



## **PROCEEDINGS Public Meeting**

### **to discuss a Proposed Official Plan Amendment & Zoning By-law Amendment RE: File #D09-21-01 & D14-21-01 - 700 First Street South (Central Park)**

**Tuesday, March 9, 2021  
12:00 p.m.  
Virtual Attendance**

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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:

<http://video.isilive.ca/kenora/2021-03-09-SCM.html>

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

**Regrets:** Councillor R. McMillan

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

#### **Land Acknowledgement – Councillor Smith**

As we gather, we recognize that we are on Treaty Three Lands which are steeped in rich Indigenous history and home to many First Nations and Metis people today. We continue to be thankful for the partnerships with our Indigenous people.

We give thanks for the many blessings we enjoy in the City of Kenora. We seek wisdom in our minds, clearness in our thinking, truth in our speaking and always love in our hearts, so that we may try always to unite the Citizens of Kenora. Let these principles guide us in our decision making.

#### **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 the public meeting is to present planning applications in a public forum as required by The Planning Act. Following a presentation by our City Planner as the City is the Applicant for this file, any members of Council 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.

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 official plan and zoning 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.

Following the City Planner summation and recommendation, the public will have the opportunity to speak either for or against the application, 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 Planner, Kevan Sumner described the details of the planning application.

### Introduction:

The City of Kenora is proposing to amend the Official Plan and Zoning By-law for the western portion of Central Park, as indicated in Figure 1, for the purpose of allowing future residential development on the property.



**Figure 1:** Aerial image of Central Park property showing area of proposed redesignation and rezoning outlined in red.

The proposed Official Plan amendment is to redesignate the subject lands from Open Space Area to Established Area;

The proposed Zoning By-law amendment is to rezone the subject lands from "OS" Open Space to "R3" Residential – Third Density;

### Description of Proposal

The proposed amendments to the Official Plan and Zoning By-law are being requested by the City of Kenora, to enable the future removal of the underutilized ball diamond on the western portion of the Central Park property and the future sale of the property for residential development. The exact nature of the future residential development will be determined through the disposition process.

## **Existing Conditions**

The ball field that currently occupies the western portion of Central park is not as well-utilized as other ball fields in the city. It is level but poorly drained, resulting in soggy conditions, and does not have the lighting improvements that allow other ball fields to operate for extended hours.

The area proposed for redesignation and rezoning has frontage on Park Street, First Street South, and Seventh Avenue. Municipal wastewater, storm sewer, and water service is available to the site, and it is located on a bus route. It is also located within walking distance of commercial and institutional services located in the downtown area.

Recreational use of Central Park will be preserved on the eastern portion of the site, with the Central Community Club and rink remaining in use.

Concerns have been raised from the public with regards to the history of the site. There have been suggestions that a condition of the original transfer of the site to what was then the community of Rat Portage, was that this site was to be used in perpetuity as a park. A thorough review of the property title has identified that no such restriction was ever registered on the title, and the Lake of the Woods Museum / Heritage Kenora have confirmed that Hudson's Bay Company plans from the 1880s indicated this area was envisioned as residential in the land grant. Other concerns related to the material used in filling and leveling the property to its current state. The City is not aware of any environmental contamination of the site, and there have been no issues with public use of the property as a park for more than a century.

Adjacent property to the north, south, and west are currently designated as Established Area. The property is surrounded by residential development in all three directions. These areas are primarily zoned "R2", with the Parkview Apartments being zoned "R3". Individual neighbouring properties are also zoned "LC" Local Commercial and "I" Institutional.

## **Site Visit**

A site visit was completed on February 9<sup>th</sup>, 2021

## **Consistency with Legislated Policy and City Directives**

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

The Provincial Policy Statement encourages planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents (Policy 1.4.3). This is to be accomplished via permitting and facilitating a range of housing options and residential intensification, directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are available, and promoting densities which efficiently use land, resources, infrastructure, services, and transportation options.

### **b) City of Kenora Official Plan**

The proposed Established Area designation supports a range of residential, commercial, industrial, and institutional uses. The Official Plan states that residential development shall be encouraged in the Established Area through plans of subdivision, condominium, and

consent as infilling or redevelopment of existing uses on full municipal services. Medium density residential use is supported provided that the development is in keeping with the character of the area (Policy 4.1.2).

Section 4.7 of the Official Plan sets out policies for development in proximity to railyards. Specifically, applications for planning approvals to allow for residential land uses within 1000m of a rail yard are to be accompanied by a noise study to the satisfaction of Council in consultation with CP Rail. Appropriate safety measures may be required as determined by the results of the study and subsequent review.

**c) City of Kenora Zoning By-law No. 101-2015**

The property is currently zoned "OS" Open Space Zone. This zone allows for active and passive recreational uses and landscaped buffers.

The proposed "R3" Residential – Third Density Zone allows for the development of a full range of housing forms and other compatible uses serviced by municipal sewer and water. Any future development proposed for the site will need to comply with all applicable zoning regulations, including on-site parking.

**Results of Interdepartmental and Agency Circulation**

The following is a summary of responses received from city departments and external agencies that were contacted for comment.

Buildings Department	No concerns
Clerks	No concerns
Community Services	No concerns
CP Proximity Ontario	<p>CP does not support the rezoning of the subject lands to R3 Residential Third Density as this location is within 500m of an active rail yard.</p> <p>The safety and welfare of residents can be adversely affected by rail operations. CP is not in favour of residential uses that are not compatible with rail operations. Current operations at this yard include regular freight trains travelling through the yard, 24 hours a day, 7 days a week. Additional operations include switching and shunting of trains, material storage, and material delivery. With these operations, engines are constantly idling. The operations are continuous, loud and cause a lot of vibration. There is also the possibility of increasing our operations, including adding or moving track or any other railway related use. We would hope that that City of Toronto supports CP's position on this application and would appreciate being kept apprised of the City's handling.</p> <p>CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address:  <a href="http://www.proximityissues.ca/">http://www.proximityissues.ca/</a></p>

	Should the captioned rezoning receive approval (and any future residential development proposals), CP respectfully requests that the recommended guidelines be followed.																	
Development Services	<p>If approved, staff will be undertaking an Expressions of Interest (EOI) process to divesting of this section of Central Park for housing development. While Residential Third Density (R3) permits a range of high-density housing types, staff will be seeking to further refine those types when developing the EOI.</p> <p>All development onsite will be subject to site plan control whereby features such as green space and accessibility can be considered. In evaluation, proponents will also be expected to demonstrate how they will manage storm-water and connection to municipal services.</p>																	
Environmental	No concerns																	
Engineering	No concerns																	
Fire and Emergency Services	No concerns																	
Lake of the Woods Museum / Heritage Kenora	<p>No issues from a heritage standpoint. The area has always been “found land” insofar as it was muskeg that was originally cleared and filled in for public health reasons. The ball diamonds were built as an alternative to playing on the field at the future mill site.</p> <p>The original plan of the town called for that whole area to be residential (supported by HBC land grants map from the 1880s).</p>																	
Ministry of Environment, Conservation and Parks	<p>Legislatively, no Record of Site Condition is required in this case, as there is no change to a more sensitive land use (residential and open parkland are considered equivalently sensitive). However, given the attention the project is likely to get and the report of the past history of the site, the city may benefit from conducting a Phase I ESA. However the MECP has no requirements for that at this property</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center;"><b>Property Use Changes Triggering Record of Site Condition (RSC)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #4CAF50; color: white;">Standards Category 1</th> <th rowspan="4" style="writing-mode: vertical-rl; transform: rotate(180deg);">RSC Required to Cross to Sensitive Property Use</th> <th>Standards Category 2</th> <th>Standards Category 3</th> </tr> </thead> <tbody> <tr> <td>Industrial (e.g., manufacturing)</td> <td>Residential (e.g., home)</td> <td>Agricultural (e.g., farm)</td> </tr> <tr> <td>Commercial (e.g., office building)</td> <td>Parkland (e.g., town park)</td> <td>Other (e.g., the rest)</td> </tr> <tr> <td>Community (e.g., community centre) – except section 14(10)</td> <td>Institutional (e.g., university)</td> <td></td> </tr> <tr> <td colspan="4"> <p><b>RSC Required to Cross to Sensitive Community Uses</b></p> <p>Community section 14(10): Indoor pool, arena, enclosed stadium, indoor sports field or gymnasium that is Group A occupancy</p> </td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Standards same for uses within a category.</li> <li>Change from category 1 requires an RSC (more sensitive).</li> <li>Changes within categories do not trigger, with exception of sensitive community uses (Section 14(10)).</li> </ul> </div>	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)		<p><b>RSC Required to Cross to Sensitive Community Uses</b></p> <p>Community section 14(10): Indoor pool, arena, enclosed stadium, indoor sports field or gymnasium that is Group A occupancy</p>			
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Parks and Facilities	No concerns																	
Roads	No concerns																	
Synergy North	No concerns. Advise future developer to contact Synergy at their convenience to discuss servicing options.																	

## **Public Comments**

Notice of the application was given in accordance with Sections 17 and 34 of *The Planning Act*, whereby it was circulated on February 1<sup>st</sup>, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on January 28<sup>th</sup> and February 4<sup>th</sup>, 2021 and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the applications and passed a resolution recommending approval of the applications at their meeting on February 16<sup>th</sup>, 2021.

As of the date of the Planner's report (March 3<sup>rd</sup>, 2021), 13 submissions had been received from the public in opposition to the proposed redesignation and rezoning of the property. One submission has been received in support of the applications. The comments with identifying information redacted have been attached to this report. The opponents believe that the land should remain in its current use as a public park and community amenity, and state concerns including poor drainage of the property, the value of neighbourhood green space for youth activities, and preference for new residential development to be directed elsewhere in the city. The Planner read further comments received after the deadline into the record.

## **Evaluation**

This proposal is being brought forward from the City of Kenora as a result of careful consideration of the highest and best use of the Central Park property in meeting the needs of the city and its residents.

The Central Park ball field is currently inadequate in meeting the needs of a diverse range of user groups. For those groups that do currently use the fields, they can be accommodated at other City locations.

At the same time, finding serviced, developable land for urgently-needed residential units has become more difficult, and new developments are frequently challenged by the cost of servicing and lot grading on difficult terrain. If these applications are approved, Development Services staff will work with the future purchaser of the property to ensure that any development is well-suited to the needs of the community and the surrounding neighbourhood.

The comments provided by CP Proximity Ontario have been given serious consideration. Planning staff appreciate the potential for conflict between railyards and adjacent residential uses. While this property is approximately 100m from the nearest boundary of the rail yard, we note that this is an established residential neighbourhood and a mixture of both high and low density residential development are located in the area between. To respect the concerns of CP Proximity Ontario and Official Plan policies, the City of Kenora will work with any future developers of the property to ensure that any concerns regarding noise from the rail yard are addressed after the details of any future development are determined and prior to construction.

The subject property is located approximately 200m from Laurenson Creek, which is recognized as a provincially significant wetland, fish habitat, and source of water draining in to Lake of the Woods. This is beyond the 120m boundary in which Environmental Impact Statements are required for development in proximity to the creek. Areas of higher elevation

south of the subject property will prevent any additional overland drainage in the direction of the creek, and it is not expected that there will be significant increase to storm sewer loads as a result of future redevelopment of the property.

Concerns have been raised by members of the public who believed that legal obligations associated with the original transfer of this property from the Hudson’s Bay Company to the community of Rat Portage restricted the use of this property to a public park. A thorough review of property registry and historical records has revealed no such restrictions, and comments from Lake of the Woods Museum / Heritage Kenora indicate that this property was originally surveyed and envisioned as residential lots before being designated as a park by Rat Portage in the 1890s.

**Recommendation:**

As the City Planner for the City of Kenora, it is my professional planning opinion that the applications for Official Plan Amendment and Zoning By-law Amendment, File Nos. D-09-21-01 and D14-19-07, to change the Official Plan Designation from Open Space to Established Area and change the zoning of the property from “OS” Open Space Zone to “R3” Residential – Third Density Zone, be approved, in lieu of public comments that may not yet be received.

The Clerk then read the comments received from Community Services into the record. These were omitted from the Planning report in error.

Comments received from Community Services:

Community Services	<p><b>Central Ball Fields</b> Bookings/demand at Central ball fields will be shifted to JM front &amp; back. (They are coming back online). Central Small field is only used until the middle of July – This is typically when Kenora Baseball League finishes their season. Central Large field still has capacity specifically in the month of August. This capacity will be shifted to JM fields.</p> <p><b>Other Fields</b> Every field is available on majority of the Fridays throughout the season with the exception of KRC Large, Portage West and A&amp;W fields (between May and mid-July – Kenora Baseball League).</p> <p>Overall assessment is that there will still be extra capacity for Minor Baseball, Women’s League &amp; Mixed League after transferring all Central field times to JM Fields.</p>
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**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?



Dave Schwartz is not against the development but against this particular amendment. There is an opportunity here to develop something spectacular for Kenora. Providing development and park space here but don't like the notion of putting just half of this in the amendment. Council should be considering the entire park simultaneously or at least considering it. The ball diamonds are used very little so not against ball fields but this site is too valuable for ball fields. Council appears to be moving away from that and providing more opportunities for ball. Planning should be looking at development of the entire location and not just a piece meal plan of half the park and leaving the other half the park. There is sufficient space to have it both ways. Can have it residential and considerable park space. At a rough guess you can develop anywhere from 100-200 residential units and the left at recreational and park space. Recreational and park space can be many forms of picnic, trees, gardens, flower gardens. Will provide a written submission at a future date. Mr. Schwartz commented that Council is very much underappreciated and so is City staff and they all work hard to make Kenora a better place to live and expressed appreciation for the opportunity to speak.

Myron Bowen is totally against this. He has lived here since 1974 and that park is used more than is thought. There are many times in the evening there are children in that area and to take that park away it will never be coming back. If the City approves this, what type of housing would be approved for there? We already have a problem downtown and this is bad planning and should not be done.

Ashley Cederwall lives on First Street South and is very sad to hear that we will be losing this park. Green space is a source of happiness for the public. Ms. Cederwall asked for legal documents to be sent to her from Planning and asking those be provided to her but she has not received. The park was a park for 140 years and there was a reason for that and she would like to understand why it shouldn't go forward on a legal basis.

#### **4. Discussion**

##### a) Members of Council – Discussion/Questions

Councillor Poirier asked for clarification from Mr. Schwartz and his comments regarding Central Community Club. It is essential that it stays there. It could be modified with different use in the summer for bocce ball or other purpose but support the community club development.

Councillor Smith noted that just for clarification, the amendment is to move from outdoor space to residential three. That does not preclude is any green space being developed as part of the development. Kevan Sumnar noted that certainly through part of the expression of interest process we would submit visionary documents to include a range of concerns to reflect the public interest with the provision of continued green space or complimenting the park space on the east side. We do ask developers to look at their projects with green space or contributions of existing green space.

Councillor Goss noted he is a proponent of housing and supports development of housing in our community. We can embrace parkland in the area as well and will advocate for things that can still be done in this space. The proposal is to develop the community and not trying to separate it and not trying to take away green space but addresses everyone's needs. Trust the process and develop something that works for everybody.

## **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 12:47 p.m.