



City of Kenora
Planning Advisory Committee
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Kenora, Ontario P9N 4M9
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**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday January 17, 2023
6:00 p.m. (CST)
Video Recording:**

DELEGATION:

Present:

Robert Kitowski	Member
Keric Funk	Member
Tara Rickaby	Member
Robert Bulman	Member
Renee Robert	Member
Jay Whetter	Member
Andrea Campbell	Member
Kevan Sumner	City Planner
Heather Pihulak	Manager Development Services
Alberic Marginet	Acting Secretary Treasurer; Minute Taker

Members of Public:

Unidentified Member
Rose Derouard
Michael Strecker

i. Call meeting to order

The meeting was called to Order by the Chair, Robert Kitowski, at 6:00 PM Central Standard, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified that that meeting is being recorded and that all participants agree to be recorded by choosing to attend. The Chair then described the expected protocols to be followed during the meeting.

ii. Additions to the Agenda

The Chair asked the Secretary Treasurer, Alberic Marginet, if there were any additions to the agenda. The Secretary Treasurer identified no additions to the agenda.

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.

The Chair asked the members of the Committee for any declarations of interest for the meeting, or any meeting at which a member was not present. No members of the Planning Advisory Committee made a declaration of interest.

iv. Approval of Minutes for a meeting held:

- **Planning Advisory Committee Meeting, December 20, 2022**

Member Whetter identified a mistake on the name of the adjourning member of the meeting for December 20, 2022. Member Bulman and the acting Secretary Treasurer confirmed the mistake, and the acting Secretary Treasurer indicated the mistake would be amended on the approved minutes for December 20, 2022. Hearing no additional errors, the Chair adopted the minutes as amended.

v. Correspondence relating to applications before the Committee

The Chair asked if there was any new correspondence related to the applications before the committee. The acting Secretary Treasurer indicated that no additional comments had been received.

vi. Other Correspondence

The Chair asked if any other correspondence had been received. The acting Secretary Treasurer indicated that there was none.

vii. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The City Planner, Kevan Sumner, identified one adjournment request from the City of Kenora. The Planning Department formally requested that Application for Minor Variance File No. D13-22-14 be adjourned to the February 21st, 2023, meeting of the Planning Advisory Committee prior to the reading of the Planning Report. This request was made as legal matters had been identified following the writing of the Planning Report, and it was felt that in fairness to the applicant, the Committee, and the general public, expert legal advice was necessary before the application was brought forward. The Chair asked if a motion was prepared and could be read to adjourn Application for Minor Variance File No. D13-22-14. The Secretary Treasurer identified that he had a motion prepared. The Chair asked the Secretary Treasurer to read the motion;

That Application for Minor Variance File No. D13-22-14, for property identified as PIN 42136-0316, to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.34.1 (c)vii, to allow for a dock of up to 550 m² be adjourned and rescheduled for the City of Kenora Planning Advisory Committee meeting dated February 21st, 2023.

The Chair requested if any Member of the Committee would move the motion to adjourn. Member Rickaby asked, if the motion was adjourned, would the members of the public have an opportunity to speak to the application during this meeting. The City Planner, speaking through the Chair, answered that all presentations would proceed at the February 21st meeting, which would allow all parties to make comment on revisions to the Planning Report if they become necessary.

Moved by: Member Rickaby

The motion unanimously carried.

Member Rickaby requested, through the Chair, when the information would be made available to the Committee and the public. The City Planner indicated that a legal opinion was being obtained, the Planning Report would be revised if necessary following this opinion, and the City Planner was confident in having a completed report in advance of the meeting in February.

An unidentified member of the public asked for information regarding the nature of the legal request. The City Planner responded that the nature of the request related to *the Planning Act* and associated regulations, and the City wanted to ensure its compliance with the Act.

Member of the public, Ms. Rose Derouard, requested that the Planning Advisory Committee consider a vote to refuse adjournment. Ms. Derouard expressed concerns over equity and unfairness if the applicant was to be given the opportunity to seek legal counsel. The Chair responded by stated that it was the City and not the applicant seeking legal counsel, which was within the legal right of the City.

viii. Consideration of Applications for Minor Variance

i. File Number: D13-23-01, InnKeepers Inc.

The Chair requested that the Agent of InnKeepers Inc., Justin Schinkel, make his presentation.

Justin Schinkel indicated that InnKeepers Inc. had purchased approximately 1.6 acres of land, and that the site was smaller than what InnKeepers Inc. preferred. This was the reason behind the minor variance application, which if approved would allow for the development to proceed with an economy of scale. Mr. Schinkel provided a site

plan for the property, and identified an approximate 102 room development, with potential amenities including a breakfast area, meeting area, and pool facilities.

The City Planner, Kevan Sumner provided his Planning Report for the InnKeepers Inc. application. The property is currently owned by the City of Kenora, and the application would enable a hotel with a maximum height of 18 metres, which can be considered to be a 5 storey building. The subject property is currently undeveloped, mostly tree covered, and slopes from the Northwestern corner to the East and South with a difference in elevation of approximately 8 metres. A hotel exists to the East of the property, and the properties to the North and West are undeveloped. The application indicates a height variance is necessary to provide enough hotel rooms for an economy of scale.

The Provincial Policy Statement policy 1.1.3.2 is generally consistent with the application, and 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 effectively use, the infrastructure and public service facilities which are planned or available, avoiding the need for unjustified and/or uneconomical expansion. The City of Kenora Official Plan designation for land-use of the property is Commercial Development Area, and policy 4.4 of the plan states that permitted uses of the area shall primarily serve vehicular traffic, with permitted uses including a hotel. Compatibility of development shall be assessed on criteria in section 3.15.5 of the City of Kenora Official Plan, which includes height and massing; new building must have regards to the height and massing of adjacent buildings, and where variations in height and massing are proposed, a transition is desirable. Section 3.15.5 also provides criteria on shadowing, and states shadowing must be minimized on adjacent properties, particularly on outdoor amenity areas. Presently there are no existing building except for the hotel to the East and a residential dwelling to the Southeast.

The City of Kenora Zoning By-law currently zones the property "HC" – Highway Commercial Zone. The HC Zone allows for commercial development along major roads serving the travelling public and often requiring large land areas for development. Hotels are permitted in the HC Zone, but the maximum permitted high is 10 metres, which necessitates a minor variance to permit the maximum height be increased to 18 metres.

Notice was circulated for comment internally, and no comments or concerns were provided from the City of Kenora departments. Notice of Complete Application was completed in accordance with Section 45 of *the Planning Act*; as of the date of the Planning Report no comments were received. One public comment was received following the completion of the Planning Report which was made available to Planning

Advisory Committee members, and expresses concern over shadowing of the property to the West. These concerns will be addressed by a member of the public attending the PAC meeting.

Regarding the Planning Report evaluation; no concern was identified in the review of the application. If approved, the minor variance will allow development of a hotel that meets policy 4.4 of the Official Plan, and appears to meet all other HC Zone requirements. While approval will increase permitted height, the central location of the property is unlikely to impact neighbouring properties. After the property is leveled for development, the base of the building is likely to be several metres lower than the highest point behind the property, decreasing its visual impact. Site Plan Control approval and a Building Permit will be required. Regarding the neighbouring property to the West, some shadowing will result but there are no buildings or outdoor amenities existing, and shadowing would only impact the rear portion of that property.

Respecting the Four Tests of a Minor Variance:

1. The General Intent and Purpose of the Official Plan:
 - The proposed location of the building on the site causes no concern that height or massing will cause negative impact as a result of shadowing on any existing buildings or outdoor amenity. Shadowing will potentially impact future development of the property to the West.
2. The General Intent and Purpose of the Zoning By-law:
 - As per the Official Plan, intent of the Zoning By-law can be achieved and relief from a regulation can be granted if no negative impacts can be anticipated. The proposed relief is considered unlikely to have an impact on the neighbouring properties and existing uses.
3. Appropriate and Desirable Development of Land
 - Desirable development of land is development that is compatible with the established community and existing development. The proposed development is located on an infill property in an established Highway Commercial Zone, and is on a major transportation corridor with existing hotels.
4. The Variance in Minor in Nature
 - The variance can be considered minor in that it appears to be the minimum necessary variance to provide the desired number of hotel rooms with sufficient parking. The resulting height will be similar to existing hotels in the community, especially the Clarion and the Kenricia Hotels.

The City Planner recommended the Planning Advisory Committee to take into consideration any comments yet to be received, and the late public comment received in opposition due to shadowing of the property to the West, but that Application for Minor Variance D13-23-01 to seek relief from the City of Kenora Zoning By-law 101-2015 Section 4.8.3 (h) to permit the construction of a hotel with the maximum building height of 18 metres meets the four tests and should be approved.

The Chair asked Mr. Schinkel if he wished to comment or add any details to the Planning Report. Mr. Schinkel indicated that he had no additions to the planning report, but made comment that the adjoining property to the West was also zoned Highway Commercial which would require parking and similar requirements and would be minimally affected by the shadowing of this building.

The Chair asked if any members of the Public wished to speak in favour of the application. No members of the public provided comments.

The Chair asked if any members of the public wished to speak in opposition of the application. Mr. Michael Strecker identified a potential loss of view from his property, and indicated that he did not wish to see the back of a building. Mr. Strecker followed this comment with a question on the depth of the rock cut needed for the development, and concern over hazards this may create on his property. In addition, Mr. Strecker identified displeasure that his attempts to purchase the road allowance where this hotel is proposed was ignored by the City of Kenora.

The Chair asked the City Planner if he wished to comment on the concerns over the rock cut. The City Planner responded that the development would be subject to Site Plan Control Approval, and that any rock cuts would be subject to City of Kenora approval. Any Site Plan Controls would review the plans of the applicant and their engineers, and concerns would be addressed when they became known. Mr. Strecker asked if the City would be responsible if anyone was hurt as a result of the rock cut. The City Planner responded that the applicant would be required to perform the rock cut in a manner that was safe and responsible to avoid personal harm to others. Mr. Strecker asked what measures would be used to ensure that the rock face wouldn't collapse or slump. The Chair indicated to Mr. Strecker that these were issues that were traditionally addressed during Site Plan Control, but offered Mr. Schinkel the opportunity to make comments. Mr. Schinkel could not comment on rock cuts as the project had not proceeded to its engineering phase, but indicated blasting would be necessary. Mr. Schinkel indicated that he was willing to contact Mr. Strecker to discuss his concerns in person.

The Chair asked if there were any other individuals who wished to speak in opposition. No additional members of public made comment.

The Chair opened the floor for questions and comments by the members of the Planning Advisory Committee. Member Campbell identified a desire for conditional requirements for the the pool, breakfast, and meeting space amenities be written into the minor variance for building height. The Chair asked for comments on said conditional approval by the City Planner. The City Planner indicated that conditions were at the discretion of the committee, but any conditions would have to be specific, such as identification of square metre requirements for amenity space that the development can be held accountable to provide. Mr. Schinkel identified that he was open to conditions in principle, but would prefer if they were not in place. Mr. Schinkel asked if the Planning Advisory Committee was willing to use conditions requiring amenities on a yes-no basis. Member Campbell stated she was willing to set a minimum requirement of 65% of the proposed public amenity space, but would prefer setting the condition with square metre requirements. Mr. Schinkel indicated that this would be acceptable for InnKeepers Inc.

The Chair asked for additional comments and questions. Member Rickaby asked a question about the on-site parking, and requested clarification on the number of hotel rooms being proposing. Mr. Schinkel responded that InnKeepers Inc. was proposing 102 rooms. Member Rickaby identified that she counted 106 parking spaces for the hotel, and that it might be important to check that the parking spaces fulfilled the necessary requirements.

The Chair asked for additional comments and questions, and identified Member Whetter wishing to speak. Member Whetter indicated that his question was the same as Member Rickaby, and he was interested if the proposed parking satisfied the identified requirements.

Member Funk asked who owned the property to the West of the Application for Minor Variance File No. D13-23-01. The City Planner responded that the property to the West was owned by Mr. Strecker, and the owner of the property located to the North was the Kenora District Service Board.

The Chair identified that Member Bulman wished to make a comment. Member Bulman indicated concern over the Planning Advisory Committee not being responsible for conditions related to design elements like parking or public amenities. The City Planner indicated that Zoning requirements such as parking were an issue that was handled administratively, but setting reasonable conditions are within the Planning Advisory Committee's power and jurisdiction.

The Chair asked Member Campbell if she had the opportunity to draft conditions for her motion. Member Campbell responded that she needed to review Mr. Schinkel's proposed plans before she could draft the conditions. Mr. Schinkel provided images of these plans, and the City Planner assisted Member Campbell in performing the calculations to set minimum floor area requirements.

The Chair asked the other Committee Members if they had any other questions, comments or concerns in connection to those of Member Campbell. Member Rickaby asked how the conditions were to be made, and if they needed to be part of an agreement made by council. The City Planner indicated that no formal agreement needed to be made and the conditions could be included as part of the Site Plan Control approval. The Chair asked for additional comments and questions. The Chair asked for Member Campbell to read the decision without moving it, so Mr. Schinkel can provide any comments or questions, before a motion is made.

Member Campbell read her motion, being:

That application, D13-23-01, for the property legally identified as 1210 Highway 17 East, and including PINs 42168-0150, 42168-0668, 42168-0155, and 42168-0472 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.8.3(h) to permit the construction of a hotel with a maximum building height of 18 metres; conditional on a pool area being constructed with a minimum area of 201.5 square metres and a restaurant and/or meeting space with a minimum area of 148.5 square meters; meets the four (4) tests and should be approved.

Mr. Shinkel had no questions or comments regarding this motion. Member Whetter identified a correction that the reference to pool in the motion represents the pool area and not the pool itself. This detail was amended in the motion.

Moved By: Jay Whetter

Seconded: Keric Funk

Unanimously passed.

ix. New Business

The Chair asked if there is any New Business. Acting Secretary Treasurer indicated that there was none.

Member Rickaby asked about the training on Property Standards and Conflict of Interest/Pecuniary Interest that the Planning Advisory Committee was to receive in February. Heather Pihulak commented that the Conflict of Interest/Pecuniary Interest training would occur once all committees were arranged and everything could be coordinated together. The City Planner indicated that dates for property standards were in the process of being established, but had not been confirmed yet.

Member Whetter asked a question regarding the identification badges that the Planning Advisory Committee was to receive. Heather Pihulak indicated that the identification was being arranged but was waiting to receive photos from one member before it could be finalized and released to the members.

The City Planner identified a brief update on the Official Plan and Zoning By-law review. He indicated that the City of Kenora Official Plan and Zoning By-laws were being delayed due to Provincial legislation that has yet to be released, after which the City of Kenora should be receiving feedback as Official Plans and By-law. He indicates that this is being done to avoid Official Plan and By-law, which is legally required to conform to Provincial Legislation and Policy, being adopted and shortly thereafter declared obsolete due to changes in Provincial legislation and policy.

x. Adjournment

The Chair asked for a motion for adjournment.

Moved by: Member Rickaby.