



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, November 8, 2023
12:00 p.m.
City Hall Council Chambers**

Land Acknowledgement – Councillor Manson

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: D14-23-08
Civic Address: Unaddressed Property, Darlington Drive
Legal Description:
Registered Owner: 5054849 Ontario Ltd.
Agent: Chagas Architecture & Development Inc. (Pedro Chagas)

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



November 8, 2023

Staff Report

File No.: D14-23-08

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Application for Zoning By-law Amendment

Location: Unaddressed Property, Darlington Drive

Owner: 5054849 Ontario Ltd.

Agent: Chagas Architecture & Development Inc. (Pedro Chagas)

Recommendation

That the Application for Zoning By-law Amendment, File No. D14-23-08, to change the zoning of the subject property from "RU" Rural Zone to "ML" Light Industrial Zone, be approved; and further

That Council gives three readings to a by-law for this purpose.

1. Introduction

An application has been received to change the zoning of the subject property (Figure 1) from "RU" Rural Zone to "ML" Light Industrial Zone, to allow for the development of a warehouse and office building.

2. Description of Proposal

The property owner wishes to amend the zoning to permit the development of a parcel distribution depot. In the planning rationale, the agent describes the proposed project as consisting of both an administrative office and distribution warehouse for parcel drop-off and distribution as a hub for Tec-Truck delivery / transportation business. A proposed site plan is attached to this report.

The applicants have voluntarily provided a Phase I Environmental Site Assessment that has identified no areas of potential environmental concern. The assessment was not required by the City of Kenora.

3. Existing Conditions

The property has an area of approximately 3.97ha and is located on the north side of Darlington Drive. It is not serviced, located on the western half of the property, and is tree-covered and undeveloped. The eastern portion was previously used for a concrete batch plant. Some temporary structures are currently located on the property, which the agent says will be demolished to make way for the distribution centre development. An electrical transmission line is located immediately north of the property and a natural gas pipeline is located approximately 150m north of the property.

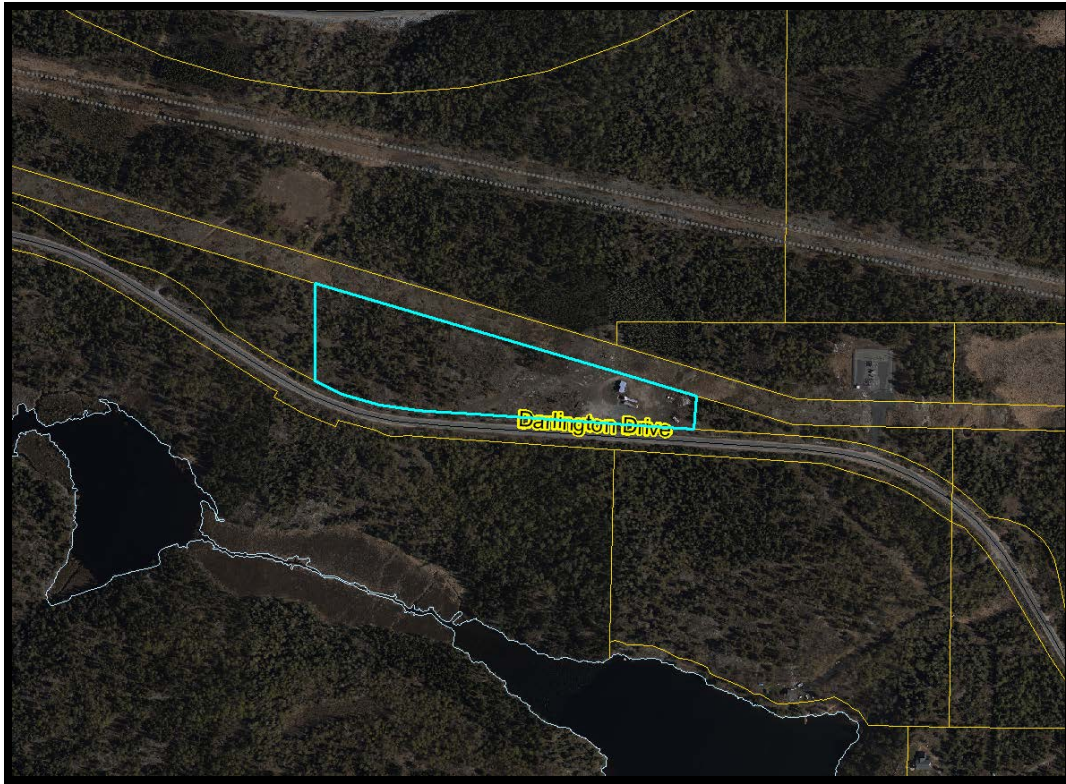


Figure 1: Aerial image indicating the location of the subject property (2022).

4. Site Visit

On October 5th, 2023, a site visit was conducted, and the following photo was taken.



Figure 2 – Panoramic photo of the property from the driveway entrance, looking towards the north and east.

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) Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario 2011 contains policies to guide decision-making about growth that promote economic prosperity, sound environmental stewardship, and strong, sustainable communities. Planning staff is satisfied the proposed minor variance is consistent with the policies of the Plan.

c) City of Kenora Official Plan (2015)

The land use designation of the property is Rural Area (Figure 3). Policy 4.8 of the Plan states that Rural Areas include a variety of agricultural, residential, industrial, commercial, recreational, tourism, and open space uses, and that these areas may experience limited change over the lifetime of the Plan.



Figure 3 – Official Plan Mapping

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

The property is currently zoned “RU” Rural Zone (Figure 4). The RU zone allows for a wide range of uses and services to meet the needs of residents, businesses and tourists. Office and warehouse uses are not permitted in the RU zone.

The agent is proposing to amend the zoning of the property to “ML” Light Industrial Zone. The ML zone allows for a wide range of low-impact light industrial land uses as well as complementary commercial uses. Both office and warehouse uses are permitted in the ML zone.

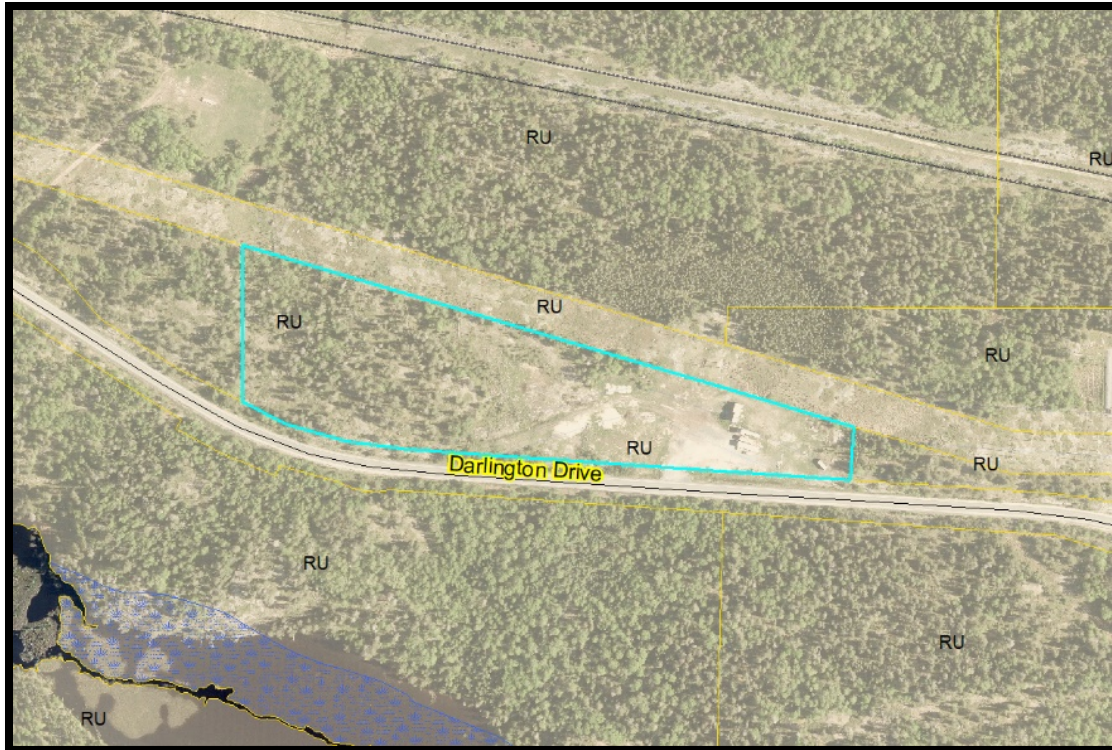


Figure 4 –Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed zoning amendment was circulated for comment on September 25th, 2023. The following is a summary of comments received in response.

Commenting Department or Agency	Comments
Building	No comment
By-law Enforcement	No comment
Engineering	No comment
Economic Development & Tourism	No concerns
Environmental Division	No comment
Facilities	No concerns
Fire and Emergency	No concerns
Land Acquisition and Divestment	No concerns
Roads	No comment
Hydro One	No concerns
Kenora Catholic District School Board	No comment
Keewatin Patricia District School Board	No comment
Ministry of Municipal Affairs and Housing	No concerns
Ministry of Natural Resources and Forestry	No concerns
Northwestern Health Unit	A file has been opened and a Public Health Inspector will complete an on-site inspection and provide a report.

Commenting Department or Agency	Comments
Ontario Power Generation	No comment
TransCanada Energy	No concerns
Niisaachewan Anishinaabe Nation	No comment
Obashkaandagaang First Nation	No comment
Wauzhushk Onigum Nation	No comment

7. Public Comments

Notice of the application and public meeting 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 October 17th, 2023. The minutes from that meeting and resolution in support of the zoning amendment are attached to this report.

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

8. Evaluation

No concerns have been identified through the internal review or from the public. The Provincial Policy Statement (2020), the Growth Plan for Northern Ontario, and the City of Kenora Official Plan are supportive of the zoning amendment. The location on Darlington Drive, which was upgraded in 2021 to support year-round heavy loads, is suitable for businesses such as the one proposed, which requires access for truck deliveries from the Highway 17 bypass.

Though not required, the applicants have voluntarily provided a Phase I Environmental Site Assessment that confirms that there are no areas of potential environmental concern on the site. The property is near the TransCanada Energy and Hydro One facilities, but both utilities have confirmed that they have no concerns with the proposed zoning amendment.

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
- Planning Rationale
- Site Plan
- Limited Phase I Environmental Site Assessment
- Notice of Application and Public Meeting
- Minutes of the Planning Advisory Committee meeting of October 17th, 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 D14-23-08
Planning Act, R.S.O 1990, c.P13, s. 34

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, November 8th, 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, November 15th, 2023 at 5:00 p.m.

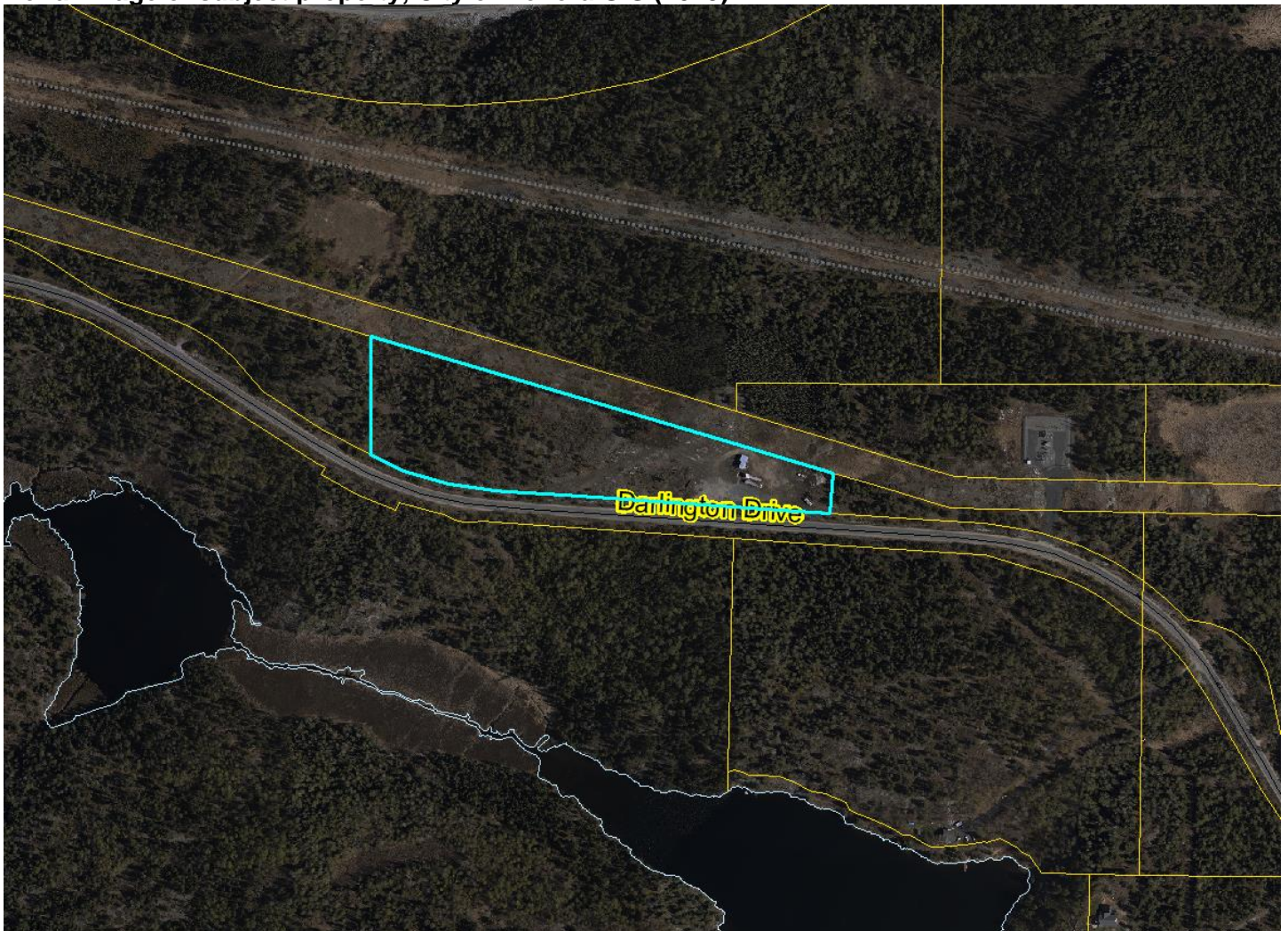
You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Open House

When: Tuesday, October 17th, 2023 at 6:00 PM
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 September 15th, 2023.

Location of Property: 14346 Darlington Drive, as identified in blue in the key map above.

Purpose: To change the zoning of the subject property from 'RU' – Rural Zone, to 'ML' – Light Industrial Zone.

Effect of Approval: To allow for the development of a warehouse and office building.

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 November 3rd, 2023, by email, to planning@kenora.ca, or by regular mail to the address listed below, quoting File Number: **D14-23-08**.

Mr. Alberic Marginet, Associate Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2

- 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 Monday, October 16th, 2023 and quote File Number: **D14-23-08**. 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, November 3rd, 2023 and quote File Number: **D14-23-08**. 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 22nd of September, 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, October 17, 2023
6:00pm (CST)
Video Recording:**

DELEGATION:

Present:

Tara Rickaby

Jay Whetter

Robert Bulman

Renee Robert

Keric Funk

Andrea Campbell

Janis Pochailo

Kevan Sumner

Alberic Marginet

Alex Stornel

Chair

Vice Chair

Member

Member

Member

Member

Director of Planning and Building

City Planner

Secretary-Treasurer

Minute Taker (via recording)

Members of Public:

i. Call meeting to order

The regular meeting was called to Order by the Chair, Tara Rickaby, at 6:00 PM 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.

1. 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. There were none stated.

iv. Approval of minutes for a meeting held September 19,2023.

Motioned: 2nd: Approved

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 Secretary-Treasurer identified correspondence that had been received in regard to D10-23-08 – Hidden Trails which would be read into the public record when the file is being considered.

vi. Other Correspondence.

The Chair asked if there was any other correspondence received. The Secretary-Treasurer indicated that nothing had been received.

vii. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer reported that D13-23-19 – Ross would be adjourned to the November meeting.

viii. Consideration of Applications for Minor Variance

i) D13-23-18 - Hoard

The Chair asked if the applicant or agent would be presenting the application.

Bruce Hoard - was present to represent the application.

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

Purpose of Application: To seek relief from Section 3.34.1(c)(ii) of the City of Kenora Zoning By-law 101-2015, which requires a minimum side yard setback of 4.5 metres for accessory uses located between the principal building and a navigable waterway.

The Effect of Approval: To reduce the required side yard setback by 4.5 meters along the East property line, by 1.0 meters along the West property line, and to permit construction of a dock on the subject property closer to the side yard property lines than allowed by Zoning By-law 101-2015.

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.

The Chair asked if any members of the public wished to speak in opposition of the application. Charlene Clifford expressed her concerns.

The Chair asked if any members of the Committee had questions or comments. Members Andrea Campbell, Robert Bulman, vice chair Jay Whetter and Chair Tara Rickaby had questions.

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

That the application, D13-23-18 for 714 First Avenue South, legally described as Plan M108 PT Lot 23 PT Lot; 24 PCL 13803 & PT L 24; PCL 19963 LOC, to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.34.1(c)(ii) to allow for an accessory dock to be constructed with a minimum east side yard setback of 0m and a minimum west side yard setback of 3.5m; meets the Four (4) Tests and should be approved.

Moved By: Member Andrea Campbell
Roberts

Seconded By: Vice Chair Jay Whetter

In favour: 5

Opposed: 1

Abstained: 0

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. Consideration of Applications for Land Division

i) D010-23-08 – Hidden Trails

The Chair asked if the applicant or agent would be presenting the application. Karen and Robert Malak were present to represent the application.

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

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. None.

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

The Chair asked if any members of the public wished to speak in opposition of the application. Secretary/Treasurer Alberic Marginet read the letter received October 17,2023 and also the letter previously received that was referred to in the other letter. Jerry Derouard also wished to speak but due to technical difficulties he was unable to connect to the zoom meeting.

Tara Rickaby briefly adjourned to the next agenda item to give the Secretary/Treasurer a chance to deal with the technical issue and give Mr. Derouard a chance to speak.

x. Recommendations to Council for Zoning By-law Amendment

i) D014-23-08 – 5054849 Ontario LTD

The Chair asked if the applicant or agent would be presenting the application. Danny Thalman was there to represent the application.

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

An application has been received to change the zoning of the subject property (Figure 1) from "RU" Rural Zone to "ML" Light Industrial Zone, to allow for the development of a warehouse and office building.

The City Planner for the City of Kenora recommended that the Application for Zoning By-law Amendment, File No. D14-23-08, to change the zoning of the subject property (Figure 1) from "RU" Rural Zone to "ML" Light Industrial Zone should be recommended for approval by City of Kenora Council.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. None.

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

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

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

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

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. D14-23-08, for subject property located at unaddressed property, legally described as Lot CL 14346 RP 23R 11394 Part 1 & 2.

The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "RU" Rural Zone to "ML" Light Industrial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to permit redevelopment of the warehouse and office building.

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.

Moved By: Member Keric Funk

Seconded By: Member Robert Bulman

In favour: 6

Opposed: 0

Abstained: 0

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: D10-23-08 – Hidden Trails resumed

The Chair asked if any members of the public wished to speak in opposition of the application. Mr. Jerry Derouard was contacted via phone and notified that he was on speakerphone and there were individuals also on zoom that could hear him. Mr. Derouard stated this was not a problem and expressed his concerns, many that had already been addressed by the Director of building and Planning Janis Pochailo.

The Chair asked if any members of the Committee had questions or comments. Vice Chair Jay Whetter asked some clarifying questions.

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

That application D10-23-08 for consent for lot severance on property located at 41 Hidden Trail Road, legally described as CON 1M PT LOT 2 PCL 15755 and MELICK CON 1 PT BROKEN LOT 2 CON 1 PT LOT 2 RP 23R7873 PT PARTS 1 AND 2 RP 23r9107 PART 2 RF 23r147112 PART 1 PCL 38662DKF 38664DKF 40947DKF; CITY OF KENORA (PINs 42134-0278, 42134-0279, and 42134-0601) be approved and provisional Consent be granted, subject to the following:

- 1) The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
- 2) Registration of a merger agreement on title for each of the proposed lots followed by the consolidation of PINs.
- 3) A Schedule to the Transfer/Deed of Land form on which is set out the entire legal description of the PINs in question and containing the names of the parties indicated on page 1 of the Transfer/Deed of Land form to be provided for each parcel.
- 4) That the roadway running through the resort be surveyed to the satisfaction of the City of Kenora, and transferred to the City.
- 5) That a Minor Variance be obtained, reducing the required waterfront frontage of the two new lots from 61m to 60.2m and 55.2m.
- 6) That the cash equivalent of 5% of the land, based on current value assessment, be provided as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e).

- 7) That approved permits are received from the Northwestern Health Unit for private servicing of the proposed new, central lot.
- 8) That confirmation is provided that the two previously existing properties (41 and 162 Hidden Trail Road have been merged on a single title.
- 9) Three original copies and one .pdf copy of the reference plan of survey, bearing the Land Registry Office registration number and signatures as evidence of deposit therein, and illustrating the parts(s) to which the consent approval relates, which must show in general the same area and dimensions as the sketch forming part of the application be provided.
- 10) That the payment of any outstanding taxes, including penalties and interest (and any local improvement charges if applicable) shall be paid to the City of Kenora.
- 11) That an application for an entrance permit for the new lot is received and approved by the City of Kenora.
- 12) That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter from the owner or owner's Agent/Solicitor, confirming that conditions #1 through #10 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.
- 13) That all costs associated with surveys, legal fees and matters related to the application are the responsibility of the developer/applicant, with the exception of condition (4) above which is to be negotiated between the developer/applicant and the City of Kenora.

Notes:

The following section(s) of the Planning Act apply:

Conditions not fulfilled

53(41) If conditions have been imposed and the applicant has not, within a period of one year after notice was given under subsection (17) or (24), whichever is later, fulfilled the conditions, the application for consent shall be deemed to be refused but, if there is an appeal under subsection (14), (19) or (27), the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order of the Ontario Land Tribunal issued in respect of the appeal or from the date of a notice issued by the Tribunal under subsection (29) or (33). 1994, c. 23, s. 32.

Lapse of consent

53 (43) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (42) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister in giving the consent may provide for an earlier lapsing of the consent. 1994, c. 23, s. 32.

Reasons for Decision: The Committee has evaluated the consent application based on the Provincial Policy Statement (2020), The City of Kenora Official Plan (2015), Zoning By-law No. 101-2015 as amended and the provisions of section 51(24) of the Planning Act.

Moved By: Member Renee Roberts

Seconded By: Member Andrea Campbell

In favour: 6

Opposed: 0

Abstained:0

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.

xi. Old Business

- i) None

xii. New Business

- An application has been received that might be require a special meeting.
 - i. Members will be informed when this meeting can take place to make sure that we can get Quorum for the meeting.
 - ii. Member Keric Funk stated that the noon meetings are not always the easiest to attend and that evenings would be better.
- For the up coming seminar in Thunder Bay Vice Jay Whetter will be unable to attend.
 - i. Member Andrea Campbell expressed interest but stated that she would need more notice before she could commit to attend events.
 - ii. Chair Tara Rickaby went over when these seminars and conferences normally take place during the year.

ix. Adjournment

The Chair asked for a motion for adjournment.

Moved: Member Renee Roberts

Meeting adjourned at 7:32pm



PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: *Kerik Funk*

SECONDED BY: *Robert Bulman*

DATE: October 17, 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. D14-23-08, for subject property located at unaddressed property, legally described as Loc CL 14346 RP 23R 11394 Part 1 & 2, and identified in Schedule A.

The purpose of the Zoning By-law Amendment is to change the zoning of the subject property from "RU" Rural Zone to "ML" Light Industrial Zone.

The effect of the Zoning By-law Amendment is to rezone lands to permit redevelopment of the warehouse and office building.

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	X		CHAIR	
	Campbell, Andrea	X			
	Funk, Kerik	X			
	Rickaby, Tara	X			
	Robert, Renée YM	X			
	Whetter, Jay	X			

Schedule A

Subject lands, unassigned address on Darlington Drive, Kenora, ON

