



PROCEEDINGS

for a Public Meeting

to discuss an Application for a Zoning Bylaw Amendment
(Re: D14-22-06 – 216 Matheson Street South)

Tuesday, September 13, 2022

12:00 p.m.

City Hall Council Chambers

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

Present: Mayor D. Reynard
Councillor M. Goss
Councillor G. Chaze
Councillor R. McMillan
Councillor A. Poirier
Councillor S. Smith (virtual attendance)
Councillor C. Van Walleghem (virtual attendance)

Staff: Kyle Attanasio, CAO (virtual attendance)
Heather Pihulak, Director of Corporate Services/City Clerk
Kevan Sumner, City Planner

Land Acknowledgement – Councillor Chaze

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: D14-22-06
Civic Address: 216 Matheson Street South
Registered Owner: Kenora District Services Board (KDSB)
Applicant: Landmark Planning & Design Inc.

Applicant Presentation(s)

Donovan Toews from Landmark Planning presented the zoning bylaw amendment presentation for 216 Matheson Street South. Nejmark Architects led the detailed design process. Landmark Planning & Design has lead the planning process. The site is excellent and is located in the heart of the downtown. The KDSB put forth proposals to find a developer that would add affordable housing in the downtown.

The Official Plan is the overall development plan for Kenora. It designates this area of the city as a "Commercial Development Area" within the Harbourtown Centre, which is described as: A dynamic commercial core that includes commerce, tourism, recreation, residential and business activities. The Official Plan includes several policies and objectives that support a project like this one: encourage multi-unit residential development together with street level commercial uses; provide a wide range of goods and services; encourage the development of facilities and uses that have a City-wide or regional significance.

The subject site has been rezoned to General Commercial Zone (GC): The GC zone allows for a wide range of uses and services to meet the needs of residents, businesses and tourists. Permitted uses include retail stores, apartment dwellings, and clinic, among others. The Harbourtown Centre Community Improvement Plan targets community improvements, including policies and objectives that support a project like this one: To reinforce the commercial core as a focus for the community, including commercial and residential uses. To provide a mix and range of housing types that shall meet the physical and financial needs of all current and future residents, in particular the aging population and new entrants to the housing market.

The Age-Friendly Strategic Plan identifies the development of appropriate senior housing as an urgent need and priority for the City: Need for accessible housing where people are able to age in place. Almost 20% of Kenora's population is 65 years old or older. Many of the best-quality apartments for seniors in Kenora are old and lack elevators or support services. Age-Friendly Business designation to promote accessibility features in new developments.

The site is located on the City's existing Transportation network: All three of the bus routes operating in Kenora run in proximity to the site and can be accessed within a 2-min walk at the intersection of 2nd Street and Chipman Street. Bus routes: Pinecrest, Lakeside, and Keewatin.

At the stakeholder meeting in July 2022, key questions were raised by nearby residents and stakeholders. The Project Team has worked to respond to these questions and concerns through the planning and design process. The concerns heard included facades at Matheson St. S. and Hennepen Lane. will be well illuminated and designed to avoid places to hide. Controlled security access to residential levels through elevator access cards. Opaque balcony glass to enhance privacy of tenants and neighbours. The proposed development will provide parking on-site in combination with parking off-site to fulfil the needs of the commercial, clinic, and residential uses. Indoor bike parking is being incorporated into the design to promote biking and reduce parking needs. Building step backs reduce the building footprint on level 4, increasing visibility for the surrounding neighbours.

The preferred design concept for the subject site includes the following features: Four-storey, mixed-use development targeted for seniors. Commercial unit(s), a pharmacy, and a clinic area on the 4th floor. Age-friendly, accessible features (elevator, access ramp). 16 Affordable suites on levels 2 and 3 (4 fully accessible). 21 parking stalls (2 accessible). Therapy room with physical fitness equipment for seniors.

21 on-site parking spaces combined with 4 off-site parking spaces (long-term lease). The proposed off-site parking would be located at 310 Matheson St S., 70m south from the subject

site. Off-site parking will be assigned for commercial use, employees/staff.

The proposed development is an excellent proposal for the neighbourhood. It aligns with directions and policies from the Official Plan, the Harbourtown Centre Community Improvement Plan, and the Age-Friendly Strategic Plan. It is supportive of the City's goal to become an officially recognized age-friendly community. It increases the variety of housing options in the neighbourhood and allows people to age in place. It addresses resident and stakeholder concerns while mitigating potential impacts. It is the result of months of collaboration with stakeholders and the City of Kenora.

2. City Planner Report/Rationale

Introduction

An application has been received to exempt the subject property (Figure 1) which is zoned "GC" General Commercial Zone from certain regulations of that zone as follows: to permit the location of a dwelling unit on the ground floor of a multi-storey building; to permit the location of a commercial use on the fourth floor; to reduce the number of required parking spaces from 1.5 parking spaces plus 0.2 visitor parking spaces per dwelling unit (total of 1.7 parking spaces per unit) to 0.5 parking spaces per unit, and to increase the maximum permitted building height from 11.0m to 13.9m.

Description of Proposal

The property owner wishes to redevelop the property with a residential mixed-use development that will include 17 dwelling units, a medical clinic, a pharmacy, and a retail store. Earlier this year, the zoning of the property was amended from "I" Institutional Zone to "GC" General Commercial Zone by City of Kenora By-law No. 22-2022, to enable a mixed-use. This new zoning amendment is required because the design of the proposed development, produced following the previous amendment, does not comply with several regulations of the GC zone, as detailed under section 5(c) of this report.

Existing Conditions

The subject property is the former location of the Northlands Supportive Housing building, and has been vacant since the demolition of that building. It is a fully serviced lot with approximately 30m of frontage on Matheson Street South.

Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The policies of the Provincial Policy Statement 2020 encourage planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term need, and encouraging compact, mixed-use development that incorporate compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4 (Policy 1.3.1(b) and (d)).

Policy 1.4.3 directs 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 of the regional market area. This is to be achieved by various means, including:

- 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 projected needs,
- 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.
- Promoting densities for new development 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;

b) City of Kenora Official Plan (2015)

The land use designation of the property is Harbourtown Centre (Figure 4). The Harbourtown Centre designation represents the downtown area of the City, and is considered to be an extremely important component of the commercial and recreational land use system of the City of Kenora. It is the intent of the Plan that this area contains major concentrations of commerce, finance, tourism, entertainment, recreation, residential and business activities, and provides a dynamic commercial core for the residents of and visitors to the City of Kenora (Section 4.3).

Multi-unit residential development in conjunction with commercial uses is encouraged in the Harbourtown Centre where the street level is used for commercial purposes (Policy 4.3.1(b)).

c) Zoning By-law No. 101-2015

The subject property is currently zoned "GC" General Commercial Zone (Figure 4). The GC zone allows for a wide range of uses and services to meet the needs of residents, businesses, and tourists. Most of the neighbouring properties are also zoned GC. Some lots on the opposite side of Matheson Street South are zoned "LC" Local Commercial Zone.

The "GC" zone permits commercial uses only on the ground floor of a building, unless upper storey commercial uses are an extension of a ground floor use (Section 4.7.3(g)). Dwelling units may be located within the same structure and above one or more permitted uses that occupy the first floor of a non-residential use building (Section 4.7.3(d)). The applicants are proposing to amend the zoning to permit a commercial use (clinic) on the fourth floor of the building, and to permit a dwelling unit within a portion of the ground floor (not above a permitted use).

The zoning regulations for the GC zone limit the maximum height of any permitted use to 11m (Section 4.7.3(c)). The applicants have requested a site-specific amendment to allow their building to have a height of up to 13.9m.

The final site-specific amendment being requested is to reduce the number of required parking spaces for each dwelling unit on the property from 1.7 per unit (1.5 parking spaces plus 0.2 visitor spaces per dwelling unit) to 0.5 per unit with no visitor parking spaces (Section 3.23.1, Table 4). This would have the effect of reducing the required parking spaces for the proposed development by 50% from 40 parking spaces to 20 parking spaces, (9 parking spaces for dwelling units, 6 parking spaces for the retail store, and 5 parking spaces

for the clinic). A proposed site plan for the property indicates that the applicants intend to provide 21 parking spaces.

Figure 4 – Existing Zoning By-law Mapping

Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on August 22nd, 2022. The following is a summary of comments received in response.

Building	<p>The reduction in apartment parking spaces by 68% is excessive. The units may be occupied by more than one person, so that increases the likelihood of there being a licensed driver with a vehicle. There are eight parking spaces accessed directly from the back lane. There is one barrier-free parking space serving four apartment units with barrier free design, two retail spaces, and a clinic. The two barrier-free spaces normally required (at 40 parking spaces) is not enough, let alone the one requested.</p> <p>Having commercial space on the first and fourth floors, how are they going to keep the general public out of the apartment floor levels and associated common areas on the main floor, especially if this is to be an apartment building for seniors?</p>
By-law Enforcement	<p>It’s likely that not everyone in the building will have a vehicle, but only having enough spaces for half the apartments is concerning. If there are more vehicles than spaces, there really isn’t anywhere else they can park in close proximity for more than two hours, other than on the street in a metered space which they would be expected to pay \$1/hour and move their vehicles every 2 hours to be compliant with the parking by-law.</p> <p>Some units could have two people living in them with two vehicles, which would already create additional vehicles on the street. During the winter months, it is anticipated several vehicles being left in the area on the street overnight which could cause an issue for snow plowing/removal.</p> <p>Vehicles parked consistently on the street could take up spaces that are not meant for that and time limits could be enforced. It isn’t realistic to have a downtown apartment and not offer at least one parking space for each unit.</p> <p>After reviewing the planning rationale, it is believed that a building of this size and with various uses would have a parking demand greater than the 21 spaces proposed to accommodate their requirements. Extra on street parking will increase in general in the area, putting extra pressure on the City to provide parking spaces.</p>
Community Services	No concerns
Engineering	Lack of parking will be an issue by competing parties of the building (medical staff, patients, residents, pharmacy, and retail spaces).
Economic Development	No concerns

Environmental Division	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	No concerns
Synergy North	No concerns

Public Comments

A public meeting is scheduled to be held by Council on September 13th, 2022. 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 August 25th, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee had the opportunity to consider the application to Council at the meeting on September 6th, 2022, and has recommended approval with the amendment as recommended above, reducing the number of required parking spaces per dwelling unit to 1.0, rather than the 0.5 spaces per unit requested in the original application. The minutes and relevant resolution from the meeting are attached.

As of the date of this report, one comment has been received from a member of the public, and is attached. The author identifies themselves as a local business owner and expresses concerns regarding the shortage of parking in the downtown area in general, and at existing businesses in the immediate area of the proposed development. They encourage the property owner to find additional on-site or off-site parking.

Evaluation

The proposed zoning amendment is generally appropriate to permit redevelopment of the property as a mixed-use development similar to many other properties in the Harbourn Town Centre area, but there are concerns that should be acknowledged.

Both the Provincial Policy Statement and the Official Plan are supportive of mixed-use commercial and multi-unit residential developments. The applicant indicates that the proposed redevelopment will be targeted towards senior citizens and will be age-friendly, incorporating accessibility features. It is located on a fully serviced lot within the downtown area, where a broad range of services and local bus routes may be found within a walkable distance.

The proposed four-storey height of the building is one storey higher than the two highest buildings on the same block: the BDC building at 227 Second Street South and the Pharmasave building at 201 Main Street South. It is also one storey higher than the Northlands building that previously occupied the same property. Elevator and stairway enclosures are allowed to project higher than the maximum permitted height, bringing the building to a total height more comparable to the tallest building in the area, the Kenricia hotel. A rooftop patio will enable the developer to provide the required amenity area for the residents of 6.0m² per dwelling unit or 10% of the gross floor area.

The incorporation of a fourth floor clinic and a ground floor caretaker suite are exceptional for a mixed-use property in the downtown area. There are buildings where the commercial use extends through the entire building from bottom to top floors, but none where intervening floors are residential. The Chief Building Official has raised some concerns regarding security of the residents that it is hoped will be considered as the design of the building is refined. The street-facing side of the building does preserve a ground-floor commercial façade that is in keeping with the character of other buildings in the area, as the dwelling unit on the main floor is oriented towards the rear of the building. The result is a building that will be visually similar to neighbouring buildings and other downtown development.

The proposed reduction in parking is not unprecedented in the downtown area, where there are many properties with limited parking. However, concerns have been raised that the proposed reduction requested may exacerbate an existing shortage of parking in the area, and potentially increase long-term parking on nearby streets. The applicant, in their planning rationale, bases the proposed 0.5 parking spaces per dwelling unit on what is required for retirement homes, but the building will not be considered a retirement home under the zoning by-law and the City would have no authority to limit future use of the dwelling units to seniors.

While it is acknowledged that the pedestrian-friendly location and stated goal of providing affordable seniors housing, plus the ready availability of visitor parking on nearby city streets, provides justification for a reduction in the amount of required parking spaces, there are concerns that the requested reduction to 0.5 parking spaces may be excessive and exacerbate problems related to an existing short of parking in the immediate area.

If the number of parking spaces were reduced to 1.0 parking spaces per unit as a compromise, there would be an assurance that each unit would have a dedicated parking space, but the total required parking spaces would then become 28 parking spaces, or seven more than what has been proposed but still 12 fewer spaces than would normally be required (a 30% reduction). Two of those spaces would now be required to be accessible parking spaces. This is more accessible spaces than is accommodated in the original site plan provided with the application, but a revised site plan submitted by the applicants on September 2nd has incorporated an additional accessible parking space, and has been attached to this report.

The zoning by-law provides the option for a commercially zoned property to supply required parking spaces off-site within 90m of the main pedestrian access of the building, allowing an opportunity for the develop to meet the parking requirement without further changes to the proposed site plan. At the Planning Advisory Committee meeting, the applicants indicated that they have already identified four parking spaces as being available on the adjacent lot to the south.

Site Plan Control approval is required for the proposed development. The parking spaces that are directly accessed from the lane will be given further consideration during the review off the site plan, as such parking spaces are generally discouraged but not expressly forbidden.

Recommendation

That the application for Zoning By-law Amendment, File No. D14-22-06, to seek relief from the regulations of the "GC" General Commercial Zone by amending the zoning to "GC[54]" General Commercial, exception [54] Zone should be approved, with an amendment to the proposed reduction in required parking to 1.0 parking space per dwelling unit, with the approved exceptions being:

1. to permit the location of a dwelling unit on the ground floor of a multi-storey building;
2. to permit the location of a commercial use on the fourth floor;
3. to reduce the number of required parking spaces from 1.5 parking spaces plus 0.2 visitor parking spaces per dwelling unit (total of 1.7 parking spaces per unit) to 1.0 parking spaces per unit; and
4. to increase the maximum permitted building height from 11.0m to 13.9m.

That Council gives three readings to a by-law to that effect.

3. Public Comment

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

LJ Jackett, 213 Matheson Street South. Ms. Jackett supports the recommendation of one spot per unit. She disagrees with the demand for parking by the population targeted for this building. There could be more care required, more visitors and believes it would be entirely less stressful for the residents to have their own parking spot.

4. Questions of Council (no decision)

Councillor McMillan questioned the difference in the report versus the request. The difference is in the parking. We are reducing the number of required parking spaces from 1.5 parking spaces plus 0.2 visitor parking spaces per dwelling unit (total of 1.7 parking spaces per unit) to 1.0 parking spaces per unit.

Councillor Smith questioned the parking and give consideration under site plan control regarding where they use off-site parking. Kevan Sumnar advised that they don't typically designate who in the building is using the parking, it is designated parking for the building as a whole. It makes sense that employee parking would be offsite rather than resident parking. There isn't an easy way to ensure through a legal requirement to ensure that they will follow that.

Mayor Reynard questioned the staff comments from the building department. It was questioned how the protection of the tenants will be considered. It was mentioned at the Planning advisory Committee that key card entry would be included.

5. Close of Public Meeting

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 12:50 p.m.