



A G E N D A

**Public Statutory Meeting
as per the requirements of the Planning Act
R.S.O 1990, c.P13, s. 34**

Wednesday, July 12, 2023

12:00 p.m.

City Hall Council Chambers

Public Access Livestream: <https://kenora.civicweb.net/Portal/>

Land Acknowledgement – Councillor Moncrief

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

1. Applications Being Considered:

- a) Zoning Bylaw Amendment: D14-23-05
Civic Address: 725 Railway Street
Legal Description:
Registered Owner: 1908393 ON Inc.
Agent: Amber Ostrowski & Paul Reishel

Applicant Presentation(s)

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

2. City Planner Report/Rationale

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

3. Public Comment

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

4. Questions of Council (no decision)

5. Close of Public Meeting

Meeting is to be declared closed following all comments/questions



July 12, 2023

City Council Committee Report

File No.: D14-23-05
To: Kyle Attanasio, CAO
Fr: Kevan Sumner, City Planner
Re: Application for Zoning By-law Amendment
Location: 725 Railway Street
Owner: 1908393 ON Inc
Agents: Amber Ostrowski & Paul Reishel

Recommendation

That the Application for Zoning By-law Amendment, File No. D14-23-05, to change the zoning of the subject property located at 725 Railway Street from "LC" Local Commercial Zone to "LC[57]" Local Commercial, Exception Zone with permitted site-specific use of a shelter kennel to be used exclusive for cats and with no outdoor housing of animals, be approved; and further

That Council gives three readings to a bylaw to that effect.

1. Introduction

An application has been received to change the zoning of the subject property (Figure 1) from "LC" Local Commercial Zone to "LC[57]" Local Commercial, Exception Zone with permitted site-specific use of a kennel for cats.

2. Description of Proposal

The applicants wish to amend the zoning of the property to permit the redevelopment of the property to house a kennel for cats (The Kenora Cat Shelter). The kennel is being relocated from a residential area where it has operated for the last 20 years, to an existing structure that was previously used for commercial purposes. A description of the shelter operations is provided in the application form, between pages 15 and 16 if going by the page numbers, or page 11 of the PDF.

3. Existing Conditions

The property has an area of approximately 1096 m² and is developed with a single large commercial building. It has municipal water and sewer services. It has frontage on the laneway between 7th Avenue South and 8th Avenue South. The property has a Railway Street address, but Railway Street becomes a private road on CPR property at Eighth Avenue South and there is no access from to the north side of the property (Figure 1).



Figure 1: Aerial image indicating the location of the subject property (2022).

4. Site Visit

On June 16th, 2023, the Associate Planner conducted a site visit and took the following photo.



Figure 2 – Panoramic photo of the property from the laneway between Seventh Avenue South and Eighth Avenue South. The proposed location of the cat shelter is in the building located to the left of the center of the photo.

5. Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The PPS encourages redevelopment within settlement areas, and that land use patterns include a mix of land uses which efficiently use land and resources, are appropriate for and efficiently use available infrastructure, and support redevelopment (Section 1.1.3.2).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Established Area (Figure 3). Section 4.1 of the Plan states that the Established Area includes residential, commercial, existing industrial and institutional uses, and that there will be little change in these areas over the lifetime of the Plan.

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 permitted through an amendment to the Zoning By-law (Policy 4.1.2(e)).



Figure 3 – Official Plan Mapping

c) Zoning By-law No. 101-2015

The property is currently zoned "LC" Local Commercial Zone (Figure 4). The LC zone allows for the development of commercial, office and service uses to meet the day-to-day needs of residents, along with limited residential uses above the ground floor. A kennel is not a permitted use in the LC zone, and therefore this zoning amendment is required.

A kennel is defined in the by-law as:

A place for the keeping, breeding or temporary shelter of domestic animals, and may include the following specific types of kennels as defined in the City of Kenora Animal Control By-law, as amended:

- a) *Shelter kennel, which means a place where animals are kept, for a fee, and operated as a commercial business or by the Humane Society as a service to the community.*
- b) *Breeding kennel, which means a place where animals are kept for the purposes of reproduction, and the use of or sale of the offspring. A breeding kennel may be a hobby or a professional type enterprise where the breeding is to produce improved specimens of the breed and there is no more than two (2) breeding animals of no more than two (2) breeds.*
- c) *Working kennel, which means a place where a group of dogs are kept for a specific purpose, such as hunting, security, tracking, obedience or rescue, or mushing. The kennel owner must be a member in good standing of The Canadian Kennel Club for a minimum of six (6) years and are registered with a recognized association.*

The proposed kennel is a shelter kennel and is proposed to be used exclusively for cats.



Figure 4 –Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on May 23rd, 2023. The following is a summary of comments received in response.

Building	No concerns
By-law Enforcement	No concerns. A kennel license will be required, which involves an initial inspection of the facility.
Engineering	No concerns
Economic Growth & Recovery	No concerns
Environmental Services	No concerns
Facilities	No concerns
Fire and Emergency Services	No concerns
Roads	No concerns
Water / Wastewater	No concerns
Synergy North	No concerns

7. Public Comments

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, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee held a public open house at their meeting on June 20th, 2023, and has made a recommendation to Council that the zoning amendment be approved. The minutes and relevant resolutions from that meeting are attached to this report.

As of the date of this report, no comments have been received from the public.

8. Evaluation

Kennels are normally only permitted in the "RU" Rural Zone. This is common with uses that might be associated with noise or odour, especially when housing dogs or other large animals, or where there are outdoor activity areas. The shelter is currently located in a residential area and there are no indications that it has been a nuisance in its current location. If the shelter remains indoors and exclusively for the housing of cats, then it appears it will be compatible with neighbouring residential uses.

No concerns have been identified through the internal review or from the public. A kennel permit will be required.

I hereby certify that this report was prepared by a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act. 1994.

Attachments

- Complete Application for Zoning By-law Amendment, including planning rationale and site plan
- Notice of Application and Public Meeting
- Minutes of the Planning Advisory Committee meeting of June 20th, 2023
- Planning Advisory Committee resolution



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-23-05
Planning Act, R.S.O 1990, c.P13, s. 34

Amended Public Notice of Completed Application

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Wednesday, July 12th, 2023 at 12:00 noon.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at planning@kenora.ca

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Wednesday, July 19th, 2023 at 5:00 p.m.

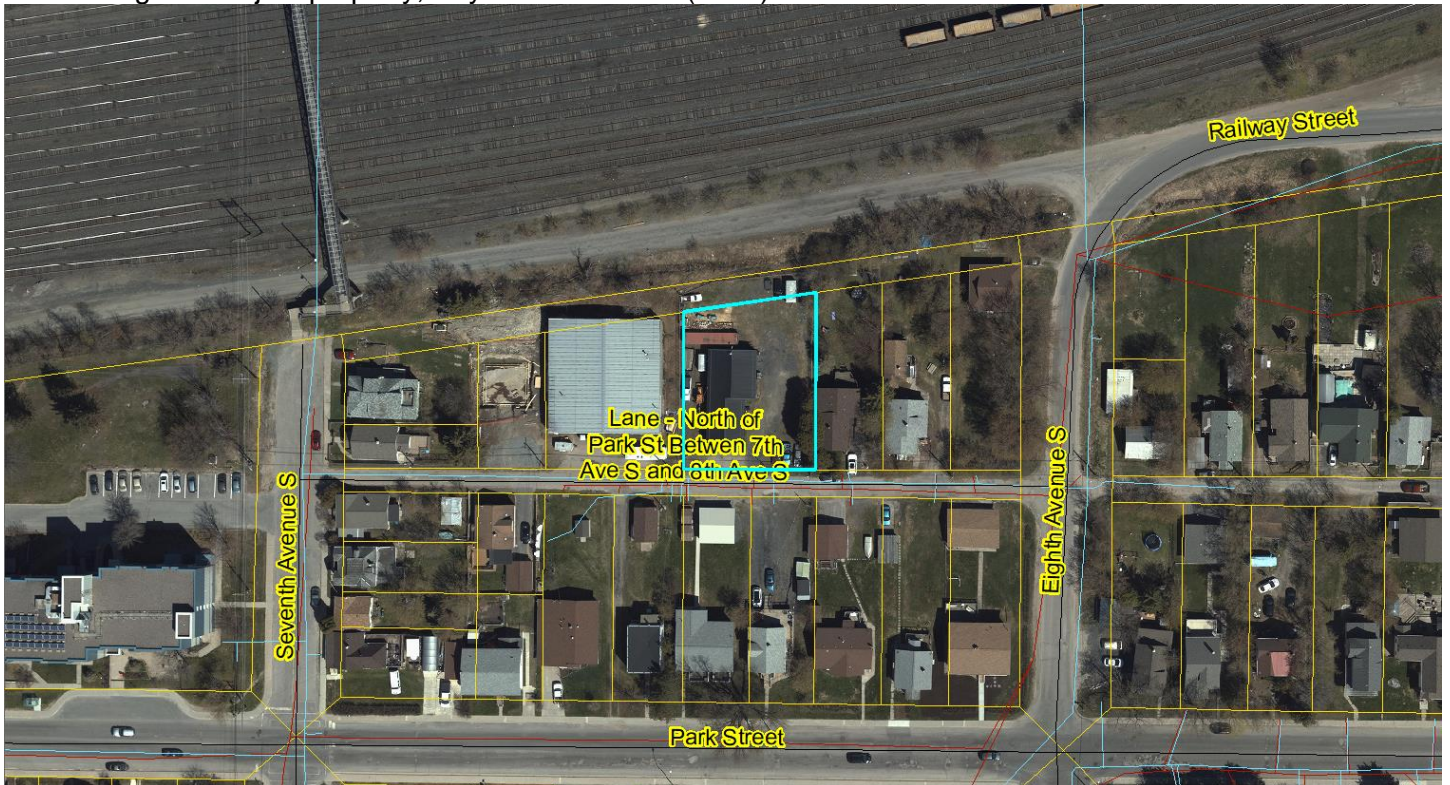
You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Open House

When: Tuesday, June 20th, 2023 at 6:00 p.m.
Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at planning@kenora.ca.

Aerial image of subject property, City of Kenora GIS (2019)



Be Advised that the Corporation of the City of Kenora considered the Application for an Amendment to the Zoning By-law to be complete on May 10th, 2023.

Location of Property: 725 Railway Street, Kenora, ON, as identified in light blue in the key map above.

Purpose: to amend the current zoning of the subject property, designated as “LC” Local Commercial, to allow for a kennel in a commercial zone.

Effect of Approval: to permit the development of a kennel for cats.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, June 16th, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Number: **D14-23-05**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 4M9

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the PAC Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, June 16th, 2023 and quote File Number: **D14-23-05**. To register by phone please call: 807-467-2152.
- c. **Register to Speak at the Statutory Public Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on Friday, July 7th, 2023 and quote File Number: **D14-23-05**. To register by phone please call: 807-467-2152.

Failure To Make Oral Or Written Submission: If a 'specified person' or 'public body', as defined in S. 1(1) of *the Planning Act*, does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law amendment is passed:

- a. the specified person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Ontario Land Tribunal.
- b. the specified person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this Zoning By-Law Amendment may be made by a 'specified person' or 'public body' not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for zoning by-law amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Alberic Marginet, Associate Planner, if you require more information: Tel: 807-467-2152 or Email: planning@kenora.ca. *Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.*

Dated at the City of Kenora this 15th of June, 2023



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday June 27, 2023
12:00 Noon (CST)
Video Recording:**

DELEGATION:

Present:

Tara Rickaby	Vice Chair/ Meeting Chair
Robert Bulman	Member
Renee Robert	Member
Jay Whetter	Member
Kevan Sumner	City Planner
Alberic Marginet	Secretary-Treasurer
Alex Stornel	Minute Taker

Members of Public:

i. Call meeting to order

The special meeting was called to Order by the Vice Chair, Tara Rickaby, at 12:00 noon Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified the meeting being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Additions to the Agenda

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

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 PAC made declarations of interests.

iv. Correspondence relating to applications before the Committee

The Chair asked if there was any new correspondence related to the applications before the Committee. The Secretary-Treasurer identified no additional correspondence.

v. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer reported there were none.

vi. Consideration of Applications for Minor Variance

i) D13-23-09

The Chair asked if the applicant or agent would be presenting the application. Ross Ransby and Matt Wilson of Fusion Capital investment, B-122-1075 Portage Ave Winnipeg, MB R3G 0R8

The City Planner, Mr. Kevan Sumner, presented the Planning Report.

That the application, D13-23-09 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.13.1 to allow for two apartment buildings to be located on a single lot; meets the Four (4) Tests and should be approved.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. No questions

The Chair asked if any members of the public wished to speak in favour of the application. None present.

The Chair asked if any members of the public wished to speak in opposition of the application. None present.

The Chair asked if any members of the Committee had questions or comments.

The Chair asked the Secretary Treasurer to read out the draft decision:

That the application, D13-23-09 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.13.1 to allow for a second apartment dwelling unit; meets the Four (4) Tests and should be approved.

Moved By: Member Jay Whetter

Seconded By: Member Robert Bulman

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to apply for a building permit.

ix. Adjournment

The Chair asked for a motion for adjournment.

Moved: Member Robert Bulman

DRAFT



PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY:

SECONDED BY:

DATE: June 20, 2023

RESOLVED THAT the **PLANNING ADVISORY COMMITTEE** recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-23-05, for subject property located at 725 Railway Street, and identified in Schedule A.

The purpose of the Zoning By-law Amendment is to amend the current zoning of the subject property designated as "LC" – Local Commercial Zone, to allow for a kennel for cats in a commercial zone.

The effect of the Zoning By-law Amendment is to permit the development of a kennel for cats.

The Committee has made an evaluation of the application upon its merits against the Official Plan (2015), Zoning By-law (101-2015), and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear internal department, stakeholder or public comments in full.

DIVISION OF RECORDED VOTE				CARRIED	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Bulman, Robert			CHAIR	
	Campbell, Andrea				
	Funk, Kerik				
	Kitowski, Robert				
	Rickaby, Tara				
	Robert, Renée YM				
	Whetter, Jay				

Schedule A
Subject lands, 725 Railway Street, Kenora, ON



Schedule B

Recommended boundary for removal of HL overlay zone. Image from plan provided by agent.

