

Meeting Minutes
City of Kenora Planning Advisory Committee July 21, 2020
Regular Meeting held by way of Zoom Meeting
6:00 p.m.

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Bev Richards	Member
John Barr	Member
Robert Kitowski	Member
John McDougall	Member
Melissa Shaw	Secretary Treasurer

Regrets:

Tanis McIntosh	Member
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DELEGATION:

- i. Wayne Gauld, Chair, called the meeting to order at 6:00 p.m. and reviewed the meeting protocol and housekeeping details for those in attendance of the virtual meeting.
- ii. Additions to the agenda- Planning Advisory Committee Meeting format, moving forward in 2020.
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present – there was none.
- iv. Adoption of Minutes of previous meeting
The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.
 - Approved as amended: May 19, 2020
- v. Correspondence relating to applications before the Committee.
The Secretary Treasurer noted that three public comments had been received relating to application D07-20-02. All members and Applicants/Agents received those comments.
- vi. Consideration of Application of Draft Plan of Subdivision
 - D07-20-02, Abitibi Subdivision

Randall Seller (Hook Seller Lundin LLP)
Brandon Powell, MCIP, RPP (President and COO, Lombard Group North Ltd.),
Agents

Agent Randy Seller presented the application for subdivision submitted by 5901058 MB LTD on the former Abitibi Site. The Agent introduced the application, and a fifteen (15) lot proposal creating twelve (12) ML- Light Industrial zoned lots and three (3) R3 [H] - Residential Third Density, Holding zone lots. The Agent confirmed that the planning report had been circulated to the property owner and the Planner, Brandon Powell. There are no concerns identified with the recommendation from the City Planner.

Brandon Powell, Planner, Lombard North Group shared a presentation with those in attendance on the ZOOM meeting. A brief history of the subject property was provided; Abitibi Consolidated owned and operated a major paper mill on the subject lands for over 80 years. At its peak, the mill employed 1,500 people. Due to changing market conditions and high energy costs, the mill permanently closed in late 2005. Mr. Powell reviewed the goal of the application being the redevelopment of the former Mill Site to focus on achieving local needs and priorities such as economic and housing diversification by establishing a mixed-use area consisting of Industrial, Commercial and Residential uses. The Planner reviewed the draft subdivision layout with the Committee and a member of the public whom was in attendance. Mr. Powell evaluated the application and suitability of the proposal to the Provincial Policy Statement (2020) and the City of Kenora Official Plan and Zoning By-law.

The City Planner, Kevan Sumner reviewed the Planning Report and the proposed Plan of Subdivision.. The Planner acknowledged that approval will allow for development in compliance with the provisions of the respective zones within the City of Kenora Zoning By-law No. 101-2015. Future development on the proposed lots will be subject to future development applications and conditions of approval for the Zoning By-law Amendment on R3 [h] Residential – Third Density, Holding zone(s) plus any conditions of Draft Plan Approval.

The Planner reviewed the previous applications that have been heard on the subject lands; in 2019, the property owner applied for an Official Plan Amendment (OPA) to the City of Kenora Official Plan and a Zoning By-law Amendment (ZBLA) as it pertains to the City of Kenora Zoning By-law, concurrent with an application for consent (D10-19-14).

By-law No. 190-2019 (File No. D09-19-03) re-designated the area containing the subject property from Future Development Overlay, Industrial Development Area,

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

By-law No. 191-2019 (File No. D14-19-09) re-zoned the area containing the subject property from "FD" Future Development, "MH" Heavy Industrial, and "R2[h]" Residential – Second Density, Holding, to "GC[50]" General Commercial, "ML" Light Industrial, "ML[46]" Light Industrial, and R3[h] Residential – Third Density, Holding, with reduced setbacks and holding zones as detailed in the by-law.

On November 28, 2019 The Council of the Corporation of the City of Kenora considered a decision regarding the Official Plan Amendment and Zoning By-law Amendment applications, and passed both by-laws at their regular meeting on November 19, 2019 at 12:00 pm, with amending By-laws passed on December 18, 2019 approving the applications. Notice of the Decision was given on December 18, 2019 and as of January 7th, 2020 no notice of appeal was filed under Section 34(19) of the Planning Act.

The Planner reviewed the consistency of the draft plan to the Legislated policy and city directives; the Provincial Policy Statement (PPS 2020), the City of Kenora Official Plan and Zoning By-law. The Planner evaluated the proposed Plan of Subdivision as an opportunity to support the future redevelopment of the site by creating lots to be sold for the development of new industrial and residential uses that have the potential to contribute to economic development in the City. The recommendation was made for approval subject to conditions which were read aloud by the City Planner as outlined within the Planning Report and Decision of the Planning Advisory.

The chair thanked the Planner and asked the Agent, Randy Seller if he had anything further to add.

Mr. Seller referred to condition #5 of the Planning Report and mentioned that there may be a small amendment to one of the parts of Plan 23R-14481. The Agent confirmed that he would be engaging the City Engineer to approve any amendments.

Mr. Seller made a second comment with respect to the Responsibility Chart which was included as **Schedule A** to the Planning Report; future lot owners and developers would be held responsible for Parkland Dedication, Mr. Seller confirmed that it is the intention of his client to resolve the Parkland Dedication as a condition of draft plan approval.

The chair asked if there was anyone in the public who wish to speak in favour of this application. There were none.

Chair asked the Committee for questions.

The Chair, Mr. Gauld sought clarification on the access of Lot 5 being a R3 [h] Residential – Third Density, Holding zoned property. Mr. Brandon Powell clarified that access to Lot 5 would be off Ninth Street North, and Lot 6 would have access

of Fifth Street North. Mr. Powell confirmed that there shall be no access off of Veterans Drive.

There was discussion on an existing stockpile of fill located on the subject lands. Mr. Powell believed the stockpile of fill was a few years old, although identified the fill as new to the site, and confirmed that it had been tested to ensure it was uncontaminated.

Mr. Barr questioned the need for a Record of Site Condition (RSC) on Lots 5 and 6 which were zoned R3[h] Residential – Third Density, Holding,. Mr. Barr referred to the Responsibility Chart on Schedule A of the Planning Report and noted a concern that this requirement was being put on future land owners/ developers.

Mr. Powell informed the Committee that the current property owner has engaged the services of EXP to proceed with a Phase 1, Environmental Site Assessment to commence the process of completing a RSC. The intention to being with a Phase 1 and if there is recommendation for a Phase 2, Mr. Powell confirmed that would be the next approach. Mr. Powell suspected that any sale of one of the R3 [h] Residential – Third Density, Holding zone lots would be conditional upon a RSC being approved.

Tricia Cameron, 226 Fifth Street North

The Chair, read a comment from the public as sent in writing via the ZOOM Meeting platform. Tricia Cameron asked if there was a proposed entrance to Lot 6.

Mr. Powell addressed the question, the entrance would be determined by whomever will be developing the lot. At the moment, there was no site plan for Lot 6 to confirm the location of an entrance. .

There was further discussion on the requirement of a RSC and the responsibility of completing the RSC. The Committee discussed the effect of the Residential Third Density, Holding (R3 [h]) to place a holding on the subject lands and were satisfied knowing that the '[h]' holding symbol may not be removed and residential development may not occur on the subject lands until: a Record of Site Condition 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, geotechnical study, environmental impact statement, noise and vibration study, and planning rationale, are submitted and approved.

Member, Mr. Kitowski identified concern with condition #3 within the Planning Report stating that the 'That the matter of Parkland Dedication as per Section 4.6.3 of the Kenora Official Plan (2015) shall be mutually agreed upon by all parties prior to final approval. Mr. Kitowski preferred to see the wording within Section 4.6.3 of the Official Plan and did not agree with the recommendation of the condition within the staff report. Mr. McDougall agreed with Mr. Kitowski.

The Planning Analyst maintained that the intent of condition #3 was to satisfy the policies within the Official Plan, the Parkland Dedication shall form part of the Subdivision Agreement that is Council Approved. The wording of the condition would allow for Staff the opportunity to recommend to Council, a calculation of Parkland Dedication giving consideration to previous dedication made to the City of Kenora in years prior, known locally as the Evergreen Community Club.

As the Agent, Randy Seller further explained, a value will have to be determined on Parkland Dedication and a proposal will be made to satisfy the condition by recognizing previous dedications with the addition of either additional land or cash in lieu. The intention being to maintain the policies of the Official Plan, it is a matter of coming up with a combination of land or cash in lieu to see how we will satisfy the requirement.

Mr. John Barr, Member proposed a simple change to the condition to read:

3. Parkland dedication shall comply with the intent of the Official Plan 4.6.3.

The Agent, opposed and requested that the words "mutually agreed upon" remain within the condition.

The City Planner identified matters of policy within the Official Plan allow for general discretion so long as the intent of the policy is respected. The Planner noted the advantages of flexibility which becomes necessary in exceptional circumstances.

The Planning Analyst suggested a hybrid condition so that the Committee could respect the wording of the Official Plan policy while providing consideration for the realities of this application. A revised condition was proposed to read as follows:

3. That the matter of Parkland Dedication shall comply with the intention of Section 4.6.3 of the Kenora Official Plan (2015), and shall be mutually agreed upon by all parties prior to final approval.

The Committee agreed.

Robert Kitowski requested that this item be revisited as an agenda item and as a training item.

Moved by: Bev Richards

Seconded by: John Barr

That the creation of fifteen (15) new lots be approved and subject to the proposed conditions within the Planning Report, as well as any others deemed necessary by the City of Kenora. That the proposed Plan of Subdivision meets the criteria as set out in Section 51(24) of the *Planning Act* and that draft approval applies to the Draft Plan of Subdivision, circulated as File No. D07-20-02, for the subject property located at 661 Ninth Street North, being PIN # 42170-0265 and PIN 42170-0163.

vii. New Business

- PAC meetings moving forward

Adam Smith, Manager of Development Services provided an overview of the reopening plan for the Operations Centre to the public on August 4, 2020. In-person meeting with staff shall be arranged by appointment only. Mr. Smith confirmed that PAC will not resume meeting in person until September, 2020 at the earliest.

There was discussion on protocol meeting in-person for PAC, wearing of PPE, spacing and room modifications that may be required, multi camera set-up for a hybrid of those who can go to the meeting and those who may not. More information will be made available to PAC members as we approach in-person meetings.

- Update on the comprehensive review

The City Planner informed the Members of the Planning Department will be embarking on a review of the Official Plan and Zoning By-law. The RFP closed earlier in July, Staff would be selecting a consultant to move forward with the review. The project will extend up to eighteen (18) months following the start of the project with a proposed fall start. Adoption of the Official Plan and new Zoning By-law is anticipated to be completed by early 2022.

viii. Adjourn

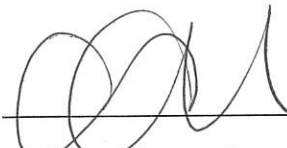
Moved by: John Barr

That the July 21, 2020 Planning Advisory Committee meeting be adjourned at 7:51 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday July 21, 2020, are approved this 18th day of August, 2020.



Wayne Gauld, Chair



Melissa Shaw, Secretary-Treasurer