by residents of the resort. Lot of empty spots that will go to waste. Reducing the parking for residents of Kenora.

Looking at the business plan for condominiums for the price that these will be paid for they don't know how many people are going to get for the weeks in March or any other time. It was clarified that everyone would get prime summer time.

Don Parks noted that he own docks across the bay and the Q104 and Harbourview building which is closely located. He is curious but it is called a marina and he associates a marina with gas. He questioned if the new development will be pumping gas. It was clarified that they are not going to be pumping gas. Mr. Parks also questioned who the notice was circulated to and the process. Ms. McCloskey noted that it was mailed to properties within 120 metres within the property ownership. He felt he should have been included, his corporation, in the notice. It is a concern of his with 70 boat slips and parking spaces. Mr. Parks requested his name be added to the notification list.

Councillor Smith questioned if the boathouse is non-conforming. Ms. McCloskey confirmed she will look at the definition regarding backshore structures on land. The size of the structure is very large.

Mayor Reynard noted as there were no further questions, he declared the public meeting CLOSED at 1:17 p.m.