



PROCEEDINGS

for a Public Meeting

to discuss an Application for Temporary Use Bylaw

(Re: Unaddressed Property, Lot 1, Plan 23M966, Bell's Point Road, PIN 42134-0552)

Tuesday, March 8, 2022

12:00 p.m.

City Hall Council Chambers (Council only)

*Due to COVID-19 and the requirement for physical distancing, the livestream meeting recording can be accessed at:

<https://kenora.civicweb.net/Portal/>

PRESENT: Mayor D. Reynard
Councillor G. Chaze
Councillor R. McMillan
Councillor A. Poirier
Councillor S. Smith (virtual attendance)
Councillor C. Van Wallegghem (virtual attendance)

Regrets: Councillor M. Goss

Staff: Kyle Attanasio, CAO
Heather Pihulak, Director of Corporate Services/City Clerk
Kevan Sumner, City Planner
Adam Smith, Director of Development Services

Land Acknowledgement – Councillor McMillan

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 Indigenous people.

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
- There were none.

1. Applications Being Considered:

- a) Zoning Bylaw Amendment: D14-22-02
Civic Address: 1415 & 1435 Valley Drive
Registered Owner: 2793507 Ontario Inc.
Agent: MHBC Planning, Urban Design & Landscape Architecture

Applicant Presentation(s)

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

Patrick Townes, from MHBC Planning and Landscaping Architecture Firm in Barrie, ON presented on behalf of the applicants.

The proposed development includes a small-scale brewery within an existing commercial building at the property located at 1415 Valley Drive and a residential apartment dwelling at the property located at 1435 Valley Drive. The subject properties are designated Established Area and are located within the Settlement Area of the City of Kenora. The subject properties are currently located within the Highway Commercial (HC) Zone and the Rural (RU) Zone.

Zoning By-law Amendment is to rezone the property at 1415 Valley Drive to the Highway Commercial Exception 52 (HC-52) Zone and the Rural (RU) Zone. Amend the definition of a small-scale brewery to permit the maximum production of 50,000 hectolitres of beer per year for the HC-52 Zone. Rezone the property located at 1435 Valley Drive to the Residential – Third Density (R3) Zone and the Rural (RU) Zone to facilitate the construction of two apartment buildings and amenities. Presented to Planning Advisory Committee on February 15, 2022.

Settlement areas shall be the focus of growth and development. The City is supportive of mixed-use neighbourhoods within the Established Area designation. Development is to be serviced with municipal water and sewer services. Proposed land uses have been evaluated to determine land use compatibility amongst the commercial and residential development. Concur with Planning Staff's recommendation to approve the Zoning By-law Amendment application.

A proposed site plan has been submitted with the City and each lot includes the parking requirements. There is a total of 88 residential units proposed as part of the development. The policies of the official plan do not exceed the 40 units per hectre. The proposed small scale brewery includes a tasting area, small patio, store and restaurant. Regarding the planning analysis they prepared a detailed planning report and they agree with staff and the recommendations from the staff and Planning Advisory Committee. Required to reconfigure the existing lot line that divides the subject properties. There are no new lots being created. To sever approximately 0.54 hectares of land from 1435 Valley Drive and add it to the property at 1415 Valley Drive. This was approved by Planning Advisory Committee on February 15, 2022.

2. City Planner Report/Rationale

- City Planner to describe the details of the planning application(s).

Introduction

An application has been received to change the zoning of the subject properties from "RU" Rural Zone and "HC" Highway Commercial, Exception Zone, to "RU" Rural Zone, "HC[52]" Highway Commercial Zone, and "R3" Residential – Third Density Zone, to allow for future commercial development of a microbrewery with an exception to permit the maximum production of 50,000 hectolitres of beer per year on the western portion of the property, and future residential development on the eastern portion of the property.

These properties are also the subject of an application for Consent, lot addition, to realign the lot line between the two properties by removing a portion of the lot at 1435 Valley Drive and transferring that portion to 1415 Valley drive. The proposed new lot line coincides with the boundary between the proposed HC[52] and R3 zones.

1. Description of Proposal

The applicants intend to renovate the existing commercial building at 1415 Valley Drive to accommodate a microbrewery containing production facilities, a tasting room, restaurant area, and retail space, and are seeking an exception to allow the production of 50,000 hectolitres of beer per year. The zoning by-law currently defines a micro-brewery as producing less than 12,500 hectolitres of beer per year.

The applicants intend to develop 1435 Valley Drive with two four-story apartment buildings, with a total of 88 dwelling units and associated amenities.

In response to concerns regarding the classification of the proposed development under the Province of Ontario's D-6 guidelines for compatibility between industrial facilities and sensitive land use, the applicants have submitted a justification report setting out the rationale for the proposed brewery development to be considered a Class I facility under the guidelines. As a Class I facility, the guidelines recommend a 20 metre separation distance between the brewery operations and the proposed future residential development.

Figure 1: Proposed new zoning of subject property.

2. Existing Conditions

An existing commercial building is located primarily on 1415 Valley Drive, with a small portion encroaching on to 1435 Valley Drive. 1435 Valley Drive is otherwise undeveloped. The northern portions of both properties slope away from Valley Drive, into the sparsely tree-covered valley area. Seasonal drainage from neighbouring properties flows from west to east across the properties through the valley. The southern portion of each property is a forested slope rising steeply upwards to the south. A snowmobile trail crosses the property, but has no legal easements or right of access.

A former gas station is located to the northwest of the property. The applicants have completed a Phase II Environmental Site Assessment which concluded that concentrations of contaminants in soil and groundwater on the properties is less than the applicable regulatory guidelines. The Assessment recommended that no further action is warranted at the site.

Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

This application for rezoning is consistent with the policies of the PPS, including Policy 1.1.3.1, which states that "Settlement areas shall be the focus of growth and development". Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, amongst other criteria.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.3.1 states that planning authorities shall promote economic development and competitiveness by, in part, by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Policy 1.4.3 states that planning authorities shall 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 of the regional market by:

- permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, and all types of residential intensification, including additional residential units, and redevelopment in accordance with Policy 1.1.3.3. (Policy 1.4.3(b));
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (Policy 1.4.3(c)); and
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Policy 1.4.3(d)).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Established Area (Figure 3). The Established Area designation permits a mix of residential, commercial, industrial, and institutional uses. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of the Plan.

Residential development is encouraged as infilling or redevelopment on full municipal services. Medium density residential use is supported provided that the development is in keeping with the character of the area. The development as proposed would qualify as medium density (17-40 units / net hectare).

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 permitted through an amendment to the zoning by-law (Section 4.1).

c) Zoning By-law No. 101-2015

The properties are currently zoned "RU" Rural Zone and "HC" Highway Commercial Zone (Figure 4). The application proposes to:

- Expand the area zoned “HC” on 1415 Valley Drive and amend the zoning to “HC[52]” with a site-specific exemption to allow a microbrewery with a production of 50 000 hectoliters per year,
- Change the zoning of the northern portion of the property at 1435 Valley Drive to “R3” Residential – Third Density Zone, and
- Adjust the proposed zoning boundaries to reflect the concurrent application for consent, lot addition.

The HC zone allows for commercial development along major roads that serves the travelling public and often requires large land areas for development.

The R3 zone allows for the development of a full range of housing forms and other compatible uses serviced by municipal sewer and water.

The RU zone allows for the production of farm produce as well as recreational and other compatible uses, as well as limited development of low density single-detached, seasonal, or permanent housing compatible uses in a rural setting.

Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on January 20th, 2022. The following is a summary of comments received in response.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Development	No comment
Environmental Division	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	No concerns. There is a manhole and sewer main in the ditch line on the vacant property and the service for the existing building is on the vacant property.
Ministry of Environment, Conservation, and Parks	The Ministry does not review justification reports. The D-Series guidelines are municipal guidelines meant for helping municipalities make decisions on development proposals, etc.
Synergy North	No comment

Public Comments

Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated to property owners within 120 metres, was published in the Municipal Memo of the Newspaper on February 3rd and 10th, and was circulated to persons and public bodies as legislated.

The Planning Advisory Committee had the opportunity to consider the application at their regular meeting on February 15th, 2022, and has recommended the application be approved. The minutes and relevant resolution from this meeting are attached.

As of the date of this report (March 1st, 2022), no public comments have been received.

Evaluation

The proposed zoning amendment is appropriate to the property owner's plans for the property, reflecting the proposed new property lines and the future commercial and residential development envisioned for the property. Amendment of the zoning of a portion of the property to R3 will allow for residential development of a site at medium density (up to 40 units/net hectare). The commercial zoning will encompass the entire existing commercial building, which extends beyond the boundary of the existing HC zone, and the site-specific amendment to allow a microbrewery with a production of 50 000 hectolitres per year is in line with provincial regulations which classify microbreweries as having a production of under 50 000 hl/year.

Both the Provincial Policy Statement and the Official Plan are supportive providing land for new commercial development and of residential infill development on a site with access to municipal services located along an existing transit corridor. The province's D-6 guidelines have been addressed by the applicants in the justification report they have provided with their application, and the Phase II environmental site assessment provides assurances that there is no contamination of the site that would restrict future development.

Future development of the properties will be subject to Site Plan Control. At that time, the City of Kenora will require that the applicant provide detailed drainage plans to address overland drainage through the property, further assessment of servicing requirements, and that the separation distances between the brewery and residential development reflect the recommendations of the D-6 guidelines.

3. Public Comment

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

There were none.

4. Questions of Council (no decision)

Councillor Smith questioned the Commercial Exception 52 (HC-52) Zone and the Rural (RU) Zone. Amend the definition of a small-scale brewery to permit the maximum production of 50,000 hectolitres of beer per year for the HC-52 Zone.

5. Close of Public Meeting

Meeting is to be declared closed following all comments/questions

Mayor Reynard asked if there were any questions?

There were none.

As there are no further questions, Mayor Reynard declared this public meeting CLOSED at 12:26 p.m.