



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment & Official Plan
Amendment
(Re: D09-19-03 & D14-19-09 331 9th St. N. Former Mill Site)
Tuesday, November 12, 2019
12:00 p.m.

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any Planning Advisory Committee members will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes. There is also a sign in sheet for interested members of the public at the back of the room.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City 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 wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

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

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Devon McCloskey, to describe the details of the planning application.

2. Express Interest

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

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.



November 7, 2019

Council Report

To: Mayor and Council

Fr: Nadia De Santi, MCIP, RPP, Senior Project Manager, WSP and
Anita Sott, MCIP, RPP, Senior Planner, WSP

File Nos.: D09-19-03 and D14-19-09

Re: Applications for Official Plan Amendment and Zoning By-law
Amendment

Location: Former Abitibi Mill Site, 661 9th Street, Kenora, ON

Owner: 5901058 MANITOBA LTD.

Agent: Brandon Powell, BES, MBA, MCIP, RPP, President and COO,
Lombard Group North Ltd.

1. Introduction

Applications for an Official Plan Amendment (OPA) to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015 (By-law No. 75-2015), and a Zoning By-law Amendment (ZBLA) as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-2015), were submitted to the City of Kenora ("the City") by 5901058 MANITOBA LTD.

The OPA and ZBLA are for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256 (subject lands) (see **Figure 1**). The applications are to permit the development of the Former Abitibi Mill Site to a mixed-use development supporting a combination of Industrial, Commercial and Residential uses.

Figure 1: Key Map of Subject Lands, Former Abitibi Mill Site



2. Description of Proposal

The subject lands have a total site area of 36.63 hectares (90.52 acres) with approximately 1,167 m of frontage on Ninth Street North. The subject lands are generally bordered by Veteran's Drive to the west, Ninth Street North to the north, Ninth Avenue North to the east, and Fifth Street North to the south.

The vision for the proposed redevelopment of the Former Abitibi Mill site is to establish a mixed-use development supporting a combination of Industrial, Commercial and Residential uses. Plans for the property envision approximately 16.29 hectares (40.25 acres) maintained for Industrial use, 3.25 hectares (8.03 acres) dedicated for Commercial use, and 13.56 hectares (33.51 acres) dedicated for Residential uses. The subject lands are currently unserved (there are no water, wastewater, hydro, gas, telecommunications or internet services to the vacant lands), with the exception of the existing industrial buildings which are serviced from Ninth Street North.

Official Plan Amendment:

The purpose and effect of the Official Plan Amendment is to:

- Redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area.
- The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

Zoning By-law Amendment:

The purpose and effect of the Zoning By-law Amendment is to:

- Rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).
- The effect of the Zoning By-law Amendment is to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.
- The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 18 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4 m. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.
- The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and development may not occur on the subject lands until:
 - a) a Record of Site Condition satisfactory to residential use is submitted and approved;
 - b) supporting studies, including a transportation impact study, servicing study to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale, are submitted and approved; and
 - c) An agreement is entered into with the City of Kenora for the implementation of recommendations and associated mitigation as required by the supporting studies referenced in a) and b) above, to the satisfaction of the City, if required.

The intention is that the existing owner would continue to own the parcels to be designated Industrial Development Area and zoned Light Industrial (ML) and Light Industrial, Exception (ML[46]), and sell off the remaining parcels. It is intended that the parcel to be designated Commercial Development Area and zoned General Commercial (GC) would be redeveloped first.

Future development of the residential lands will be subject to future development applications, which will require further planning and detailed technical studies. Any future application will involve a public process, along with the availability of the development proposals and associated studies for public review.

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

- Planning Rationale (Official Plan Amendment) (Lombard Group North Ltd., September 19, 2019)
- Proposed Land Use Map (see **Figure 2**)
- Planning Rationale (Zoning Amendment) (Lombard Group North Ltd., September 19, 2019)
- Proposed Zoning Map (see **Figure 3**)
- Proposed Zoning Map – Special Exceptions (see **Figure 4**)
- Zoning – Lot Descriptions (see **Figure 5**)
- Phase III Environmental Site Assessment (AMEC Earth & Environmental, December 2010)
- Preliminary Geotechnical Investigation (AMEC Earth & Environmental, December 2010)

3. Existing Conditions

The subject lands are a 36.63 hectare parcel generally bordered by Veteran's Dr. to the west, Ninth Street North to the north, Ninth Avenue North to the east, and Fifth Street North to the south. The predominant existing land use on the site is designated Industrial Development Area (with a Future Development Overlay), however, the site also includes a Residential Development Area land use to the northeast with a smaller Rail Yard land use (rail spur) to the southeast corner of the site. It is our understanding, based on discussions with the applicant and their agent, that the rail spur is no longer in operation. The applicant and owner of the lands intends to decommission the rail spur, with the approval for residential use. The site contains a mix of relatively flat and exposed (no trees) terrain where former milling activities occurred, along with several prominent areas consisting of treed rocky outcrops to the southwest, south, and northeast sections of the site. Within the site, there are three existing buildings centrally located on the site currently occupied by various users.

The site is surrounded, to the north, south and east by Established Area (primarily consisting of 100-year old single-detached houses) and Open Space land use areas. More specifically, adjacent to the site immediately across Ninth Street North, there is an existing mix of small commercial/industrial, as well as residential uses and the Lake of the Woods Cemetery. To the east, there is a mix of residential, institutional (the Evergreen Public School and the Kenora Armoury), recreational (the Evergreen Community Club) and religious (the Ukrainian Greek Orthodox Church of St. Vladimir) uses. The CPR corridor is located further to the south as is the downtown area known as the Harbourn Town Centre. The majority of the land immediately to the east of the site (i.e. east of Veteran's Drive) remains undeveloped, with the exception of the Seven Generations Education Institute.

4. Site Visit

Although WSP has not undertaken a site visit of the subject lands, Nadia De Santi has worked in the City of Kenora extensively and has visited the subject lands on previous occasions. Ms. Devon McCloskey, City Planner, visited the subject lands with the agent for the applicant, Mr. Brandon Powell, on October 29, 2019.

Figure 2: Proposed Land Use Map (Official Plan Amendment)

PROPOSED LAND USE MAP

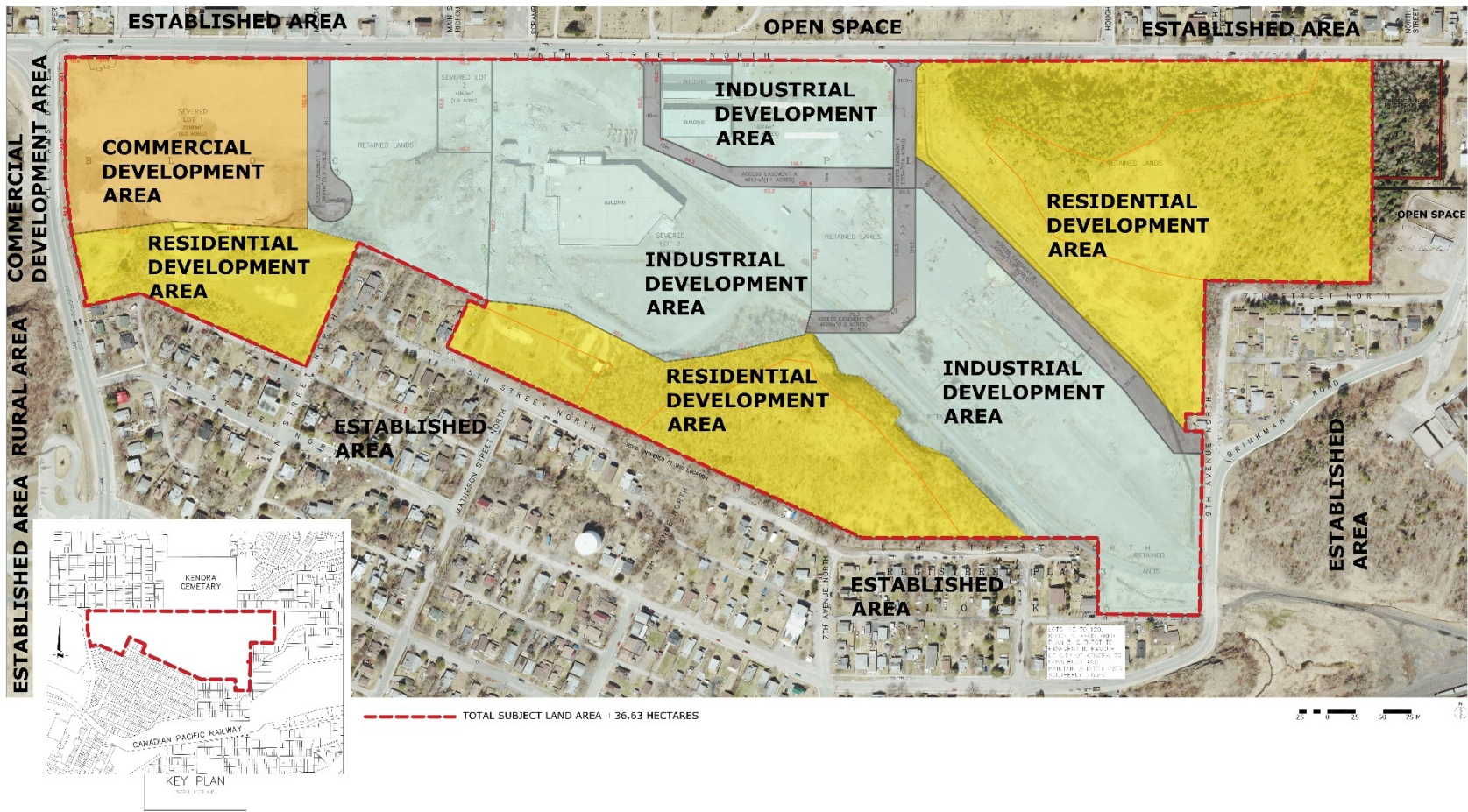


Figure 3: Proposed Zoning Map (Zoning By-law Amendment)

PROPOSED ZONING MAP

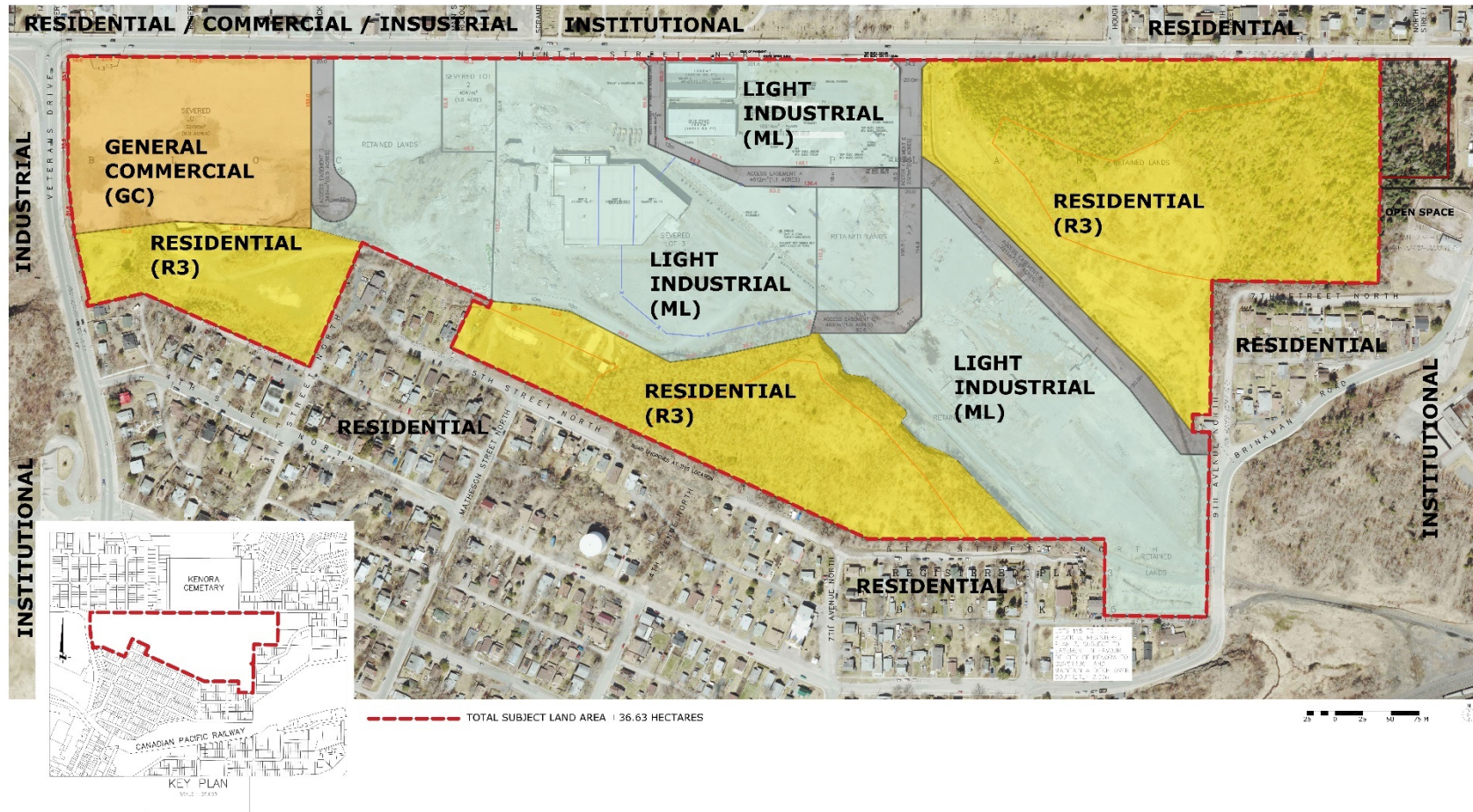


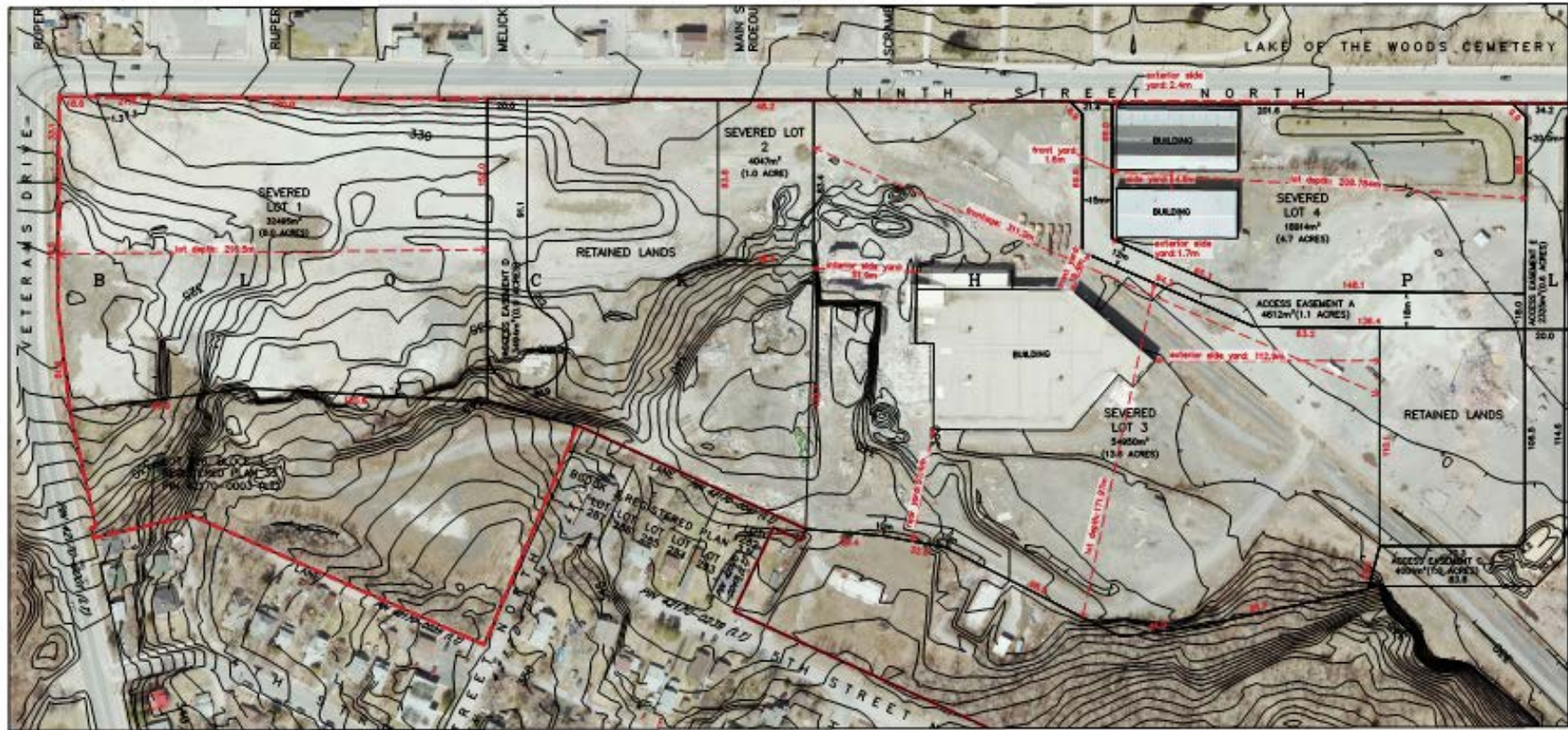
Figure 4: Proposed Zoning Map - Special Exceptions

PROPOSED ZONING MAP - SPECIAL EXCEPTIONS



Figure 5: Zoning - Lot Descriptions

ZONING- LOT DESCRIPTIONS



----- Total subject land area 36.63 hectares

5. Site Background

The subject lands were formerly occupied by the Abitibi Mill; they are located within the Established Area in the City of Kenora Official Plan and surrounded by existing residential development to the north, south, and east, as well as some commercial and institutional uses to the north. As a result of the Mill closure, the site has been predominantly vacant since approximately 2006, with the exception of three (3) existing industrial buildings.

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

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

The proposed OPA and ZBLA support the future redevelopment of the site by permitting a broader range of land uses, including residential uses that have the potential to contribute to additional housing stock and a diverse range of housing types in the City.

6. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

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

- Policy 1.1.1 b) which explains that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) [...] and other uses to meet long-term needs. **The proposed OPA and ZBLA would enable residential uses to be permitted, thereby contributing to the range and mix of available housing types in Kenora, such as apartment dwellings, duplex dwellings, multiple attached dwellings, semi-detached dwellings, single-detached dwellings, stacked dwellings, and triplex dwellings.**
- Policy 1.1.1 c) which provides that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. **The proposed OPA and ZBLA support the protection of public health and safety**

through the inclusion of a holding zone on the subject lands proposed to be redesignated and rezoned for residential uses, until such time that a Record of Site Condition and supporting studies are submitted by the future land owners / developers and approved, and any required recommendations and mitigation measures from the supporting studies are implemented, prior to any residential development taking place. The proposed holding zone for the parcels to be rezoned to R3 establishes this protection.

- Policy 1.1.3.3 which explains that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment, including brownfield sites. **The proposed OPA and ZBLA includes lands identified by the City as strategic locations for intensification and redevelopment. The subject lands would be considered a brownfield site. "Brownfield sites" are defined in the 2014 PPS as "undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant."**
- Policy 1.3.2.2 which explains that planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. **The proposed OPA and ZBLA contemplates a portion of the site to be converted from potential employment lands into other uses (i.e. residential). The majority of the lands will remain for employment uses.**
- Policy 1.4 which explains planning authorities shall maintain an appropriate range and mix of housing types and densities, including affordable housing options. **The proposed OPA and ZBLA would enable residential uses to be permitted, thereby facilitating the future development of additional housing stock in Kenora, including a range of housing types permitted in the proposed R3 Zone, such as apartment dwellings, duplex dwellings, multiple attached dwellings, semi-detached dwellings, single-detached dwellings, stacked dwellings, and triplex dwellings.**
- Policy 1.7.1 e) explains that long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites. Further, Policy 3.2.2 explains that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any development activity on the site associated with the proposed use such that there will be no adverse effects. **The proposed OPA and ZBLA promote the redevelopment of contaminated areas for repurposed uses, and will be remediated by future lot owners as per provincial regulatory requirements.**

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

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

Objectives under Principle 1 include:

- To promote compact development by using land and existing infrastructure efficiently.
- To support infill and intensification in built-up areas (e.g. Harbourside Centre) where services exist.
- To provide opportunities for the adaptive re-use of former industrial areas and brownfield sites where the industrial use is no longer viable.

Section 2.2.3 Principle 3 – Affordable Housing of the OP states that Kenora shall support the location of affordable housing in an integrated manner within new or existing development.

Objectives under Principle 3 include:

- To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market, with the goal of providing a timely response to housing needs associated with a diversified economy.

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

Objectives under Principle 4 include:

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

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

Objectives under Principle 6 include:

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

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

Objectives under Principle 7 include:

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

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

Section 3.6 of the OP contains policies for Development and Redevelopment Adjacent to Railway / Transportation Corridors. The OP states that development along railway corridors and near rail yards should be limited to industrial and commercial uses. Applications for planning approvals to allow for residential or other sensitive land uses between 300 m and 1000 m of a rail yard, or within 300 m of a railway corridor shall be accompanied by a noise study, to the satisfaction of Council in consultation with CP Rail, demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Where development is proposed within 75 m of a rail yard or railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with CP Rail, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Appropriate safety measures, such as setbacks, berms and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the rail companies. The applicant has not submitted a noise study nor a vibration study with the OPA and ZBLA applications, as the rail spur is no longer in use. CP requests registration of their noise clause on the title on residential lots, which can be made a condition of approval for future consent applications. The Holding Zone and future development application submissions for draft plan of subdivision, draft plan of condominium, and site plan control will determine what studies and mitigations are required by CP, prior to the removal of the '-h'.

In the Residential Development Area designation, residential uses and all housing types, commercial, retail, and institutional uses, such as schools and places of

worship, are permitted (Policy 4.2.1). Policy 4.2.2 (b) states development in these areas should occur in a contiguous manner as a logical expansion of existing development. Policy 4.2.2(c) states that a range of densities shall be encouraged to ensure a variety of housing forms. Policy 4.2.2(d) states that, in recognition of the future needs of the population, new housing should provide opportunities for affordable housing as well as housing suitable for an aging population and persons with disabilities, in recognition of the future needs of the population.

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

In the Industrial Redevelopment Area, the Industrial Development Area designation is intended to identify employment areas where major industry and related enterprises are encouraged to locate in the City. The Former Abitibi Mill site provides an opportunity for adaptive re-use and an opportunity for mixed-uses. The City has adopted a Community Improvement Plan for the site, which envisions the development employment uses and training facilities (Policy 4.5).

Section 5.4.1 – Redevelopment Lands of the OP states lands shown as Future Development Area on Schedule A of the OP represent older sites or Rural Areas that may be prime locations for development or redevelopment. Redevelopment Lands are existing or former industrial sites which provide opportunities for redevelopment and to potentially accommodate a range of uses. Although these sites may shift from employment-generating use to another land use, the City continues to enjoy an adequate land supply for employment uses. The following will apply:

- Connection to full municipal services is required, however one of the newly proposed lots is proposed to be off the grid.
- Lands shall be subject to the preparation of a concept plan prior to development. The required concept plan will illustrate land uses, proposed densities, pedestrian and vehicular movements, open space, municipal services, traffic impact, as well as other elements as identified by the City.
- Where a change in land use is identified through a concept plan, Amendments to the Official Plan and Zoning By-law will be required prior to development.

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

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

- To ensure the maintenance of the existing building stock.
- To encourage the conservation, rehabilitation, renewal and reuse of heritage resources, including heritage buildings.
- To encourage and incentivize construction of affordable housing.

Section 8.8 – Potential Contaminated Sites of the OP states where planning approvals are required prior to the development of any property which may have been contaminated by previous uses, or where a change in use to a more sensitive land use has been proposed, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with the Ministry of Environment and Climate Change guidelines. In some cases, where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition, acknowledged by the Ministry of the Environment and Climate Change [note: now the Ministry of the Environment, Conservation and Parks (MECP)], shall be required, in addition to studies to ensure compatibility, prior to the removal of a holding symbol. In the interim, uses permitted on such properties shall be restricted to existing land uses. The effect of this policy is to prevent the development of a more sensitive land use until such time that site remediation has been completed.

The Province uses Records of Site Condition as a safeguard to protect public health and safety from contamination which may be present on a property and which may result in an adverse effect, as defined under the Environmental Protection Act. Records of Site Condition (RSCs) summarize the environmental condition of a property at a specific point in time and are used to demonstrate that a property has undergone the appropriate studies and remediation to support proposed development. Changes to the proposed use of a property can trigger the need for filing an RSC with the Province. Based on information provided by the Province in a presentation in February 2019 (see **Figure 6**), changes from an existing land use ("Category 1") to a more sensitive land use (i.e. "Category 2" - residential, parkland, and institutional and "Category 3" - agricultural and other uses) requires the submission of an RSC.

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

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

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

The proposed OPA conforms to the Official Plan. As directed in the objectives under Principle 1 – Sustainable Development, the proposed amendment intends to intensify a large underutilized brownfield site through redevelopment and adaptive re-use of existing structures. The proposed amendment also supports Principle 3 – Affordable Housing and the objective of providing of a mix and range of housing types that meet the needs of all current and future residents. The applicant is proposing three substantial areas of Residential land use that will enable new housing investment, to be developed by future landowners.

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

The proposed OPA also supports Principle 6 – Complete Communities in that contributes to mixed-use neighbourhoods and a mix of uses towards creating complete communities by enabling opportunities for employment uses and a range of housing choices. Moreover, it provides an opportunity to redevelop the Former Abitibi Mill site with employment uses. Further, the proposed amendment supports Principle 7 – Neighbourhood Design by supporting new employment and housing options that enhance the City's capacity to address the needs of its residents. Detailed design will be determined through Site Plan Control applications from future landowners. This will ensure aspects of neighbourhood design are attractive and compatible with development in the area.

The proposed OPA conforms to the policies in Section 1.3.1 The Challenge Ahead. The proposed amendment promotes a balance between residential and employment lands. Redevelopment will not only provide opportunities for future investment in affordable housing but investment in new commercial and industrial enterprises creating additional jobs for residents of the City of Kenora.

With respect to the policies of Section 3.6 Development and Redevelopment Adjacent to Railway / Transportation Corridors, the rail spur in the southeast corner of the site is not expected to be utilized and the owner intends to decommission it as part of the site redevelopment.

All maintained and proposed Residential Development Areas establish continuous residential development within pre-existing Established Areas. These Residential Development Areas provide future opportunities for the development of a variety of housing options to address community needs and priorities. As per the Commercial Development Area designation, redesignating a portion of the Former Abitibi Mill site from Industrial to Commercial use will position the area to attract new commercial opportunities, inclusive of the possibility of new retail uses and tourist destinations. Some retail commercial uses are also permitted under the proposed Light Industrial zone sought in the Zoning Amendment. As per the Industrial Redevelopment Area designation, the redevelopment at the Former Abitibi Mill site will include full municipal services (which will be the responsibility of future land owners) to support industrial investment in the area. Existing buildings are currently transitioning into adaptive re-use facilities for a mix of existing businesses such as Atlantic Industries, First Student Bus Lines, and Kenon Builders.

As per Section 5.4.1 – Redevelopment Lands of the OP, the subject lands are identified as redevelopment lands on Schedule A of the OP. The proposed concept will redesignate some areas from Industrial Development Areas to Residential Development Areas. Although this shift in land use may remove some previously allocated employment lands from the City of Kenora, the City has sufficient land supply for employment uses. Moreover, the Residential Development Areas proposed align well with other policies and objectives of the Official Plan discussed throughout this document. The developer confirms that the vision for the site will include connections and required upgrades and extensions of municipal services at the expense of future lot owners/developers. Moreover, a series of plans will be issued along with the various required development applications for use and consideration by the City.

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

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

The applicant acknowledges, however, that a Record of Site Condition will be required prior to the development of any residential uses and other permitted sensitive land uses on the subject lands. The applicant accepts the placement of a Holding Zone on all lands proposed to be redesignated and rezoned for residential uses, subject to the satisfaction of the Record of Site Condition requirement and requirements for supporting studies and implementation of recommendations and mitigation measures therein for any future development applications, including a transportation impact study, servicing study to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale. It is important to note that, even with the proposed redesignation and rezoning of a portion of the subject lands for residential uses, such uses will not be permitted to be developed until such time that a Record of Site Condition has been submitted to the Province and accepted, and until the above-noted supporting studies are submitted to the City and approved and recommendations and mitigation measures are implemented, as part of future development applications.

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

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

6. Results of Interdepartmental and Agency Circulation

Engineering Department	<p>The ability for current sewer infrastructure to accept additional loads is not known, upgrades to lift stations may be required, as well as extension (length not known) to service the properties.</p> <p>Capacity for the water system is also not known, and there is a known lack of pressure in the system for existing users in this location of the City. Extension of pipe as well as water booster station(s) may be required specific to the development build(s).</p> <p>There is no storm drainage system on Fifth Street North, existing drainage is natural, or over roads, other properties, etc. Where will drainage be directed to?</p> <p>Roads are substandard in many locations, narrowing down to one lane in winter, directing additional traffic through these areas will require upgrades and studies to inform what upgrades are necessary. A Traffic Impact Study will need to take into account not only the immediate access and egress of the new development, but also take into consideration the road capacity and functionality of the existing road system the proposed development will rely upon, to get vehicles and or pedestrians to and from a collector road(s).</p> <p>The extent and degree of undertaking for the individual studies as well as the subsequent improvements, will depend on the specific development proposal.</p> <p>All three residential sites will have servicing constraints and limitations, and the City is not able to advise on existing capacity.</p> <p>In addition, there is still the concern of an access/egress to the proposed creation of Lot 1 off of Veterans' Drive that a developer may want to consider. It is still a concern that any proposed access/egress, either on the east or west side of Veterans' Drive south of Ninth St N would not be acceptable to the City Engineering Department unless proven otherwise by the developer's traffic engineer that would prove and satisfy safety and functionality of such an access/egress at this location.</p> <p>- November 5, 2019 and October 29, 2019</p>
Roads Division	<p>The Roads division does not have any concern with the application at this time.</p> <p>- October 25, 2019</p>

Building Department	<p>RE; OP application and rational</p> <ul style="list-style-type: none"> - Does the changes speak to Section L, where it mentions 3.2.2 sites with contaminants shall be assessed and remediated prior to any activity? - RE; G., Rational, will they have to speak to land drainage which is expected to flow into the Winnipeg River area known as Rideout Bay regardless of noting drainage responsibility to individual lot owners? <p>- October 8, 2019</p>
Kenora Fire & Emergency Services	<p>At this stage in development, Kenora Fire would expect that the following sections from the Ontario Building Code be applied:</p> <p>3.2.5.4 Access Routes 3.2.5.5 Location of Access Routes 3.2.5.6 Access Route Design 3.2.5.7 Water Supply and Hydrants</p> <p>This will ensure that there is adequate water supply and fire department access to all future structures.</p> <p>- October, 22, 2019</p>
Water and Waste Water Division	<ul style="list-style-type: none"> - All the industries that may come on the proposed industrial development areas can discharge only the sewage complying with municipal wastewater parameters or they must have their own treatment units. October 1, 2019
Synergy North	<p>In order to comment on capacity of infrastructure or electrical supply, a preliminary design showing all potential loads would be required.</p> <p>- November 5, 2019</p> <p>Requested 3 m easements around each anchor at 5 locations along Ninth Street to protect existing anchors buried under the fence at an angle into the property.</p> <p>- October 29, 2019</p> <p>This request can be included in the conditions of approval for future planning applications (e.g. related Consent application).</p>
Environmental Services (Waste Management)	<p>Environmental division does not have any concern. The curbside collection is on Friday for residential public. The transfer station is very near the property so they can use Transfer Station for their waste management.</p> <p>- October 25, 2019</p>
Ministry of Municipal Affairs and Housing	<p>No written comments were received, but the City engaged in several verbal discussions with the Ministry to discuss the proposed OPA and concurrent ZBLA, and the related Consent application, early in the process. In these discussions, the Ministry confirmed that they are supportive of the methodology</p>

	being used by the City to ensure that provincial interests are protected would be addressed.
Ministry of Natural Resources and Forestry (MNRF)	No comments received at the time of this Report.
Northwestern Health Unit	Comments received October 24, 2019. Refer to attached letter. As future development applications are processed for the subject lands, the City will require parkland dedication or cash in lieu of parkland.
Lake of the Woods Control Board	No comments received at the time of this Report.
CP Rail	<p>Canadian Pacific Railway is concerned with the siting of a new residential development in close proximity to the Kenora Yard. The proposed land use is definitely not compatible with the continuous shunting activities at a railway yard such as this. The round-the-clock, outdoor operations at the yard are consistent with other industrial uses which fall under the MOE's Class III Industrial Facilities as per their D-6 Guidelines. Therefore, a noise and vibration study is required to ensure that the proposed dwellings meet NPC-205 requirements. Failing that, a minimum separation distance of 300 metres must be applied as per D-6 Guidelines.</p> <p>We cannot stress enough the importance of ensuring that future residents are protected against the inherent adverse conditions facing those living adjacent to the railway yard. Notwithstanding any other warning clauses recommended in the noise and vibration studies, a clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.</p> <p>An additional clause should be inserted in all offers to purchase, agreements of sale and purchase and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the close proximity of the Railway Yard; that its operations are conducted 24 hours a day, 7 days a week which includes the</p>

	<p>shunting of trains and idling of locomotives; and the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.</p> <p>- October 30, 2019</p>
--	---

7. Public Comments

A public meeting is scheduled to be held by Council on November 12th, 2019. Notice of the application was given in accordance with Sections 17 and 34 of the Planning Act, whereby it was published in the Municipal Memo of the Newspaper on October 17th, 2019, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments, at their regular Council meeting on November 19th, 2019.

As of the date of this report (November 7th, 2019), six (6) submissions were received from the public.

Lake of the Woods Ministerial Association	Expressed support for the rezoning of the subject lands to accommodate future housing needs with higher density residential uses, as well as opening the way for future businesses with the proposed General Commercial rezoning. Also expressed concerns with a casino development on the corner property at Veteran's Drive and Ninth Avenue North, due to proximity to residential neighbourhoods, education facilities, proximity to downtown and impacts on existing businesses, and traffic congestion. Requests that the City consider a separate zoning designation for "casino and gaming facility", rather than it being a permitted use in the General Commercial Zone.
Member of the Public	Expressed that the proposed rezoning will allow for future commercial and real estate development in Kenora, which is positive. Also expressed concerns with the development of a casino, and that a similar economic benefit can be gained with alternative real estate and commercial development.
Member of the Public	Expressed concerns with the development of a casino in the center of town and near residential areas, including concerns related to impacts on property values, traffic, and gambling.
Member of the Public	Requests that the proposed amendments clearly exclude casinos and all other gaming facilities from being built on the Former Mill Site, due to social concerns associated with gambling.
Member of the Public	Expressed support for development of the specific use of a casino and urges Council to persevere despite any community opposition, noting that the project will bring economic growth to the community.

Member of the Public	Expressed support for the proposed rezoning for residential uses and light industrial uses. Also expressed opposition to the proposed rezoning of part of the site to General Commercial (GC) in order to develop a casino on these lands, due to concerns with a restaurant being located within a potential casino, increased traffic in the area, proximity to a residential area, and concerns with a casino being considered under the definition for a "recreational facility" in the Zoning By-law.
----------------------	--

In addition, one (1) phone enquiry requesting more information on the applications was received.

It should be noted that any specific development on these lands, such as a casino, is not the subject of the current OPA and ZBLA applications.

8. Planning Advisory Committee

The Statutory Notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of these applications to Council at their meeting on October 29th, 2019. The PAC's Resolutions and draft meeting minutes are attached.

WSP, the agent for the application, presented the proposed OPA and ZBLA to the Committee by teleconference. The agent for the applicant also presented the proposed OPA and ZBLA in person, accompanied by a powerpoint presentation, which provided an overview of the subject lands; the vision for the subject lands in the City's Former Mill Site Community Improvement Plan (CIP) (2017); existing, surrounding, and proposed land uses and zoning on the subject lands; and site suitability to accommodate the proposed land uses.

One member of the public expressed support for the applications and asked if environmental testing on the subject lands is happening now, and noted three plumbing stacks on the lands at Ninth Street North and Veteran's Drive. Ms. McCloskey explained that some geotechnical work was being done in the summer, but that the City has not yet received any reports. Mr. Powell added that interested parties in the subject lands may be conducting studies. The member of the public further inquired if consideration had been given for a structural buffer between the proposed light industrial lands and the residential lands, to avoid shortcuts from the industrial lands to the cemetery, for example. Ms. McCloskey explained that buffer requirements would depend on the proposed development in the light industrial lands.

The PAC asked questions and discussed the applications. A PAC member noted that a 15 m rear yard is required per the Light Industrial Zone, which may create a buffer between light industrial uses and residential uses. Ms. Devon McCloskey responded that, per the D-Series Guidelines, minimum separation distances are measured from an industrial building and not the limit of the Light Industrial Zone. Ms. McCloskey also explained that some of the proposed residential lands cannot be

developed due to topography. The City will request buffers be put in place on lands within the proposed Light Industrial Zone.

Another PAC member inquired about private services on the subject lands and servicing of the existing buildings. Ms. McCloskey explained that the existing buildings off of Ninth Street North have municipal services, but that one of the newly proposed lots is proposed to be off the grid.

A PAC member questioned where fill on the site is coming from. The agent, Mr. Brandon Powell, explained that fill that is being moved on the site is coming from the west side of the southern-most proposal residential lands. The PAC member sought clarification if the fill is coming from the area which was subject to the Phase III ESA. Mr. Powell clarified that the entirety of the subject lands were the subject of the Phase III ESA, and that the study included maps of exceedances of contaminant levels.

Another PAC member asked if a noise clause can be included as a condition of Consent approval with respect to future development on proposed residential lands adjacent to the CP rail yard. Ms. Nadia De Santi confirmed that a noise clause would be included as a condition for any future residential development adjacent to the rail yard.

A PAC member questioned why the City would rezone lands to R3[h] when there has not been a Record of Site Condition submitted and approved. Ms. De Santi and Mr. Powell reiterated the City's vision for the site, as set out in the Former Mill Site CIP, which includes residential land uses and opportunities for housing development. Mr. Powell explained that the Phase III ESA included testing in the proposed residential lands, and identified that there were minor exceedances in contaminant levels. Mr. Powell reiterated the purpose of the Holding Zone on these lands, and that the Holding Zone would not be lifted until a Record of Site Condition was submitted and approved by future landowners.

Another PAC member asked why the lands should be rezoned for residential uses if it is not known that they can be developed for the proposed residential uses. Mr. Powell explained that the Holding Zone provides an option for a future developer, subject to further studies and conditions. Ms. McCloskey added that the City is supportive of residential development and that the City's Official Plan and Zoning By-law enable the use of a holding provision.

Ms. Nadia De Santi confirmed that a geotechnical study may be removed since it would be required for the servicing study for sewer, water and drainage. The removal of the environmental impact statement could also be removed as there were no natural heritage features or significant habitat identified by the Ministry.

A PAC member inquired about the decommissioning of the CP Rail Yard. Mr. Powell explained that the rail yard will be decommissioned, subject to the approval of the applications. Ms. McCloskey explained that the City has received information from CP on the process for decommissioning. Ms. De Santi added that there have not been discussions on including any requirements to be imposed on the application

approvals for decommissioning. The PAC member asked how the City can ensure that the rail yard is decommissioned, as it is possible that a future industrial use could use the area and the rail yard. Ms. McCloskey explained that even if the rail yard is not decommissioned, a Noise and Vibration Study and mitigation would be required for residential uses, such as a noise clause registered on title. She explained that if there are concerns about ensuring the rail yard is decommissioned, the PAC could recommend decommissioning the rail yard as a condition for approval of the applications.

The Committee discussed the applications. A PAC member did not agree with the removal of requirements for a geotechnical study and environmental impact statement as conditions for lifting the Holding Zone. Ms. McCloskey explained that as part of a servicing study, a geotechnical study would be required. She also explained that the Ministry of Natural Resources and Forestry (MNR) has not identified any natural heritage features or areas on the subject lands. The PAC discussed that the Ministry of the Environment, Conservation and Parks (MECP) is the approval authority for Records of Site Condition, and that their approval provides a “clean bill of health” for lands for residential uses. This approval is registered by the MECP, so future property owners have assurances.

The full set of draft meeting minutes is attached to this report for Council’s information. The PAC passed a motion to recommend the application’s approval to Council, with direction for City staff to investigate how the requirement for decommissioning the rail yard on the site be implemented through planning approval. Refer to **Figure 7** for the Official Plan Amendment PAC Resolution. Refer to **Figure 8** for the Zoning By-law Amendment PAC Resolution.

Figure 7: PAC Resolution - Official Plan Amendment, October 29, 2019



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTIONMOVED BY: Robert KitowskiSECONDED BY: John McDougall

DATE: October 29, 2019

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-19-03, for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256. The purpose of the Official Plan Amendment to redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area. The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2014, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

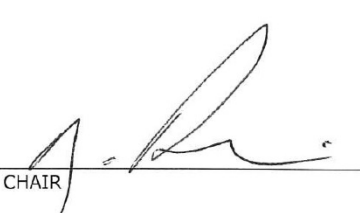
DIVISION OF RECORDED VOTE				CARRIED _____	DEFEATED _____
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS	 CHAIR	
	Fox, Peter				
	Richards, Bev	✓			
	Gauld, Wayne				
	Kitowski, Robert	✓			
	Pearson, Ray <i>Chair</i>	✓			
	Barr, John	✓			
	McDougall, John	✓			
	Koch, Andrew				
	McIntosh,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

Figure 8: PAC Resolution – Zoning By-law Amendment, October 29, 2019



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTIONMOVED BY: Robert KitowskiSECONDED BY: Tanis McIntosh

DATE: October 29, 2019

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Application for Zoning By-law Amendment, File No. D14-19-09, for the lands known as the "Former Abitibi Mill site", civic address 661 Ninth Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256. The purpose of the Zoning By-law Amendment is to rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).

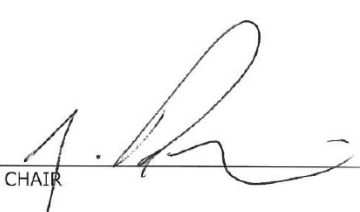
The effect of the Zoning By-law Amendment is to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.

The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 18 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.

The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and residential development may not occur on the subject lands until: a Record of Site Condition satisfactory to residential use is submitted and approved; and supporting studies for draft plan of subdivision, draft plan of condominium, and site plan development applications, including a transportation impact study, servicing study to address water, sanitary, and storm water requirements, noise and vibration study, and planning rationale, are submitted and approved.

That the Planning Advisory Committee direct city staff to investigate how the requirement for decommissioning the rail yard be implemented through planning approval.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2014, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

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

9. Evaluation

Official Plan Amendment

The proposed OPA is intended to enable commercial, industrial and residential development to occur on the subject lands.

The proposed OPA is supported by Principles 1, 3, 4, 6 and 7 and related objectives in Section 2 City Vision. It is also supported by OP policies in Section 5.4.1 Redevelopment Lands. It also acknowledges and supports the policies and directions in Section 8.2 Community Improvement and Section 8.8 Potential Contaminated Sites.

The OPA proposes to redesignate the subject lands from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area to accommodate the redevelopment plan to create a mixed-use development that supports a combination of Industrial, Commercial and Residential uses.

The proposed OPA would help to achieve the creation of complete communities and neighbourhoods with mixed uses that support the needs of residents and the regional area, including a diversity of housing options and community services in the settlement area. The proposed amendment will also allow for redevelopment of the Former Abitibi Mill site to create a diversified economy, enhance development opportunities and accomdate a range of commercial and industrial interests.

Zoning By-law Amendment

The proposed ZBLA is intended to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.

The proposed ZBLA is also intended to rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]). A range of commercial, industrial and residential uses are generally permitted in all of the above-noted zones.

The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 18 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4 m. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.

As per Section 8.8 of the OP, where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered. In order to address the requirement for a Record of Site Condition (RSC) for the development

of more sensitive land uses, and to address the need for the completion and approval of supporting studies for future development applications and the implementation of recommendations and associated mitigation therein, including a transportation impact study, servicing study to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale, the City recommends that a holding zone is placed on residential portions. Accordingly, the effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands until an RSC is submitted and approved by the Province, the above-noted supporting studies for further development applications are submitted and approved by the City, and any required recommendations or mitigation measures are implemented, prior to any residential development occurring on the subject lands.

The rationale for imposing the supporting studies as part of the Holding Zone provisions are numerous. One of the requirements as stated in the City's Official Plan Policy 5.4.1(c) includes: "Lands shall be subject to the preparation of a concept plan prior to development. The required concept plan will illustrate land uses, **proposed densities, pedestrian and vehicular movements, open space, municipal services, traffic impact, as well as other elements as identified by the City.**" (Note: emphasis in bold added). This policy has not been met as part of redesignating the Future Development Area. The City acknowledges that only a Proposed Land Use Map was provided as part of the OPA application. Therefore, the items that are in bold can only be determined through the preparation of studies that would determine the following: availability and capacity of municipal services; local road network; improvements both on and off-site; compatibility of land uses, especially between the residential and industrial land uses (see Section 3.15 and Section 3.15.2 Industrial Facilities and Sensitive Land Uses of the City's Official Plan).

In addition, the City's Official Plan has a list of policies under Section 8.11.4 which deal with lot creation. Policy 8.11.4(a) states that "All applications shall be evaluated on the technical information obtained from the applicant and as a result of circulation." The technical information are the supporting studies. Furthermore, Policy 8.11.4(g) states that "Lot creation shall not be granted or approved in the following circumstances [...] for residential uses and other sensitive land uses where development would be located close to incompatible land use such as major highways, railways [...] active industrial sites, or other similar features." Furthermore, Policy 8.11.4(h) states that "Lot creation shall only be approved when [...] the access, drainage, or other conditions for development are satisfied."

In Ontario, the Planning Act is the legislation that governs land use planning in Ontario. The Planning Act stipulates provincial interests which are further defined by policy in municipal Official Plans and outlines requirements through the land development process.

The City has revised their Official Plan and the Community Improvement Plan to encourage residential development to occur on the Former Mill Site. This demonstrates the vision for residential development to be realized which can only

be determined and confirmed through the preparation and submission of supporting studies that would determine the following: availability and capacity of municipal services; local road network; improvements both on and off-site; compatibility of land uses, especially between the proposed residential and industrial land uses. Therefore, the proposed Holding provision will ensure that there is supporting technical information provided to the City, the public, and external agencies, to ensure the lands are appropriate for the proposed uses and can be developed technically, and what improvements or other elements are needed for development to occur.

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

An Application for Consent has also been submitted concurrently with the OPA and ZBLA applications, and will be given consideration after Council's consideration of the OPA and ZBLA for approval.

Budget: Application fees were received for the proposed OPA and ZBLA.

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 Complete Application and Public Meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of the Whole, and Council were provided as per the Notice By-law.

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

9. Recommendation

As professional planners retained by the City of Kenora to assist with these applications, it is our professional planning opinion that the following amendments as proposed for the Application for Official Plan Amendment, File No. D09-19-03, and the Application for Zoning By-law Amendment, File No. D14-19-09, be approved, in lieu of public comments that may yet to be received.

Proposed Official Plan Amendment:

- Redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to

Commercial Development Area, Industrial Development Area, and Residential Development Area.

- The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

Proposed Zoning By-law Amendments:

- Rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).
- The effect of the Zoning By-law Amendment is to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.
- The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 18 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.
- The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and development may not occur on the subject lands until:
 - a) a Record of Site Condition satisfactory to residential use is submitted and approved;
 - b) supporting studies, including a transportation impact study, servicing study to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale, are submitted and approved; and
 - c) An agreement is entered into with the City of Kenora for the implementation of recommendations and associated mitigation as required by the supporting studies referenced in a) and b) above, to the satisfaction of the City, if required.



Nadia De Santi, MCIP, RPP
Senior Project Manager, WSP



Anita Sott, MCIP, RPP
Senior Planner, WSP

Attachments

- Complete Applications for Official Plan Amendment and Zoning By-law Amendment
- Notice of Complete Application and Public Meeting
- Comment Letter – Northwestern Health Unit (dated Oct. 23, 2019)
- Draft Planning Advisory Committee Meeting Minutes – October 29, 2019
- Redacted Public Comments Received as of November 6, 2019



Corporation of the City of Kenora
Notice of Completion Application and Public Meeting for an
Official Plan Amendment, File Number D09-19-03, and
Zoning By-law Amendment, File Number D14-19-09
Planning Act, R.S.O. 1990, c.P.13, s. 17 and 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Sections 17 and 34 of the *Planning Act*, to consider an Official Plan Amendment and a Zoning By-law Amendment submitted by 5901058 Manitoba Ltd. as it pertains to the City of Kenora Official Plan, Council Adoption May 19, 2015, Ministerial Approval November 5, 2015 (By-law No. 75-2015), and a Zoning By-law Amendment as it pertains to the City of Kenora Zoning By-law, Council Adoption December 15, 2015 (By-law No. 101-2015), as amended, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, November 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 applications on Tuesday, November 19th, 2019 at 12:00 p.m.

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

**PAC Open House
& Public Meeting**

When: Tuesday, October 29th, 2019 at 6:00 p.m. (Open House 5 p.m.)
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Be Advised that the Corporation of the City of Kenora considered the Official Plan Amendment and Zoning By-law Amendment applications to be complete on October 7th, 2019.

Purpose and Effect:

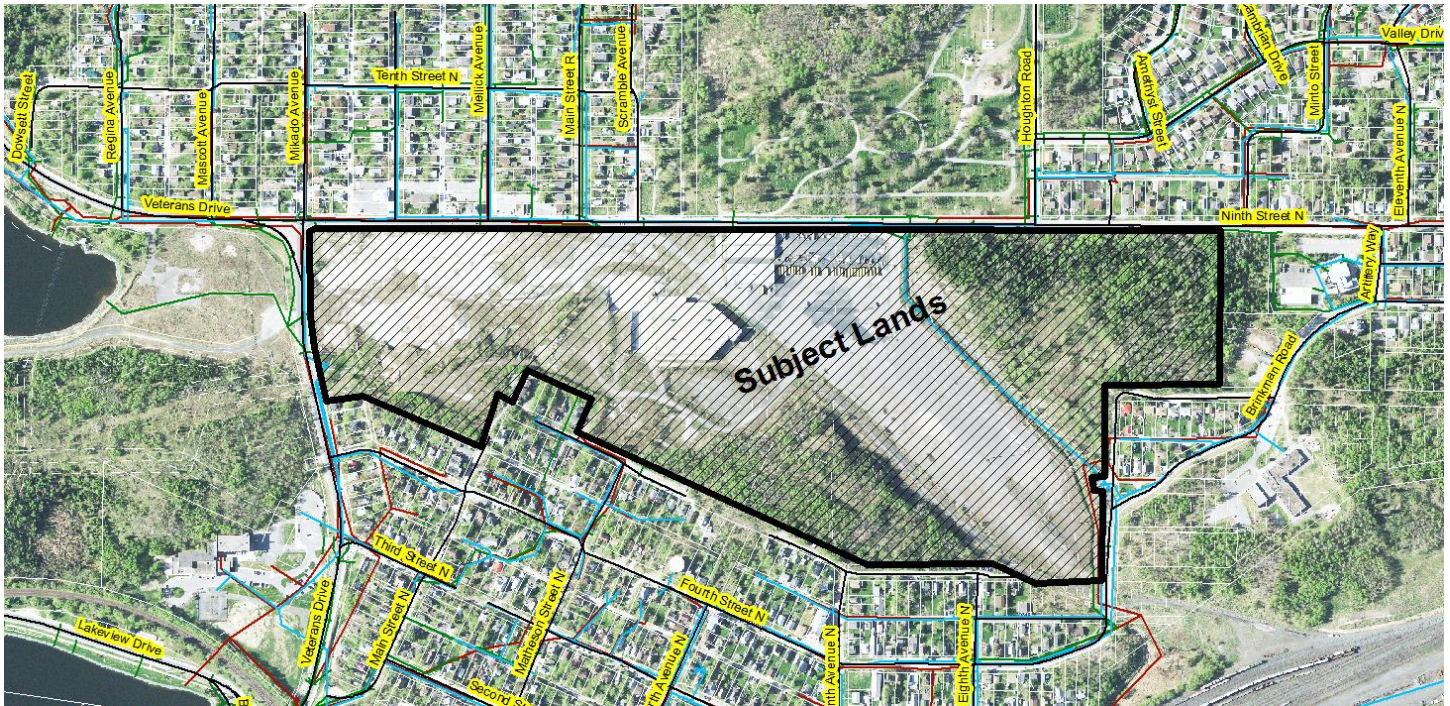
The purpose and effect of the Official Plan Amendment is to:

- Redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area.
- The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

The purpose and effect of the Zoning By-law Amendment is to:

- Rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).
- The effect of the Zoning By-law Amendment is to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.
- The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 18 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.
- The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands until a Record of Site Condition is submitted and approved prior to any residential development occurring on the subject lands.

Description of the Lands: The subject lands are municipally known as the “Former Abitibi Mill site”, civic address 331 9th Street North, and described as unopened roads, lots and blocks on historical plans of survey, being PIN # 42170-0256. A Key Map is provided below.



Public Meetings: Input on the proposed amendment is encouraged. You can provide input by speaking at the PAC and/or Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing. If you are the owner of any land that contains seven or more residential units, please post this notice in an area that is visible to all of the residents.

If possible, written submissions are requested to be made before October 23rd, 2019, and directed to:

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

Failure To Make Oral Or Written Submission: If a person or public body would otherwise have an ability to appeal the decision of The Council of the Corporation of the City of Kenora to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to 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.

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 applications for Official Plan Amendment and Zoning By-Law Amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2.

Additional Information about this matter, including information about appeal rights is available during regular office hours at the Operations Centre. Please contact Devon McCloskey, City Planner: Tel: 807-467-2059 or Email: dmccloskey@kenora.ca, to make an appointment.

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 10th day of October, 2019