



**PROCEEDINGS**  
for a Public Meeting  
to discuss a Proposed Zoning By-law Amendment  
**(Re: D14-20-04 – 63 Nash Street)**  
Tuesday, January 12, 2021  
12:00 p.m.  
Virtual Attendance

Council met electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to watch the virtual meeting via the Public Live Stream Event at: <https://video.isilive.ca/kenora/2021-01-12-SCM.html>

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

**Staff:** Kyle Attanasio, CAO, Heather Pihulak, Manager of Administration/City Clerk, Melissa Shaw, Planning Analyst, Kevan Sumner, City Planner, Adam Smith, Development Services Manager

**Council Declaration of Pecuniary Interest & General Nature Thereof**

Mayor Reynard 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.

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 Council 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 Planning Department 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.

### **1. City Planning Staff Report/Rationale**

City Planning Staff to describe the details of the planning application.

An application has been received to change the zoning of the subject property from "R3" Residential – Third Density Zone to "HC" Highway Commercial Zone to allow for development of a parking lot on a portion of the property.

The property owner intends to develop a parking lot on the southern portion of the property, to support the future expansion of the nearby Change of Latitude Marina. The future marina expansion will require a Minor Variance to relieve parking requirements for the property on which the marina is located. Development of this proposed parking lot will provide off-site parking to support the Minor Variance application. The Minor Variance application has not yet been received.

The property currently contains a residential dwelling and accessory garage, which the property owner intends to retain. These will be considered legal non-conforming uses under the proposed HC zone.

Surrounding properties contain a mix of residential and commercial uses on the south side of Lakeview Drive, and a mix of commercial and undeveloped lands on the north side of Lakeview Drive. The bay to the southwest contains extensive marina docking, including that of the property owner.

On November 20<sup>th</sup>, 2020, the Planner attended the subject location to view existing conditions. There is a drainage ditch on the southern side of the property line.

**Consistency with Legislated Policy and City Directives**

**a) Provincial Policy Statement (PPS) 2020**

The proposed rezoning is consistent with those policies that support providing for a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure available. The Policy Statement also states that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses.

**b) City of Kenora Official Plan (2015)**

The land use designation of the property is Established Area. Policy 4.1 of the Plan states that permitted uses shall include residential, commercial, industrial, and institutional uses.

Surrounding properties to the north, east, and west are designated as Commercial Development Areas. Properties to the south and east are designated as Established Area, and an area to the southeast is designated as a Residential Development Area.

In the Established Area, minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form, and that improve the quality of life for area residents may be

**c) Zoning By-law No. 101-2015**

The property is currently zoned "R3" Residential – Third Density Zone. This zone allows for the development of public and privately owned facilities of an institutional or community service nature.

The proposed "HC" Highway Commercial Zone allows for the development of a wide range of uses and services to meet the needs of residents, businesses and tourists. The redevelopment of a portion of the property will need to comply with all applicable zoning regulations and will be subject to site plan control.

The design of the proposed parking lot appears to meet Zoning By-law requirements for dimensions of parking spaces and adjacent aisles.

**Results of Interdepartmental and Agency Circulation**

The proposed Zoning By-law Amendment was circulated for comment on December 7th, 2020. The following is a summary of comments received in response.

Environmental Division	No concerns
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Roads Division	No concerns
Parks and Facilities Division	No concerns
Synergy North	No objection. A utility easement is located at the southeast corner. No building can be permitted within the easement and horizontal clearance requirements must be adhered to between buildings and overhead wires.
Kenora Fire and Emergency Services	No concerns
Engineering	No concerns
Building Department	No concerns
Enbridge	No concerns
Ministry of Natural Resources	No concerns
CP Rail	Not in favour of residential uses in proximity to the railway as they generally are not compatible with rail operations, and the safety and welfare of residents can be adversely affected. Recommend that any future tenants be provided with sufficient information regarding living in proximity to an active rail line as freight trains operate 24/7 and schedules/volumes are subject to change. Does not oppose commercial developments within vicinity of CP right of way, but such developments should meet recommendations based on site specific conditions and intended use.

### **Public Comments**

A public meeting is scheduled to be held by Council on January 12<sup>th</sup>, 2020. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on December 10<sup>th</sup>, 2020 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 12<sup>th</sup>, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and passed a resolution recommending approval of the application at their meeting on December 15<sup>th</sup>, 2020. The minutes and relevant resolution from this meeting are attached.

One comment has been received as of today's meeting date.

### **Evaluation**

This large property currently contains a residence but has a significant undeveloped area that appears to be suitable for development for the intended use. The bay to the southwest of this property has extensive marina development, but limited parking areas constrain the use and expansion of the docks. The proposed new parking lot will relieve existing pressure for parking in the area and may support future expansion of the owner's nearby marina.

If approved, the proposed rezoning will match that of adjacent properties on the south side of Lakeview Drive, and is suitable to the mix of uses and zones in the immediate vicinity of the property.

## **Planner's Recommendation**

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-20-04, to change the zoning of the subject property from "R3" Residential – Third Density Zone to "HC" Highway Commercial Zone; should be approved, in lieu of public comments that may yet to be received.

## **2. Applicant Presentation**

Ryan Haines, Kenora Resource Consultants presented the planning information as representative of the applicant. The City Planner's report has covered the project well. The access from Nash Street to the property is more appropriate and safer than adding another access off Lakeview Drive. Providing access from the highway would potentially pose drainage issues in terms of the profile of the property for neighbouring properties. There are benefits to the access point in terms of road safety. Mr. Krawicki does intend to continue to have the home on the property which would continue to be utilized as a rental housing unit. It will continue to use that home to help supply housing for the community. Recognizing this is through additional planning applications the addition of docking spaces this will provide the opportunity for additional dock slips to meet its brand promise as the premier boating destination. We have a strained docking availability situation and this would help alleviate that.

## **3. 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?

There were none.

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

There were none.

## **4. Discussion**

a) Members of Council – Discussion/Questions

Councillor Smith noted that there is no intent to pave the parking lot. This is good for the environment and ties into our environmental sustainable plan. Commend the proponent for doing this.

## **5. Questions**

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

There were none.

## **6. Close of Public Meeting**

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 12:20 p.m.