



PROCEEDINGS
for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D-14-13 - 1103 Fourth Street South)
Tuesday, January 14, 2020
12:00 p.m.

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

Staff: Heather Pihulak, City Clerk, A/CAO
Kelly Galbraith, Deputy Clerk
Adam Smith, Manager Development Services

Mayor Reynard opened the meeting and declared 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 Clerk.

Council Declaration of Pecuniary Interest & General Nature Thereof

Deputy Mayor McMillan asked if there were any declarations 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

There were none declared.

Adam Smith, Manager of Development Services presented the planning report for the zoning amendment application:

Introduction

An Application for 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), was submitted to the City of Kenora ("the City") by 4Future Investments Inc., Owner.

The ZBLA is for lands located at 1103 Fourth Street South; PINs 42168-0087. Please refer to the key map in Figure 1- Aerial Photograph of the subject property.

An application for Zoning By-law Amendment is proposed to change the regulated zoning of property specifically indicated on the key map, from Residential – Second Density Zone ('R2') to Residential - Third Density Zone ('R3'), Exception [49].

The effect of approval would allow for the development of a multiple attached dwelling containing four (4) units and to permit an existing accessory structure to be located closer to the street than the main building.

Description of Proposal

To rezone property in order to allow for 4 dwelling units, referred to as multiple attached dwellings, defined as follows:

- g) Multiple attached dwelling, which means the whole of a residential use building containing three or more dwelling units that are divided vertically, each of which has an independent entrance.

Future development of the property will be subject to Site Plan Control and/or Development Agreements as required, which may require further planning and detailed technical studies.

Existing Conditions

The property is abutting Fourth Street South which is a municipally maintained street off of River Drive, in an area of Kenora locally known as "Lakeside" or "Central". Fourth Street South is fairly narrow at approximately 6.0 m in width. Adjacent properties are zoned Residential- Second Density (R2), Residential- Third Density (R3) and HC- Highway Commercial zone. Surrounding uses includes single detached dwellings, semi-detached dwellings and multiple attached dwellings. The subject property is within close proximity to Highway 17 E which offers retail, restaurant, hotel and other commercial development that services the public.

Dimensions of the subject property:

- Frontage (Twelfth Street): 24.38 m
- Depth (Trojan Street): 80.46 m
- Area: 0.1961 hectares

The current owners acquired the subject parcel in October, 2019. In May, 2013, it came to the attention of the Building Department that the (previous) owners may be in violation of the *Building Code Act*, Section 8.-(1) Building Permits, with the demolition of a single-detached dwelling which can be seen. The violation was resolved without Work Order and/or legal action required.

The property is currently developed with an accessory structure (garage). Approval of ZBLA to change the zoning to Residential - Third Density Zone ('R3'), Exception [49] would permit the existing accessory structure to be located closer to the street than the main building. As per the draft site plans submitted as supplementary information within the application, the proposed four (4) unit, multiple- attached dwelling is proposed to be located behind the existing accessory structure.

The subject property is fully serviced; water, wastewater, hydro, gas. As a result of internal comments it was identified that Municipal water mains run through the property, described below as Part 1, Part 2 and Part 3.

- Part 1) Starting approximately 9m east from the west property line, extending southwest for 12m, ending at 3m from west property line
- Part 2) Starting 11m south on the west property line, extending east for 6m
- Part 3) Starting on the west property line at 17m north of the south property line, extending across the back of the property, ending at 13m north along the east property line

The City of Kenora Planning Department in collaboration with the Engineering Department have initiated the process of surveying and registering of easements.

Site Visit

A site visit was conducted on December 11, 2019, The Planning Analyst attended the property to view the existing accessory garage, otherwise vacant lot and surrounding lands.

Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (2014)

The proposed rezoning is consistent with those policies that support increasing the supply of housing that is located within a walkable and centralized area of the community, the following are noteworthy within the PPS:

- Policy 1.1.1 b) which explains that healthy, livable 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 ZBLA supports the provision of an appropriate land use designation; Residential Third Density – R3 zone in order to meet the needs of residents for short- and long-term housing availability, and housing affordability.

- Policy 1.4.2 b)1. which states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.

The proposed ZBLA will allow for the development of a multiple- attached dwelling as a means of contributing to the range and mix of housing types available in the City.

- Policy 4.8, which states that zoning and development permit by-laws are important for implementation of the PPS, and that planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the PPS.

The proposed ZBLA conforms to the OP and will implement Principles 1, and 6. The amendments will also implement the policies of Section 3.2 Affordable Housing, to encourage and promote the development of affordable housing through more flexible zoning, as well as the policies of Section 3.4 Community and Neighbourhood Design regarding promoting the development of complete communities with a range of uses.

b) City of Kenora Official Plan (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 direct residential development to land within the settlement area boundary by way of infilling and residential redevelopment in the Established Area and Harbourtown Centre and the Residential Development Area.
- To support infill and intensification in built-up areas (e.g. Harbourtown Centre) where services exist

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.

Section 3.2 Affordable Housing of the OP states that affordable housing is a critical component of a healthy community, and includes policies that are intended to ensure that adequate and affordable housing is available for all residents, particularly seniors and new entrants into the housing market.

Section 3.4 Community and Neighbourhood Design of the OP promotes the development of complete communities and neighbourhoods throughout Kenora, which include a range of uses to meet the residential, employment, shopping, and recreational needs of residents.

The Land Use Designation of the property is Established Area 'ES'. An image of the zoning is shown below as well as following policies with particular relevance.

Section 4 Land Use Designation

4.1.2. Established Area Policies

c) Residential development shall be encouraged through plans of subdivision, condominium and consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use shall be supported provided that the development is in keeping with the character of the area.

3.17 Residential Densities

Density is a relative term that is used to define the scale and grain of development. It is typically a measure of persons or dwelling units per unit of land area. Net residential density is usually expressed as the number of dwelling units per hectare and measures the area of land used exclusively for residential use, including private roads and parking areas but excluding public streets, rights-of-way, parks, environmental areas and non-residential uses.

The definition of low, medium and high density differs from place to place. For the purposes of this Official Plan, residential densities are defined as follows:

- Low: up to 16 units/net hectare
- Medium: 17 to 40 units/net hectare
- High: over 40 units/net hectare

The proposed application for 4 units on a lot 0.1961 hectares in size, qualifies as Medium Density.

c) Zoning By-law No. 101-2015

The subject property is currently zoned 'R2' Residential – Second Density Zone. Multiple attached dwellings are not a permitted use. Similar permitted uses are limited to Duplex Dwellings, Boarding houses, and semi-detached dwellings.

In the Residential – Third Density (R3) Zone, residential permitted uses include apartment dwellings, boarding houses, converted dwellings, duplex dwellings, group homes, modular homes, multiple attached dwellings, retirement homes, secondary dwellings, semi-detached dwellings, single-detached dwellings, stacked dwellings, and triplex dwellings. Institutional uses currently permitted include emergency shelters, group homes, and retirement homes.

If approved for a change in zoning, the property would be eligible for development of a multiple attached dwelling, with four (4) units. All other regulations and requirements of the Zoning By-law would be met for the lot dimensions and building locations. An Exception [49] is required for the accessory structure to be located closer to the street than the main/principle building will be located. As per provision 3.34.1- Accessory Buildings, Uses or Structures, accessory buildings are permitted in any zone, provided that said structure in no built closer to the street than the main building is to the street (apart from the noted exceptions under Section 3.34.1 b) iv.).

Results of Interdepartmental and Agency Circulation

Fire and Emergency	Kenora Fire has no issues with this Zoning change as presented. However, I do have some concern with fire department access to the rear apartments given the distance to property lines on each side of the building. - November 19, 2019
Roads	As for the application being requested, this is a street that is maintained by the Roads Department. The concern the Roads Department would have is with the proposed parking lot that abuts the street. If there is any overflow of vehicles will they be parking out onto the street which will interfere with any snow plowing or sanding in winter months because it is a narrow street. I'm sure this would also affect garbage and recycle pickup as the trucks have to reverse down this street because of nowhere to turn around. There could be sight line issues with vehicles backing out of the lot but keeping in mind it isn't a very busy street being a dead end. - November 19, 2019
Enbridge (Union Gas)	I have reviewed your email and I do not believe Enbridge has any opposition to the proposed bylaw amendment. This is not a guarantee Enbridge has enough system capacity to serve this building, rather we do not have any issue with the bylaw amendment. If the applicant submits a request for service(s) we will advice, based on their identified equipment loads, if any pipeline reinforcement is required. - November 19, 2019

Sewer and Water	Attached shows the existing water mains on the lot. We need to have easement. There are no other issues. - November 14, 2019
Kenora Building Department	No concerns with the Amendment to the zoning by-law. - November 21, 2019

Public Comments

A public meeting is scheduled to be held by Council on January 14, 2020. Notice of the application was given in accordance with Section 34 of the *Planning Act*, whereby it was circulated on December 5th, 2019 to property owners within 120 metres, and published in the Municipal Memo of the Newspaper, persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on December 17, 2019. Resolution and minutes of this meeting will be forwarded on to Council for their information.

The Planning Analyst was in receipt of two (2) emails, one received on December 6th, 2019 and one received on December 9th, 2019 from property owners on Fourth Street South whom requested a copy of the complete application. Further comments may follow in writing or attendance at an upcoming meeting. The original submission has been redacted, scanned and attached to this report.

Evaluation

The proposed amendment is 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).

Approval of the application will enable development of a four (4) unit multiple-attached dwelling on a vacant lot. This will add to the supply housing in the City of Kenora.

Site Plan Approval will be required, and other matters with the site development shall be considered at that time.

Recommendation:

It is the recommendation of the Manager of Development Services, that application D14-19-13, to amend the Zoning By-law to change the regulated zoning of property specifically indicated on the key map, from Residential – Second Density Zone ('R2') to Residential - Third Density Zone ('R3'), Exception [49], to allow for the development of a multiple attached dwelling containing four (4) units and to permit an existing accessory structure to be located closer to the street than the main building, be approved, in lieu of public comment that may yet be received.

1. Express Interest

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

Mayor Reynard questioned if there was anyone who wished to speak in favour of the amendment?

There were none.

Mayor Reynard questioned if there was anyone who wished to speak in opposition of the amendment?

There were none.

2. Discussion – Members of Council – Discussion/Questions

Mayor Reynard asked if there were any questions.

There were none.

3. Questions

Mayor Reynard asked if any members of the public had any questions of the application.

Council asked if the concerns of the driveway brought forward in the inter-departmental circulation have been addressed. Adam confirmed the driveway has been re-designed to allow for vehicle turnaround.

4. Close of Public Meeting

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 12:23 p.m.