



Agenda

City of Kenora Planning Advisory Committee
Hybrid Meeting, In-Person and via Zoom
Wednesday, October 16, 2024
6:00 PM (Central Time)

- 1) Call meeting to Order
- 2) Declaration of Pecuniary Interest & General Nature Thereof
 - On Today's Agenda
 - From a Meeting at which a Member was not in Attendance.
- 3) Additions to the Agenda
- 4) Approval of Minutes for meetings held:
 - September 18, 2024, Regular Meeting of the Planning Advisory Committee
- 5) Correspondence relating to applications before the Committee
- 6) Other Correspondence
 - None
- 7) Adjournment Requests
 - None
- 8) Consideration of Application for Minor Variance
 - D13-24-08
- 9) Consideration of Applications for Land Division
 - D10-24-08
- 10) Recommendations to Council for Amendments (None)
- 11) Old Business
 - D07-23-02
- 12) New Business
 - None
- 13) Adjournment

Topic: Regular Meeting of PAC
Time: Wednesday October 16, 2024, at 6:00 p.m. (CT)
In-Person: Operations Centre Training Room, 2nd Floor
Operations Centre 60 14th Street N., Kenora ON

Virtual: Join Zoom Meeting:

<https://us06web.zoom.us/j/85261716453?pwd=ubIBd1Bq99xRCBHAIJK5FA1whv29My.1>

Meeting ID: 852 6171 6453

Passcode: 572398

4) Draft Minutes of the Regular Meeting of the Planning
Advisory Committee September 18, 2024



Minutes
City of Kenora Virtual Planning Advisory Committee
Hybrid meeting
Wednesday, September 18, 2024
6:00 p.m. (CST)
Video Recording:

Present:

Tara Rickaby
Renee Robert
Linda Mitchell
Keric Funk
Andrea Campbell
Christopher Price
Janis Pochailo
Tara Vader
Melissa Shaw
Nadine Gustavson

Chair
Member
Member
Member
Member
Member
Director of Planning and Building
Associate Planner
Secretary-Treasurer
Minute Taker

Regrets:

Robert Bulman **Vice Chair**

i. Call meeting to order:

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

Robert Bulman – sent letter of regret stating a conflict of interest pertaining to file D13-24-06.

Keric Funk and Andrea Campbell chose to exercise their discretionary right under Section 11.2(b) under the Planning Advisory Terms of Reference in the terms of making an informed decision on File D13-24-06, due to not being in attendance at the August 21, 2024, PAC Meeting.

iii. Committee to move to Closed Session:

In pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization for Council to move into a Closed Session to discuss items pertaining to the following:

- i) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Resolution by: Renee Robert **Seconded by :** Linda Mitchell

Moved to Closed Session at 6:02 p.m.

iv. Committee Returned to Open Session at 6:26 p.m.

v. Additions to the Agenda:

Secretary-Treasurer identified that after publication of Agenda on September 13, 2024, additional correspondence was received and will be read for benefit of the public and reference for the minutes, once Committee has gotten to item number 7 on the agenda.

vi. Approval of the minutes from previous meetings:

- i) August 21, 2024, PAC Meeting

Moved By: Linda Mitchell **Seconded By:** Renee Robert

In Favour: 4 Opposed: 0 Abstained: 0

vii. Correspondence Related to an Application before the Committee:

additional correspondence has been received, below is an outline of the correspondence as of 3:00 p.m., September 18, 2024:

- i. Addendum to the Planning Rationale – Susan Russell, McGown Russell Group Inc.
- ii. 24-019 Conceptual Variance Plan 2024-09-12 (full drawing package) – Susan Russell of McGown Russell Group Inc.
- iii. Correspondence, JCP Planning, Jeff Port, Planner MCIP, RPP
- iv. Correspondence, member of the public – Brian Campbell and Stephanie Dziengo
- v. Correspondence, member of the public – Pamela Fregeau
- vi. Correspondence, member of the public – Daina Kelly
- vii. Correspondence from Jennifer Hanson, Lawyer Thompson Dorfman Sweatman LLP
- viii. Correspondence, member of the public – Shannon Campbell

All members of committee acknowledged by raised hand that they has received and reviewed said correspondence.

viii. Other Correspondence – None

ix. Adjournment Requests - None

x. Consideration of Applications for Minor Variance:

- i) D13-24-07 – (Evergreen)
421 Ninth Ave. N.

Kyle Kostenuk was present to represent the application.

Associate Planner, Tara Vader, presented the Planning Report.

Purpose of Application: seeking to permit multiple stacked dwellings, from tri-plex to four-plex; and to reduce the number of required parking stalls from 130 to 108 total parking stalls. Dwellings will be rental units.

Questions or comments from the committee:

Linda Mitchell – Wondering about outside amenities, space and the width of the road and amount of traffic coming in, along with parking requirements, is the City comfortable with these matters?

Tara Vader – application has an approved site plan.

Tara Rickaby – Confirm that this is a private road and is covered under the Condominium Act.

Tara Vader – Yes, it is.

Janis Pochailo – Site plans mainly less to decisions made by Engineering Department who have studied the road and its structure and deemed it in compliance with regulations. Will also review at again at the end of site plan control and if amendments are required, they will address them at that time.

Linda Mitchell – Will fire access road be put in by end of phase one?

Janis Pochailo – Now that application is does not have to register under a Condominium Agreement because the application will now be Rental Units on a single property, the City would like the added security that an easement will be registered, and that the construction of the road will be constructed as per the Site Plan.

Chair Tara Rickaby asks if any members wish to move on the recommendation.

Moved By: Keric Funk **Seconded By:** Andrea Campbell

In favour: 6

Opposed: 0

Abstained: 0

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 receive a building permit.

xi. Consideration of Applications for Land Division: None

xii. Recommendations to Council for Zoning By-law Amendment:

- i) Open House to receive information regarding D09-24-02 (MNO – Metis Nation of Ontario)

Kate Meyer was present via zoom, to represent the application.

Planner, Ryan Haines, presented the Planning Report.

Purpose of Application and Effect of Application:

The purpose and effect of the Official Plan Amendment is to: Change the designation of the east part of the subject property from 'RU' Rural Area designation to 'CD' Commercial Development Area designation to permit future commercial uses. The application also proposes to add mixed-use developments with non-residential uses on the ground floor and residential uses located above as a permitted use under Section 4.4.1 to permit mixed-use developments.

Issues raised during the open house:

Mr. and Mrs. Shewchuk – had concerns about water & sewer capacity and quality.

Ryan Haines – moving and changing water line that is there which will increase pressure and better quality of water.

Janis Pochailo – water & services is something the City takes a hard look at during the Site Plan Control phase of the project.

Tony Davis, Manager Capital Projects, MNO – working with consultants on the feasibility study and with Engineering Department to make sure they meet all the requirements.

Darryl Michaluk – had concerns about neighbours, within 150 metres, not receiving letters about the development or that there was a show and tell at the Farmers Market in Kenora, that neighbours did not know about as well.

Delano Cantera - will be impacted by the 15-metre height request and also has concerns about water quality & capacity.

Tom Hertz – City requested a traffic study from him when he built one house. What kind of traffic study told you that you could put sidewalks on the road around the curve, along with added traffic. Many people have died on that corner without sidewalks with people walking and all the traffic turning in & out of the new development.

Tony Davis & Tara Rickaby stated applicant has a traffic engineer looking at it.

Mary Shewchuk – that curve and road is covered in ice 6 months of the year; how will anyone be able to walk there. What kind of transport is to be provided for the people moving into the area as amenities too far away.

Tara Rickaby – it is good to hear from the public who live in the area about the different issues so council may take into consideration.

Derek Hertz – concerned that this application was not being given proper consultation with the neighbours; plus, concerns about the sewer and water lines possibly encroaching his property as per the site map provided. Can someone address the distance of new development to access grocery stores, doctor offices etc.

Janis Pochailo – Area will be serviced by the New Transit System. Distance to grocery stores, doctor offices and Walmart is not unsimilar to other higher density areas of the city.

Tara Rickaby stated that City would be happy to provide Mr. Hertz with information about sewer and water lines.

Estelle Cantera – Environment is farmland, so animals are part of habitat. The highway curve needs consultation. The capacity of the sewer and water lines need to have consultation. Gas and water lines run through private land; needs to be addressed. Would like copies of both presentations.

Doctor Kozak – Lawrence Lake very stressed out, added development will add to the poor quality of the water.

Tara Rickaby asked if the development will trigger poor water quality.

Ryan Haines responded there is concern around septic fields surrounding the area.

Kristen Bollen – concerns of the deprivation of water quality; neighbours not being notified about pop-up presentation at the Farmers Market.

Janis Pochailo – Notices to public within 150 metres had been followed properly. Pop-up was over and above extra notification done by the developer.

Public portions of meeting now closed.

Recommendation of The **PLANNING ADVISORY COMMITTEE pertaining to D09-24-02:** recommends that the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-24-02, for subject property located at an unaddressed property at the corner of Transmitter Road and Highway 17E, Kenora, Ontario, legally described as PCL 25173 SEC DKF; FIRSTLY PT LT 4 CON 3 JAFFRAY PT 5, KR916 EXCEPT PT 1, KR1125; SECONDLY PT LT 5 CON 3 JAFFRAY PT 2, KR916; S/T LT204349; KENORA; PIN 421780012, and identified in Schedule A.

The purpose and effect of the Official Plan Amendment is to change the designation of the east part of the subject property from 'RU' Rural Area designation to 'CD' Commercial Development Area designation, the effect is to enable future commercial uses.

The application also proposes to add mixed-use developments with non-residential uses on the ground floor and residential uses located above as a permitted use under Section 4.4.1- Commercial Development Area of the Kenora Official Plan (2015) the effect is to permit mixed-use developments.

To ensure safe transportation and pedestrian access and to promote active transportation and active living, that the Site Plan Control Agreement address sidewalk design and development, and that a servicing study is completed to the satisfaction of the city of Kenora a drainage plan and a storm water management plan to be approved by the City of Kenora to ensure no negative impact to water quality and Environmental Protection (EP) area.

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: Andrea Campbell **Seconded By:** Keric Funk

PASSED

In favour: 6 **Opposed:** 0 **Abstained:** 0

The Secretary-Treasurer informed the applicant that PAC Committee has recommended approval *to Council for Zoning By-law D14-24-XX (placeholder) (or Official Plan Amendment), and this will be considered by Council on January 16, 2024.*

Recommendation of The **PLANNING ADVISORY COMMITTEE** pertaining to **D14-24-06:** recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-24-06, for subject property located at an unaddressed address at the corner of Transmitter Road and Highway 17E, Kenora, Ontario, legally described as PCL 25173 SEC DKF; FIRSTLY PT LT 4 CON 3 JAFFRAY PT 5, KR916 EXCEPT PT 1, KR1125; SECONDLY PT LT 5 CON 3 JAFFRAY PT 2, KR916; S/T LT204349; KENORA; PIN 421780012, and identified in Schedule A.

The purpose and effect of the Zoning By-law Amendment is to change the zoning of the subject property from 'RU' Rural zone and 'EP' Environmental Protection underlay to a site specific 'LC [63]' Local Commercial Zone and 'EP' Environmental Protection underlay.

The effect of the Zoning By-law Amendment and the site-specific zone is to permit a multi-storey, mixed-use development with commercial uses on the ground floor and residential uses above, a maximum building height of 15 metres, and to enable employee and visitor parking spaces to be located in the required front yard.

To ensure safe transportation and pedestrian access and to promote active transportation and active living, that the Site Plan Control Agreement address sidewalk design and development, and that a servicing study is completed to the satisfaction of the city of Kenora a drainage plan and a storm water management plan to be approved by the City of Kenora to ensure no negative impact to water quality and Environmental Protection (EP) Area.

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: Andrea Campbell **Seconded by:** Keric Funk

Passed

In Favour: 6 **Opposed:** 0 **Abstained:** 0

Break taken at 7:52 p.m.

Reconvened at 7:57 p.m.

xiii. Old Business:

i) D13-24-06 – 34 Minnesota Street

Tara Rickaby: apology for statement made that committee would be making a decision based on all information received at the last meeting. However, amendments have been received pertaining to the application, so committee will be considering the amendments as well all of the correspondence received from the interested parties. Public portion of the meeting is still closed. Discussions will be between the Committee Members, the applicant and staff members.

Linda Mitchell – would like to know about transportation study being done. When will they be getting results? Know about sidewalk issue that was brought up and the parking easement. As far as Minnesota St. itself, is there concern with the width of the road?

Janis Pochailo – Engineering department working with consulting company to do an intersection study at the corner of Minnesota Street and Highway 17 and improvements to that intersection are being discussed. Those have not been brought forward to council yet so there is nothing that can be shared with the public at this time.

Ryan Haines – in reference to the parking lot, significant improvements have been made: 1) parking spots no longer getting accessed off Minnesota Street. They are being accessed from the property side now; and 2) the amount of land being requested for those parking spots has been reduced. Engineering has no concerns with the width of the road. Working with the developer to discuss the traffic and the possibility of having speedbumps installed.

Janis Pochailo – Sidewalk is something the city may consider in the future. Discussion will be made through the Site Plan Control.

Linda Mitchell – Docking area is high density. How many docking spots have been requested. Is the established area considered medium density?

Developer – 8 spots requested.

Tara Rickaby – asked Janis Pochailo to speak to the Provincial Policy and the Official Plan.

Janis Pochailo – OP identifies this as an established area, provision under the OP that identifies density limitations within established area. Looked at that against the Provincial Policy statements from 2020 and have realized that the City of Kenora OP

has not kept up and been amended to keep up with the Provincial Policy statement. There are extremely many outdated standards in the OP. City policies have to take a second tier to provincial policies. Any City policies that contradict with the Provincial policies would be overturned if appealed.

Renee Robert – Wants clarification how Highway Commercial can include a day care. Day Cares not described as ‘approved for use’.

Ryan Haines – Zoned Site-Specific zoning for this property also talks about the use of the building. Uses are office or business, and a Day Care is a business.

Tara Rickaby – is developer confident they can meet all requirements for the Day Care because requirements state: adequate parking & safe area for pick-up and drop-off.

Developer – yes, they are.

Renee Robert – concern is dock size – the request is an increase from 65 ft. to 99 ft. is 35 ft. addition from what is allowed; and 100 ft. in dock size is being requested. That is not minor variance by her reference.

Tara Rickaby – why has variance changed for the docking?

Ryan Haines & developer – because of the wet lands developer requires a bridge over that area to the dock area.

Tara Rickaby – does staff have information per lot coverage for this lot?

Ryan Haines – for 34 Minnesota St. the lot coverage is 30% and for 5 Bay St. the lot coverage is 39% including the parking lot.

Linda Mitchell – people of interest still concerned with the location of garbage.

Developer – to be enclosed around the perimeter.

Tara Rickaby – Is Visitor parking going to be part of the 10 on the mill lots? How many parking stalls in the underground parking lot. How many stories is the building with the underground parking as legend says 5? Feels it does not meet the intent of the official plan to have orderly development and feels parking does not have minimal impact on the adjacent uses. Has property been surveyed?

Developer – 34 stalls on each floor; 2 floors of parking.

Janis Pochailo – the lot was purchased with the understanding with the current zoning in place that did set the height limitations.

Ryan Haines – the underground parking stall do not count for the height of the building.

Developer – building is still 5 stories above the grade and the 2 underground stories are considered 1 story, so the building is still 6 stories in height. Yes, property has been surveyed.

Secretary Treasurer read the resolution with conditions.

Moved by: Chris Price **Seconded by:** 0

No formal decision was made by the majority of Members present.

With no seconder an amendment to the resolution is required.

Linda Mitchell wants it noted that she is still concerned with the height of the building and with the number of dock parking spots.

The Chair explained to all present that in accordance with the Terms of Reference, the Committee must vote to continue meeting past the curfew of 9 p.m., and that the vote must be unanimous.

Move by: Linda Mitchell **Seconded by:** Renee Robert

In Favour: 4 **Opposed:** 0 **Abstained:** 0

Passed

Resolution that The Committee strikes the need for an easement on the North lot line to maintain a garbage receptacle and that the variance for the relief of the dock size be removed.

Moved by: Renee Robert **Seconded by:** Linda Mitchell

In Favour: 2 **Opposed:** 2 **Abstained:** 0

Split Vote – As per the Planning Committee Terms of Reference Section 11.2(h) – as a result of a tie vote a new motion should then be presented until one is carried by a majority of the members.

It be noted that at 9:10 p.m. Committee Member Andrea Campbell left meeting.

Resolution to have the variance for relief of the dock size be put back into the decision.

Moved by: Renee Robert **Seconded by:** Linda Mitchell
All in Favour: 4 **Opposed:** 0 **Abstained:** 0
Motion Passed.

Recommendation of The **PLANNING ADVISORY COMMITTEE** pertaining to **D13-24-06:** That the application, D13-24-06 to seek relief from sections of the City of Kenora By-law 101-2015 as outlined within the table below, be approved and subject to the following conditions:

1. North Side Yard - relief only applies as necessary to accommodate the required garbage receptacles as well as any pathways or stairways as required for building exits.
2. South Side Yard - relief only applies to south side yard as necessary to accommodate vehicle access and/or parking as well as pathways or stairways as required for building exits.
3. Fence to be constructed, at the expense of the developer, to augment the proposed landscape buffer along the entire length of the south side yard. The fence should be 3.0 m in height and meet the requirements of the City of Kenora fence By-Law Number 163-2015.
4. Proponent enters into Agreements with the City, as necessary, for the use of the Minnesota Street right-of-way adjacent to this property for parking.
5. Proponent enters into Agreements with the City, as necessary, for the implementation of parking lot improvements at Norman Park.

Sections from the Kenora Zoning By-law 101-2015, approval granted:

Section of ZBL No. 101-215	Zoning Provision	Proposed Provision	Relief Required
Exception [4] – North Side Yard Setback	1.5 m	0 m	1.5 m
Exception [4] – South Side Yard Setback	3.0 m	1.2 m	1.8 m
3.17 d) – Minimum Landscape Buffer Width	3.0 m	0 m along Minnesota Street and 1.2 m on South side yard	3.0 m (Minnesota Street) and 1.8 m (South side yard)
3.23.1 – Parking Requirements for Day Nursery	12 stalls	1 stall	11 stalls
3.23.1 – Parking Requirements for Dwelling Units	48 stalls	32 stalls	16 stalls

3.23.2 – Visitor Parking Requirements	6 stalls	0 stalls	6 stalls
3.23.4 – Parking Stall Length	6 m	3.79 m	2.21 m
3.18.1 – Loading Space Requirements	1 space	0 spaces	1 space
3.25 – Maximum Dock Projection	20 m	30.4 m	10.4 m
3.34.1 c) vii. – Maximum Dock Area	80 m ²	113 m ²	33 m ²

* Please refer to PAC Meeting Video for full details of all questions and responses.

[Kenora Planning Advisory Committee Meeting September 18, 2024 \(youtube.com\)](https://www.youtube.com/watch?v=...)

New Business: None

ix. Adjournment:

Motion for adjournment. **Moved By:** Member Chris Price

Meeting Adjourned at 9:21 p.m.

Minutes of the Kenora Planning Advisory Committee meeting for Wednesday, September 18th, 2024, are approved the 16th of October, 2024.

Chair,

Secretary-Treasurer, Melissa Shaw

8) Consideration of Application for Minor Variance

- D13-24-08



**THE CORPORATION OF THE CITY OF KENORA
PLANNING ADVISORY COMMITTEE
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING
Section 45 of the Planning Act, RSO 1990**

TAKE NOTICE that the City of Kenora Planning Advisory Committee (PAC) will hold a regular meeting on October 16th, 2024, at 6 p.m.

As part of the meeting, PAC will consider a proposed Minor Variance under Section 45 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D13-24-08

LOCATION: Unaddressed property off Ninth Street North (see location map below)

PURPOSE AND EFFECT

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit an increase of maximum building height to enable the construction of a 4-storey office building.

The application is seeking relief from Section 4.7.3 (c) which requires a maximum building height of 11 metres. This application proposes to increase the maximum building height by 4.55 metres to permit an office building 15.55 metres in height.

The subject property is designated Industrial Development Area in the City of Kenora Official Plan and zoned 'GC' General Commercial Zone in the City's Zoning By-law.

PAC Meeting	When: Wednesday, October 16 th , 2024 at 6:00 p.m. (CST) Location: Training Room, Operations Centre 60 Fourteenth Street North, 2 nd Floor, Kenora, ON
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Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

Input on the proposed application is encouraged. You can provide input by speaking at the PAC meeting. You may also provide your comments in writing as follows:

Submit comments in writing: Persons wishing to provide comments may submit such comments in writing, by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D13-24-08**. Comments must be submitted by 4:30 p.m. on Wednesday, October 9th, 2024.

FAILURE TO ATTEND

If you do not attend the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee via email to planning@kenora.ca.

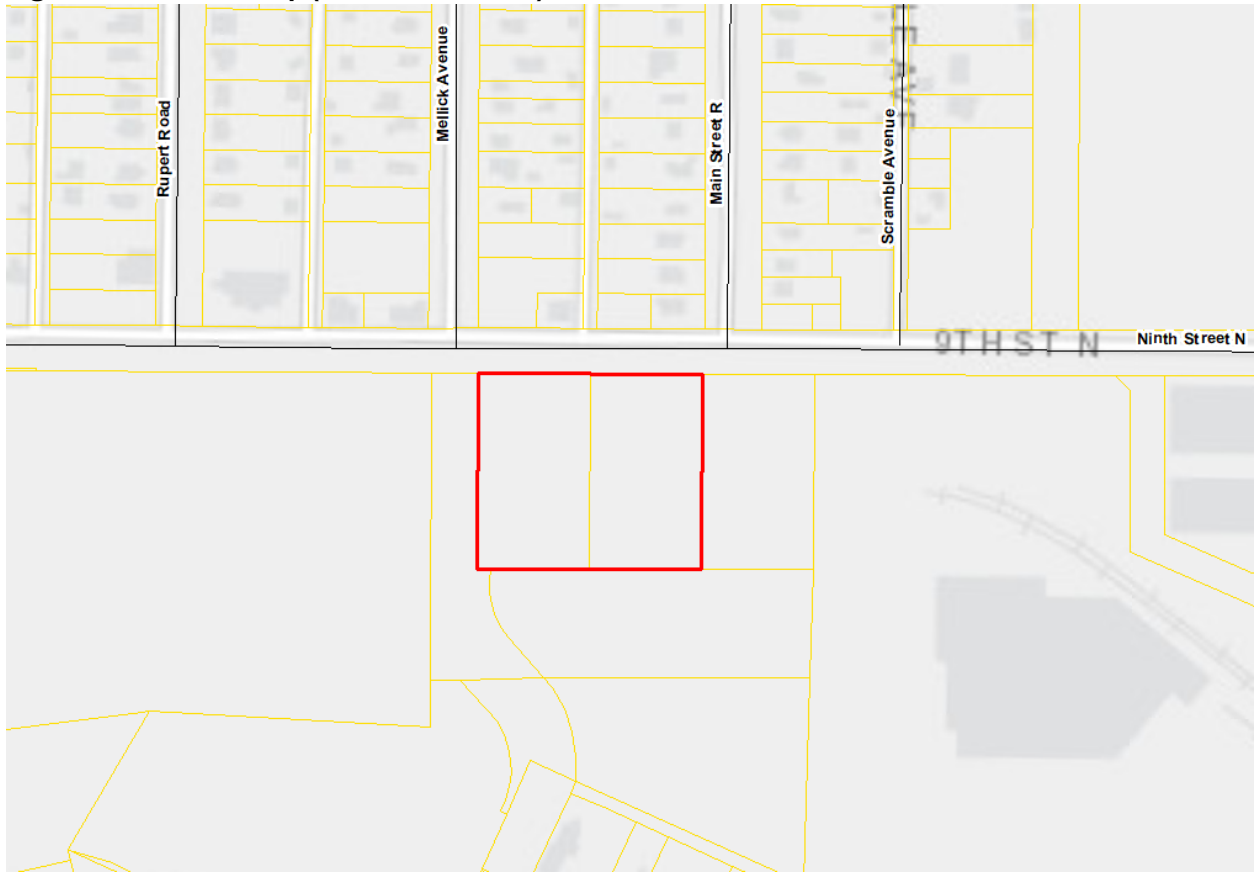
ADDITIONAL INFORMATION

Additional information relating to the proposed minor variance is available electronically through the Planning Department, for further information please email: tvader@kenora.ca and quote File Number **D13-24-08**.

Dated at the City of Kenora this 17th day of September, 2024.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca.

Figure 1. Location Map (Kenora GIS 2022)





City of Kenora
Application for Minor Variance or
Permission
Section 45 of the Planning Act & Ontario
Regulation 200/96

Office Use Only

Date Stamp - Date Received:



File Number: D13-24-08

Roll Number: _____

Application Fee Paid: \$ 800.00

Application Deemed Complete (Date): Sep 12, 2024

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting
- 1 original copy of the completed application form
- The required application fee of \$650.00 as per the schedule of fees By-law
- Planning Rationale
- Site Plan Sketch
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - City of Kenora Application for:

- Minor Variance s.45 (1) Permission s.45 (2)

3.0 - Concurrent Applications Filed

- Official Plan Amendment Site Plan Application
- Zoning By-law Amendment/Temporary Use Consent Application
- Subdivision Application Other: _____

4.0 - Applicant Information				
SUBJECT PROPERTY INFORMATION				
Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
		9th Street North		
Registered Plan Number	M-		158	
Legal Description			LOTS 1, 2	
Reference Plan Number	23R-		Plan 23M974 Lot 1 and 2	
Lot No.(s)/Block No.(s)			LOTS 1, 2 BLOCK H	
Concession Number(s)/PT LOT				
Part Numbers(s)				
Tax Roll Number	6016 020-009-13564-0000 (Lot 1),020-009-13565-0000 (Lot 2)			
OWNER/APPLICANT INFORMATION				
Check Appropriate Box:	<input type="checkbox"/> Person(s)	<input checked="" type="checkbox"/> Company		
Registered Land Owner	Surname: 2839441 ONTARIO INC		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	815	OTTAWA ST	P0X1C0	
City	KENORA		Province: ONTARIO	
Contact Information	Phone: 807-464-2953		Fax:	
Email	andrew@lbegroup.ca			
Acquisition Date of Subject Land	May 26, 2022			
PLANNING AGENT/SOLICITOR INFORMATION				
Company or Firm Name	McGowan Russell			
Name	Surname: Russell		First Name: Susan	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	825	St Joseph Street	R2H 3A8	
City	Winnipeg		Province: Manitoba	
Contact Information	Phone: 204-770-7775		Fax:	
Email	srussell@mcgowanrussell.com			
MORTGAGES, ENCUMBRANCES, HOLDERS OF CHARGES ETC. OF SUBJECT LAND				
Company	ACCESS CREDIT UNION			
Contact Person	Surname: DAVID		First Name: KRAHN	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
	570	PORTAGE AVE	R3C 0G4	200
Contact Information	Phone: 204-557-6140		Fax:	
Email	david.krahn@accesscu.ca			
5.0 – Please list the reports/studies that will accompany this application				
6.0 – Land Use Designation (Please see www.kenora.ca/planning for schedules/maps)				
What is the current Official Plan Designation of the subject property?				
INDUSTRIAL AREA				
What is the current Zoning By-law designation of the subject land and the uses permitted by that zone?				
GC - GENERAL COMMERCIAL				

7.0 – Nature and extent of relief required

Section of Zoning By-law No.	Zoning Provision	Proposed Provision	Relief Required
	see attached site drawing		

8.0 – Please explain the extent of the proposed variance or permission requested and why it is not possible to comply with the provisions of the Zoning By-law

see attached letter

9.0 – Property Characteristics

Frontage (metres): _____ Depth (metres): _____ Area (m² or Ha.): .81Ha

Existing Use of subject land: undeveloped vacant land

Note: Legal non-conforming use applications must provide evidence to support its status to the Planning Department.

Proposed Use (if applicable): OFFICE RETAIL

The date the subject land was acquired by the current owner: 2022

The date the existing buildings or structures on the subject land were constructed: n/a

Length of time that the existing uses have continued? n/a

Type of Access:

- Municipal maintained road Seasonally maintained road Provincial highway
 Private road or laneway Water Other public road

* If access is by water only please describe the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road:

*If access is by private road, or other public road, please state who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available.

Water Supply:

- Municipal water
 Private well
 Communal well
 Lake
 Other: _____

Sewage:

- Municipal sewer
 Private septic system/field
 Communal septic system/field
 Privy
 Other: _____

Site Drainage:

- Storm sewers
 Swales
 Ditches
 Other: surface drainage

Other Services:

- Electricity
 Garbage Collection
 School Buses

10.0 - Easements

Are there any easements or restrictive covenants affecting the subject lands?

- Yes
 No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

11.0 - Other Applications under the Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

	File No.:	Status:
Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.: D09-19-03	Status: approved
Zoning By-law Amendment	File No.: D14-19-09	Status: approved
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (Please Specify)	File No.:	Status:

12.0 – Buildings/Structures on Subject Property

Dimensions must match those indicated on the required sketch

Existing Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area				
Total Gross Floor Area				
Number of Storeys				
Length				
Width				
Height				
Front Yard Setback				
Rear Yard Setback				
Side Yard Setback				
Side Yard Setback				
Date Constructed				
Lot Coverage (%)				
Floor Area Ratio				

Proposed Structures:

	Principle	Accessory	Accessory	Parking
Ground Floor Area	14,500 SF			
Total Gross Floor Area	57,312 SF			
Number of Storeys	4 + 1P			
Length	230 FT			
Width	62 FT			
Height	51 FT			
Front Yard Setback	46.97 m			
Rear Yard Setback	14.97 m			
Side Yard Setback	17.56 m			
Side Yard Setback	10.88 m			
Date Constructed	n/a			
Lot Coverage (%)	17%			
Floor Area Ratio	n/a			

*Please place an asterisk next to any existing buildings that will be removed as part of the application.

*Please indicate whether the side yards are interior or exterior.

13.0 – Is the effect of the proposed variance consistent with policy statements issued under Subsection 3(1) of the Planning Act?

Please state how this application is consistent with the 2020 Provincial Policy Statement (PPS).

see attached letter

14.0 – Additional information

Please provide any additional information that you feel would be beneficial to the application:

The building is providing much needed office space in Kenora

15.0 – Directions


Please provide directions to the subject property:

within city limits, South corner of Mellick and 9th Street

16.0 – Authorized Agent/Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We Andrew Brookes, am/are the owner(s) of the land that is subject of this application for a minor variance and I/We hereby authorize Susan Russell of McGowan Russell Group to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.



Andrew Brookes

Signature of owner(s)

Sep 11 / 24
Date

Tara Vador

Name and Signature of Witness

17.0 - Sworn Declaration or Affidavit

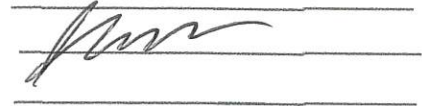
I, Andrew Brookes of the CITY OF KENORA in the province of ONTARIO, make oath and say (or solemnly declare) that the information required under Ontario Regulation 200/96 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the Operations Centre in the City of Kenora this 11 day of September in the year 2024

**Tara Nowell Vader, a Commissioner, etc.,
Province of Ontario,
for the Corporation of the City of Kenora.
Expires September 5, 2027.**



Commissioner of Oaths



Applicant(s)

18.0 – Privacy Consent/Freedom of Information Declaration

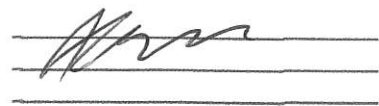
Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff, members of the Planning Advisory Committee or Council members.

I/We, 2839441 ONTARIO INC being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Sep 11 / 24

Date



Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora
1 Main Street South, Kenora, ON P9N 3X7 - (807) 467-2295.

Draft Planning Rationale for Ninth Street North – Minor Variances

September 10, 2024

1.0 Purpose of the Application

This report provides a summary of the application for relief from various sections of the City of Kenora Zoning By-law (101-2015) to facilitate the development of a four-story building at Ninth Street North and Mellick Avenue. The project aims to bring a mix of office uses, including Medical, Physiotherapy, Chiropractic and Dental Clinics, to the subject property.

2.0 Property Description

The subject property is a 0.81-hectare (8,114 m²) parcel located at Ninth Street North and Mellick Avenue. It is currently zoned GC General Commercial, which allows for the proposed office uses, with a building height of up to 11m meters.

3.0 Project Description

3.1 Proposed Development

The development proposes a four-story building consisting of 3,993 square metres of office space on the second, third and fourth floors and Medical, Dental, Physiotherapy and Chiropractic Clinics on the ground floor. The required 177 parking stalls are provided as surface stalls and indoor underground parking stalls. The landscaping provided, including the required Ninth Street North Landscape Buffer and extensive building foundation and parking lot interior landscaping, exceeds the bylaw requirement.

The proposed development does require a variance for building height as outlined in Section 4.0 of this report.

3.2 Site Plan and Building Elevations

The Conceptual Site Plan attached illustrates the proposed site layout, including building placement, parking areas and landscaping. The attached Building Elevations illustrate the proposed building dimensions, colours and materials.

4.0 Relief Sought from Zoning By-Law (101-2015)

On behalf of the landowner, MRG respectfully requests the following minor variance to permit the development of the four-story office building including ground floor medical and dental clinics.

Maximum Building Height (Zoning By-Law 4.7.3 (c))

- **Required:** 11 m

- **Proposed:** 15.55 m

- **Four Tests Analysis:**

1. **Intent and Purpose of the Official Plan:** The variance supports the Official Plan's objective of efficient land use and development.

2. Intent and Purpose of the Zoning By-law: The proposed building height aligns with the by-law's intent of ensuring functional site design.

3. Desirable for the Appropriate Development of the Lands: This adjustment allows for efficient site use by maximizing the provision of office uses and medical and dental clinic uses on a smaller building footprint and providing all required parking on-site.

4. Minor in Nature: The proposed minor increase in building height will have no adverse effect on adjacent properties. The building location far exceeds all required yard setbacks and is separated from adjacent properties to the north by Ninth Street North and from adjacent properties to the west by lands for the future Mellick Road extension. These substantial separation distances result in no shade/shadow effects. Therefore, it is felt that the variance is minor in nature and will not negatively impact neighbouring properties.

5.0 Compliance of Proposed Minor Variance with Planning Policies

5.1 Compliance with Ontario Planning Act

The proposed development adheres to the Ontario Planning Act by ensuring that the variance requested is minor and meets the Act's principles of land use planning. The development promotes orderly growth, efficient use of land, and provides essential services in a manner that supports community development goals.

5.2 Compliance with Provincial Policy Statement

The Provincial Policy Statement (2020) clearly states that intensification of Settlement Areas is to be encouraged. Note that the PPS has three land types identified: Settlement Areas, Rural Areas in Municipalities, and Rural Lands outside of Municipalities. Therefore, the subject property at Ninth Street North and Mellick Avenue and the surrounding neighbourhood is clearly a Settlement Area within the intent of the PPS.

- **Section 1.1.3.2** of the PPS (2020) emphasizes the importance of making efficient use of land and existing infrastructure, which could be supported by allowing the 4-story office building in the General Commercial zone where the site-specific zoning allows for such development. The PPS supports development that enhances the viability of commercial areas, and the proposed offices and medical and dental clinics could contribute to this vitality by increasing the availability of the medical and dental services and employment opportunities to the existing residential population in the vicinity.

- **Land Use Compatibility:** The development aligns with the PPS by supporting land use compatibility and promoting efficient use of land. The 4-story office building will contribute to the diversity of land uses in the area, supporting a compact urban form.

- **Sustainable Development:** The project supports sustainable development by integrating employment uses and enhancing community services.

- **Community Well-being:** The development contributes to the well-being of the community by providing necessary medical and dental facilities, aligning with the PPS's focus on enhancing quality of life and fostering healthy, vibrant communities.

5.3 Compliance with Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario supports the development of a 4-story office building with medical, physiotherapy, chiropractic and dental clinics in the City of Kenora by emphasizing the enhancement of community infrastructure and services to attract and retain residents. Additionally, such developments contribute to the creation of vibrant, sustainable communities, promoting Kenora as an attractive place to live and work.

5.4 Compliance with City of Kenora Official Plan

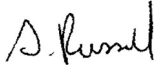
The Official Plan Designation for the subject property is Industrial Area which aligns with the zoning for the property and the proposed office and medical and dental clinic uses for this site.

5.5 Compliance with City of Kenora Zoning By-Law No. 101-2015

The current GC zoning permits the proposed office and medical and dental clinic uses. The proposed development does require a variance for building height as outlined in Section 4.0 of this report.

If you have any questions or require additional information, please contact the undersigned at 204-770-7775. We thank you for your consideration in this matter, and we look forward to meeting with City of Kenora representatives on this file.

Yours truly,
MCGOWAN RUSSELL GROUP INC.



Susan Russell, M.A.L.A., C.S.L.A.
President

NINTH STREET NORTH



LOT 1
4 0 5 9 M 2
1.0 ACRE

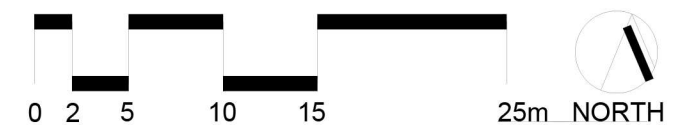
LOT 2
4 0 5 5 M 2
1.0 ACRE

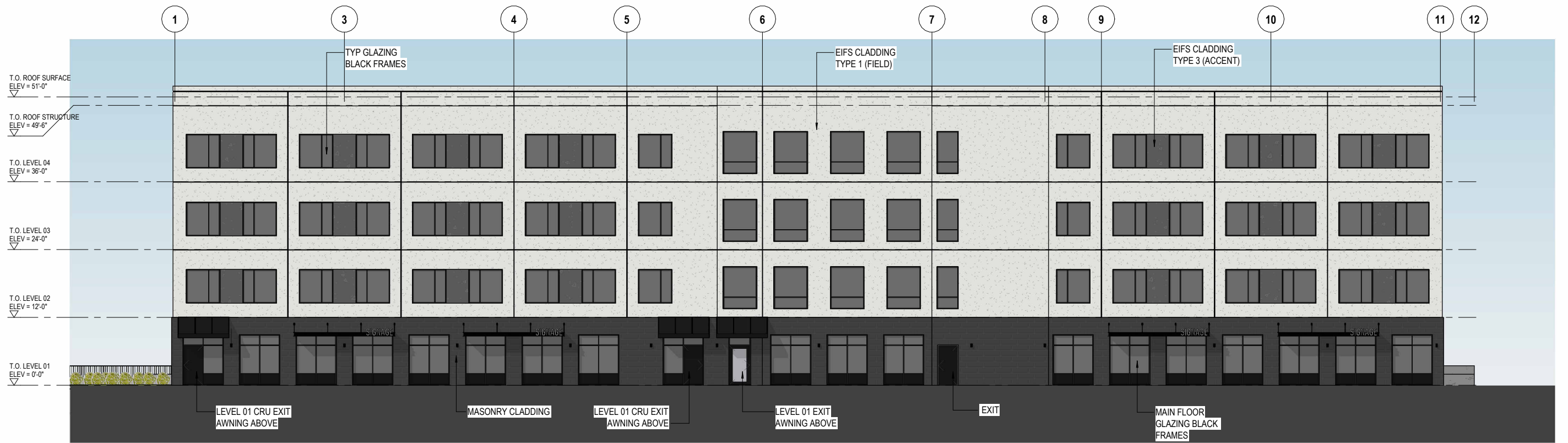
GC - GENERAL COMMERCIAL ZONING			
USES			
MEDICAL / DENTAL CLINICS	17 practitioners		
OFFICE	3993 sm		
ZONING PROVISIONS	REQUIRED	PROPOSED	COMMENTS
LOT AREA	-	8114 sm	
LOT FRONTAGE	-	96.713 m	
FRONT YARD	-	46.97 m	3.0m LANDSCAPE BUFFER TO PARKING
EAST SIDE YARD	5.0m	10.88 m	0.5m TO PARKING
WEST SIDE YARD	5.0m	17.56 m	0.5m TO PARKING
REAR YARD	8.0m	14.97 m	
BUILDING HEIGHT	11.0 m	15.55 m	
PARKING			
STALL WIDTH / BARRIER FREE	2.85m / 3.70m	2.85m / 3.70m	
STALL LENGTH / BARRIER FREE	6.0m / 7.0m	6.0m / 7.0m	
AISLE WIDTH	6.7m	6.7m	
OFFICE PARKING	92	92	2.3 STALLS / 100sm OF GROSS LEASEABLE FLOOR AREA
CLINIC PARKING 5 DENTIST, 5 DOCTOR, 5 PHYSIO, 2 CHIRO	85	85	5 STALLS PER PRACTITIONER
TOTAL PARKING	177	177	
BARRIER FREE PARKING	5	5	3% OF TOTAL SPACES REQUIRED
LOADING SPACE	2	2	2 FOR GROSS FLOOR AREA OF 2501-7500 sm

NINTH STREET COMMERCIAL DEVELOPMENT

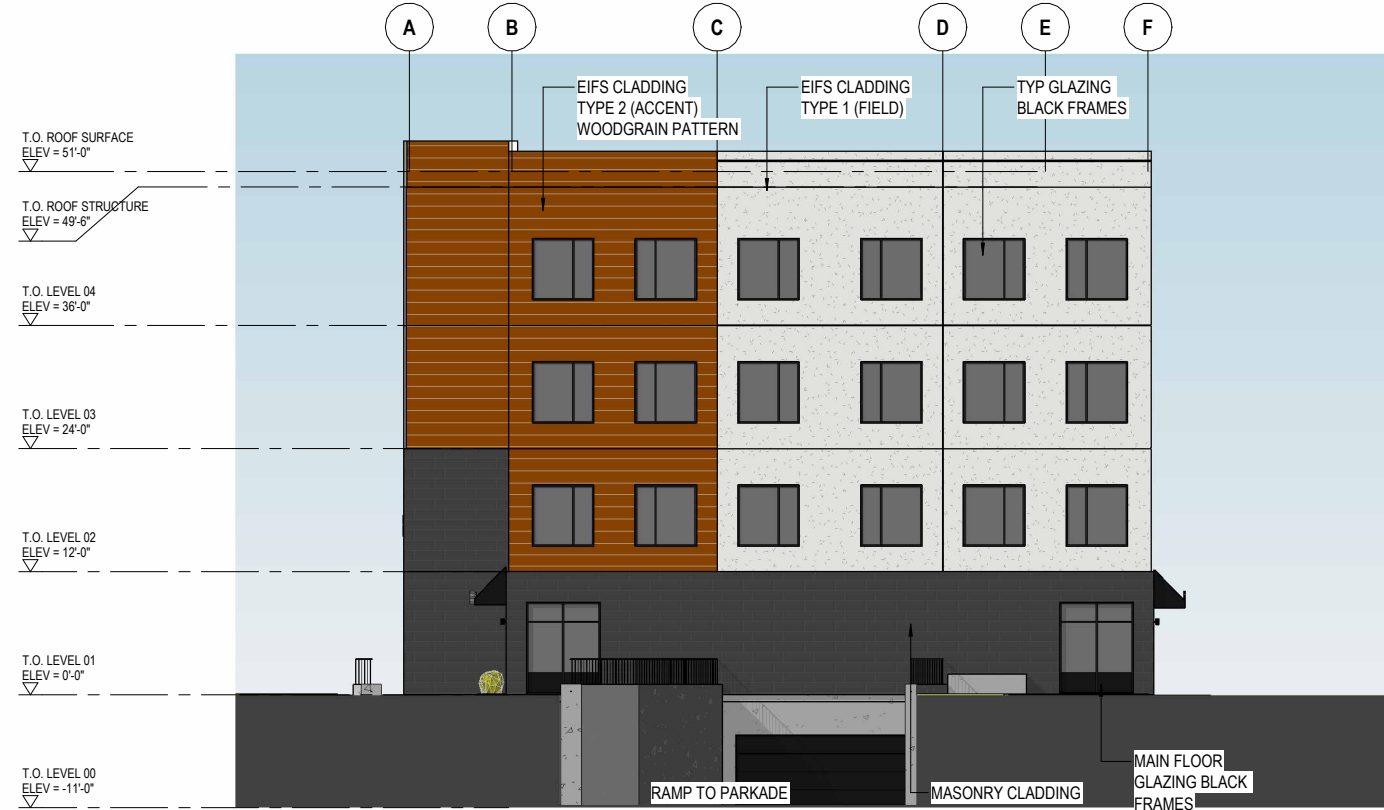
SITE PLAN

SEPTEMBER 9, 2024
 SCALE 1:400





1 ELEVATIONS - S
1 : 225



2 ELEVATIONS - W
1 : 225

**PRELIMINARY
DRAWING ONLY**
NOT TO BE USED FOR
CONSTRUCTION

BLDG
architecture office inc.
3-692 Osborne Street
Winnipeg, Manitoba
Canada, R3L 2B9
T: 204.417.6884
E: info@bdgooffice.com

PROJECT
OFFICE BUILDING
EXTERIOR ELEVATIONS - S & W
9TH ST N KENORA ONTARIO
DWG BY BLDG REV'D BY KS PROJECT NO. 2024_09
DATE 07/16/2024 DRAWING NO.
SCALE 1 : 225 **PA22**



To: City of Kenora Planning Advisory Committee
From: Tara Vader, Associate Planner
Date: October 11, 2024
Re: Minor Variance Application – File D13-24-08
Location: Unaddressed property on Ninth Street North
Owner/Applicant: 2839441 Ontario Inc. / McGowan Russell

RECOMMENDATION

It is recommended that this application for minor variance be **approved subject to the recommended conditions.**

INTRODUCTION

The purpose of this minor variance application is to seek relief from the City of Kenora Zoning By-law 101-2015 to permit an increase of maximum building height to enable the construction of a 4-storey office building. The application is seeking relief from Section 4.7.3 (c) which requires a maximum building height of 11 metres. This application proposes to increase the maximum building height by 4.55 metres to permit a maximum building height of 15.55 metres.

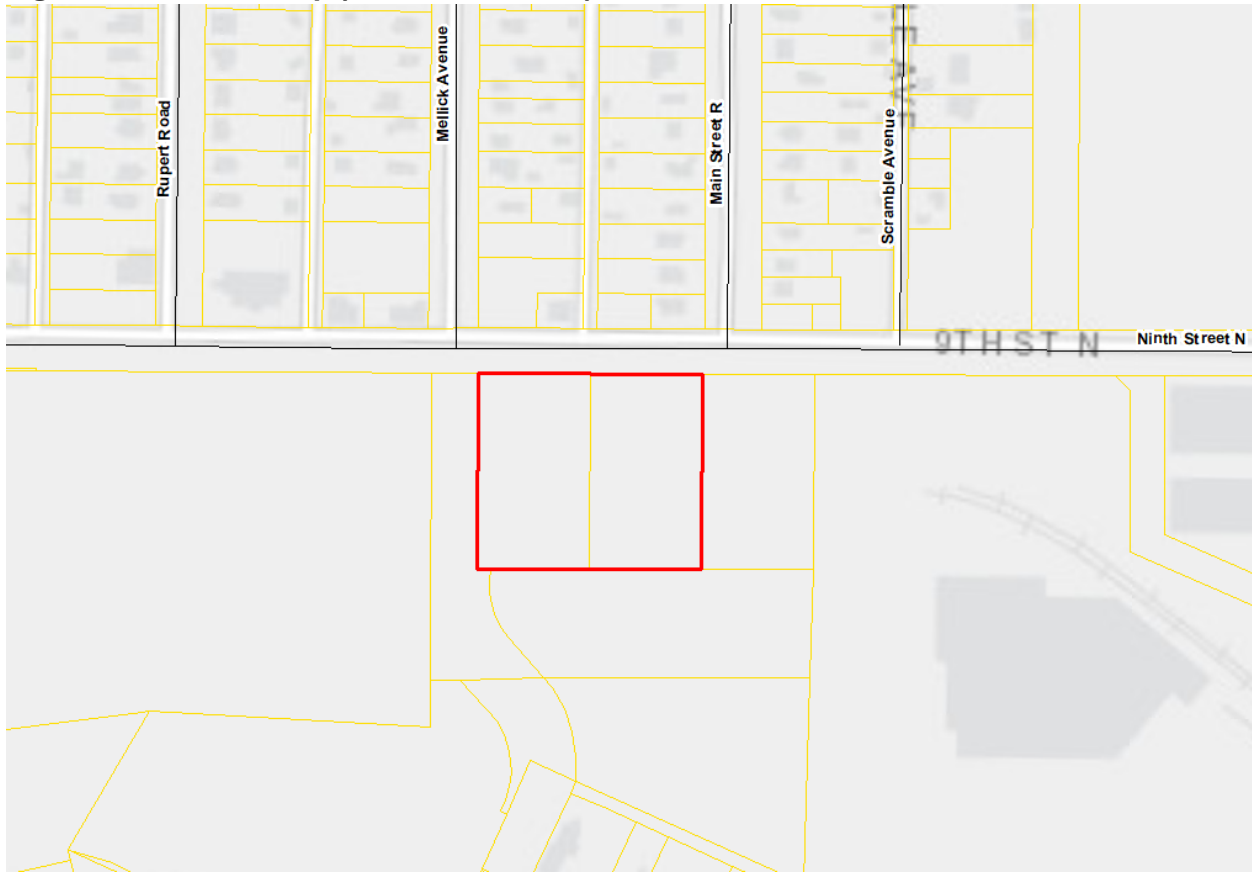
This development proposes a 4-storey building with a mix of office uses, including Medical, Physiotherapy, Chiropractic and Dental Clinics.

The subject property is currently vacant and has access via Ninth Street North. The site is serviced by municipal water and sewage services. The subject lands are approximately 0.81 ha in size.

REVIEW

In considering an application of minor variance, Section 45(1) of the Planning Act gives authority of granting minor relief from the provision of the Zoning By-law to the Committee of Adjustment. Such relief can only be granted if the application is minor in nature, is an appropriate use of the land, and that the development maintains the intent of the Official Plan and Zoning By-law.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff directed to ensure service connections are adequate to maintain water and wastewater flow and that enough fire protection flow exists for the development. Additionally, installation of a backflow preventor will be required. Should the building contain multiple mechanical rooms, multiple backflow preventors will be required.

Agency

The Ministry of Natural Resources had no concerns. No comments were received from additional agencies.

Public

No comments were received from members of the public.

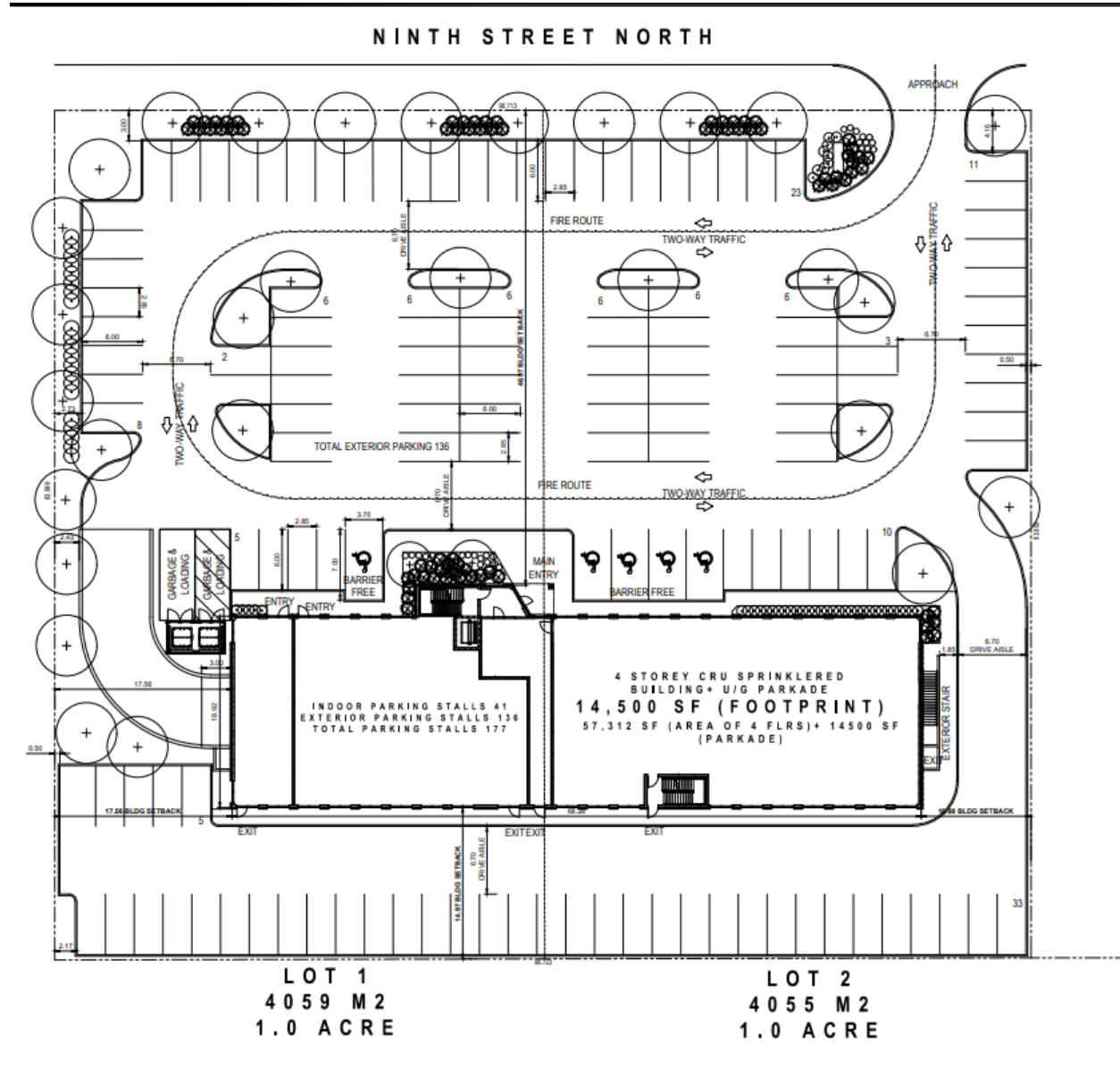
PLANNING REVIEW

The subject property is designated Industrial Development Area in the City of Kenora Official Plan and zoned “GC” General Commercial Zone in the City’s Zoning By-law.

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) directs that opportunities for a diversified economic base shall be promoted. Additionally, sites for employment uses which support a wide range of economic activities and ancillary uses shall be promoted. As this application is proposed to be used for a mix of commercial uses, it is supported by these policies of the PPS.

Figure 2. Site plan (provided by applicant)



FOUR TESTS OF A MINOR VARIANCE

Does the variance maintain the intent of the Official Plan?

The City of Kenora Official Plan (OP) Section 2.2.4 contains objectives for a diversified economy. The OP states to support existing businesses and attract a diverse range of new employment opportunities for new and existing residents. The OP also contains policies for the Industrial Development Area designation. Section 4.5 states that the former Abitibi Mill site provides an opportunity for adaptive re-use and an opportunity for mixed uses. Additionally, the City envisions the development of employment uses and training facilities at the site. As this application is proposed to create employment opportunities through a mixed-use building and re-use part of the former mill site, it maintains the intent of the OP.

Does the variance maintain the intent and purpose of the Zoning By-law?

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “GC” General Commercial Zone. The GC zone allows for a wide range of uses and services to meet the needs of residents, businesses and tourists.

This application is seeking to permit a maximum permitted building height of 15.55 metres. This is a relief request of 4.55 metres from the permitted 11 metres. The minor variance is required to allow for the construction of a 4-storey development which cannot be done within the permitted 11 metres. This application is proposing setbacks that far exceed the requirements, 0 metres for all yards, as set out in the Zoning By-law. As the proposed development is a permitted use, exceeds setback requirements, this application maintains the intent of the Zoning By-law.

Is the application desirable for the appropriate development of the land, building or structure?

The proposed variance will enable the construction of a 4-storey office building which will serve a mix of uses. The land is currently vacant, and the proposed development would bring adaptive re-use of the lands.

Is the variance minor?

The requested relief is to permit a maximum building height of 15.55 metres. The proposed variance is not expected to have a significant impact on the surrounding area, nor will it impact the ability of adjacent neighbours to utilize their properties for permitted uses. The variance is considered minor in nature and impact.

Recommendation

As a result, it is recommended that minor variance application D13-24-08 to seek relief from the City of Kenora By-law 101-2015, Section 4.7.3 (c) be approved to permit a maximum building height of 15.55 metres, subject to the following condition:

RECOMMENDED CONDITION

1. No part of the proposed building may penetrate a 45-degree angular plane, beginning from a height of 11 metres projecting inwards from each lot line except for the permitted projections above the height limit as outlined in Section 3.24 of the City of Kenora Zoning By-law.



Tara Vader
Associate Planner

October 11, 2024

Appendix A. Application

Appendix B. Notice of Complete Application and Public Meeting



**THE CORPORATION OF THE CITY OF KENORA
PLANNING ADVISORY COMMITTEE
NOTICE OF COMPLETE APPLICATION AND PUBLIC HEARING**
Section 53 of the Planning Act, RSO 1990

TAKE NOTICE that the City of Kenora Planning Advisory Committee will hold a regular meeting on October 16th, 2024, at 6 p.m.

As part of the meeting, PAC will consider a proposed Consent under Section 53 of the Planning Act (RSO 1990), as described below and shown on the attached map.

FILE(s): D10-24-08
LOCATION: 82 Redditt Road (see location map below)

PURPOSE AND EFFECT

The purpose of the consent application is to sever a piece of land from the subject lands to be added to an abutting property to the north.

The subject lands are designated Commercial Development Area in the City's Official Plan and zoned 'HC' Highway Commercial Zone in the City's Zoning By-law.

PAC Meeting	When: Wednesday, October 16 th , 2024 at 6:00 p.m. (CST) Location: Training Room, Operations Centre 60 Fourteenth Street North, 2 nd Floor, Kenora ON
--------------------	---

Members of the public interested in attending the meeting may attend in person, or via Zoom Meeting at: <https://www.kenora.ca/en/your-government/planning-advisory-committee.aspx>. For the link to join the meeting please access the agenda under the Agenda and Minutes section.

PUBLIC MEETING

Input on the proposed application is encouraged. You can provide input by speaking at the PAC meeting. You may also provide your comments in writing as follows:

Submit comments in writing: Persons wishing to provide comments may submit such comments in writing, by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D10-24-08**. Comments must be submitted by 4:30 p.m. on Wednesday, October 9th, 2024.

Failure to Make Written Submission: If a person or public body has the ability to appeal the decision of the Planning Advisory Committee in respect of the proposed consent to the Ontario Land Tribunal but does not make written submissions to the Secretary-Treasurer of the Planning Advisory Committee before it gives or refuses to give provisional consent, the Tribunal may dismiss the appeal.

NOTICE OF DECISION

If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee via email to planning@kenora.ca.

ADDITIONAL INFORMATION

Additional information relating to the proposed consent is available electronically through the Planning Department, for further information please email: tvader@kenora.ca and quote File Number **D10-24-08**.

Dated at the City of Kenora this 17 day of September, 2024.

Tara Vader, Associate Planner, 60 Fourteenth St N, 2nd Floor, Kenora, ON
P9N 4M9, Phone: 807-467-2152, email: tvader@kenora.ca

Figure 1. Location Map (Kenora GIS 2022)

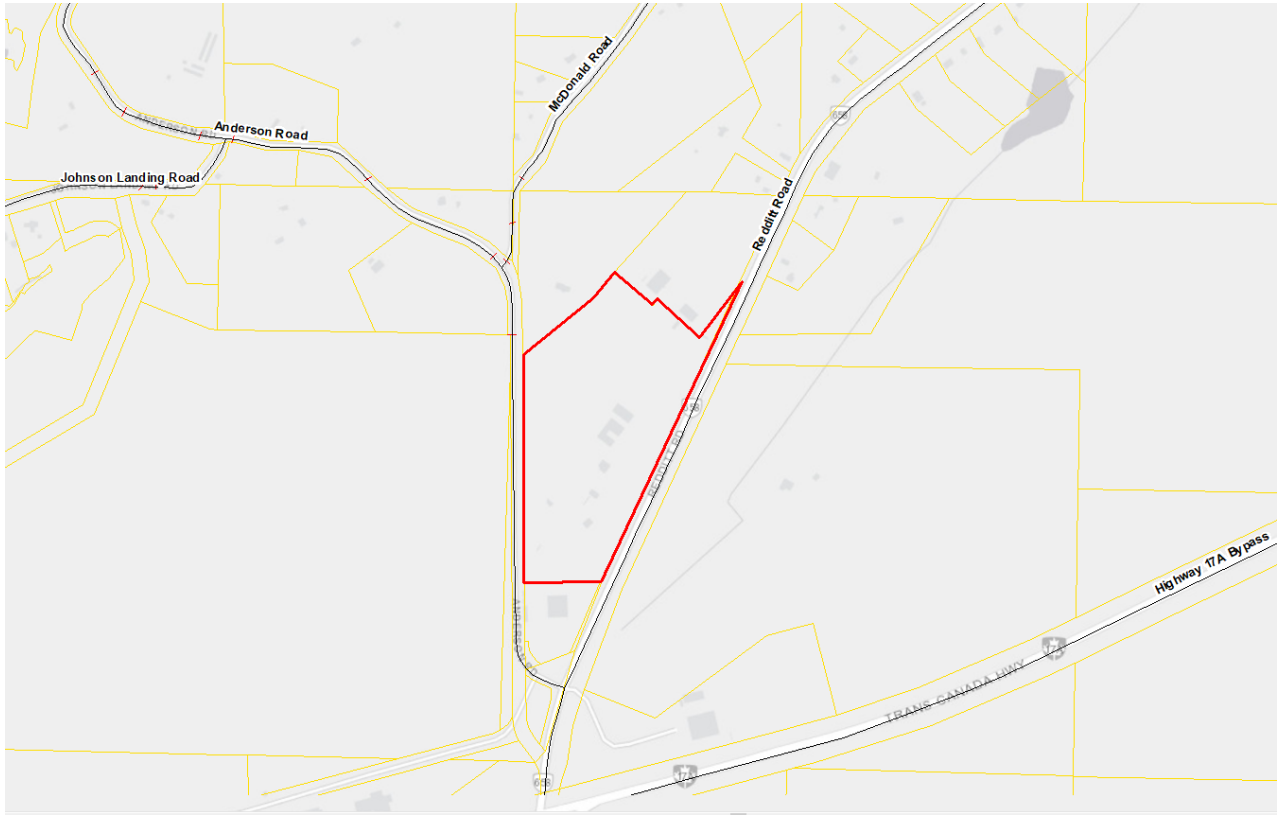


Figure 2. Key Map (Kenora GIS 2022) – Area outlined in red proposed to be severed and added to the property abutting to the north. Area outlined in blue proposed to be retained lands.





City of Kenora
Application for Consent
 Section 53 of the Planning Act & Ontario
 Regulation 197/96 (as amended)

Office Use Only

Date Stamp - Date Received: <div style="border: 2px solid blue; padding: 5px; width: fit-content; margin: 10px auto;"> <p style="margin: 0;">RECEIVED</p> <p style="margin: 0; color: red;">SEP 09 2024</p> <p style="margin: 0;"><i>TLV</i></p> </div>	File Number: <u>D10 - 24 - 08 - 129 Anderson</u> Roll Number: _____ Application Fee Paid: \$ <u>1,500.00</u> Application Deemed Complete (Date): <u>10/09/2024</u>
---	---

1.0 - Submission Requirements

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting
- 1 original copy of the completed application form
- The required application fee of ~~\$1,100.00~~ as per the schedule of fees By-law
\$ 1,500.00
- Planning Rationale
- Site Plan Sketch
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- A completed Authorization, signed by all the registered owners when an Agent is acting on behalf of the Owner(s)

2.0 - Concurrent Applications Filed

<input type="checkbox"/> Official Plan Amendment	<input type="checkbox"/> Site Plan Application
<input type="checkbox"/> Zoning By-law Amendment/Temporary Use	<input type="checkbox"/> Minor Variance/Permission Application
<input type="checkbox"/> Subdivision Application	<input type="checkbox"/> Other: _____

3.0 - Applicant Information				
Subject Property Information				
Civic Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Registered Plan Number	M-			
Legal Description	PT NW 1/4 LT 4 CON 7; JAFFRAY; PTS 1 & 2 23R9070 EXCEPT PT 1 23R11194;KENORA			
Reference Plan Number	23R-			
Lot No.(s)/Block No.(s)				
Concession Number(s)/Part Lot Part Numbers(s)				
Tax Roll Number	6016 14000111008			
Lot Frontage (Metres)				
Depth (Metres)				
Area (Ha.)				
Owner/Applicant Information				
Check Appropriate Box:	<input type="checkbox"/> Person(s)		<input checked="" type="checkbox"/> Company	
Registered Land Owner	Surname: MCL HOLDINGS INC.		First Name:	
Mailing Address	Street No.:	Street Name: 504 Ninth St. North	Postal Code: P9N 2S8	Unit Num.:
City	KENORA		Province ON	
Contact Information	Phone:		Fax:	
Email	csiran@hslaw.ca			
Acquisition Date of Subject Land	2013- Moncrief Construction Ltd. To MCL Holdings.			
Planning Agent/Solicitor Information				
Company or Firm Name				
Name	Surname: Gregory and Donna Moncrief		First Name:	
Mailing Address	Street No.:	Street Name: Anderson Road	Postal Code: P9N 0C9	Unit Num.:
	129			
City	KENORA		Province: ON	
Contact Information	Phone:		Fax:	
Email	DGMONCRIEF@KMTS.CA			
Mortgages, Encumbrances, Holders of Charges etc. of Subject Land				
Company				
Contact Person	Surname:		First Name:	
Mailing Address	Street No.:	Street Name:	Postal Code:	Unit Num.:
Contact Information	Phone:		Fax:	
Email				
4.0 - Please list the reports and/or studies that will accompany this application				

5.0 - Purpose of Consent Application

Transfer:

Mortgage or charge

Lot addition

Creation of new lot(s) –

Creation of a lot for semi-detached or row housing

Number created: _____

Other:

Right-of-way

Easement

Lot line adjustment/correction

Lease

Correction of title

Other: _____

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

MONCRIEF, DONNA; MONCRIEF, GREG
PCL 37734 SEC DKF; PT NW 1/4 LT 4 CON 7 JAFFRAY PT 2 23R7517; KENORA

If application is for easement, identify property which will benefit (legal description).

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

Yes

No

If Yes, please describe each easement and/or covenant and its effect, below:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)

8.0 Other Applications under *The Planning Act*

Has the subject land ever been the subject of an application for approval of any of the following?
In 1988 under the Town of JM, Part 2 23R7517 was created from the subject property, locally known as 129 Anderson Road.

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment/Temporary Use	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.: Town of JM	Status: Approved
Minor Variance/Permission	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (please specify)	File No.:	Status:

9.0 Description of Subject Lands and Servicing Information (complete each subsection.)

		<u>Lot 1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.1 Description	Frontage (m)	60.83 m				318.15 m
	Depth (m)	185.92 m on the eastern lot line				Irregular
	Area (ha)	1.2				5.0 ha
9.2 Use of property	Existing Use(s)	<u>Vacant land</u>				<u>Contractor Services</u>
	Proposed Use(s)	<u>Vacant land</u>				<u>Contractor Services</u>
9.3 Buildings or Structures	Existing	<u>N/A</u>				
	Proposed	<u>N/A</u>				
9.4 Access	Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Municipal – year round	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> √
	Municipal – seasonal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other public road	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private right of way (provide documentation with application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Water access*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

		<u>Lot1/ Easement</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 4</u>	<u>Retained/ Subject Property</u>
9.5 Water Supply	Publicly owned and operated piped water	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual well	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> √
	Private communal well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Lake or other water body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.6 Sewage Disposal	Publicly owned and operated sanitary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private individual septic *	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private communal septic *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privy / grey water *	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.

9.7 Other Services	Electricity	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> √
	School bus service	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Waste / recycle collection	<input type="checkbox"/> √	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9.8 If access to the subject land is by other than publically owned and maintained road, indicate who own the land or road, and who is responsible for its maintenance and whether it is maintained seasonall or all year. Please attach a copy of the registered easement/agreement if available. If access is b water only, please provide proof of arrangements for docking and vehicle parking.

10.0 – Land Use (Please see www.kenora.ca/planning-development/related-links-and-documents/)

What is the land use designation in the City of Kenora Official Plan (2015)?

_____ Commercial Development Area _____

Does the proposal conform to the City of Kenora Official Plan (2015)?

Yes

No

If No, have you made a concurrent application for an Official Plan Amendment?

Yes

No

File Number: _____

Status: _____

What is the current zoning designation of the subject property?

_____ Highway Commercial _____

Does the proposal conform to Zoning By-law No.101-2015, as amended?

Yes

No

If No, have you made a concurrent application for a Zoning By-law Amendment?

Yes

No

File Number: _____

Status: _____

What is the existing use of the subject land?

The Subject lands are Highway Commercial, contractor services
The lands benefitting from the lot addition are zoned rural and developed with a principal dwelling.

What is the proposed use of the subject land?

There is no change to the proposed use of the subject lands.

What are the uses of the abutting properties?

Residential

How long have the existing uses been present?

The use have been present well before amalgamation with the City of Kenora, some uses exceeding 50+ years.

Has there ever been an industrial or commercial use on the subject land or adjacent land? If yes, please explain the uses:

The subject lands are commercially zoned and a portion of the property is commercially used.

11.0 Contamination	Yes	No	Unknown
Has the grading of the subject land been changed by adding earth or other material?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has a gas station ever been located on the subject land or adjacent land at any time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has there been petroleum or other fuel stored on the subject land or adjacent land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (i.e. brownfields, industrial waste, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
What information did you use to determine the answers to the above questions? If an environmental assessment has been performed please submit it with the application.			
Neighbour to the subject lands in excess of 40 years.			
*If the answer to any of the above questions from regarding contamination were checked yes or if there was an industrial, or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.			
12.0 – Is the proposal consistent with policy statements issued under Subsection 3(1) of the Planning Act?			
Please state how this application is consistent with the 2020 Provincial Policy Statement (PPS).			
1.1.4.1 Healthy, integrated and viable <i>rural areas</i> should be supported by: <ol style="list-style-type: none"> building upon rural character, and leveraging rural amenities and assets; promoting regeneration, including the redevelopment of <i>brownfield sites</i>; accommodating an appropriate range and mix of housing in rural <i>settlement areas</i>; encouraging the conservation and <i>redevelopment</i> of existing rural housing stock on <i>rural lands</i>; using rural <i>infrastructure</i> and <i>public service facilities</i> efficiently; promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; conserving biodiversity and considering the ecological benefits provided by nature; and providing opportunities for economic activities in <i>prime agricultural areas</i>, in accordance with policy 2.3. 			
1.1.4.2 In <i>rural areas</i> , <i>rural settlement areas</i> shall be the focus of growth and development and their vitality and regeneration shall be promoted.			
1.1.5.2 On <i>rural lands</i> located in municipalities, permitted uses are: <ol style="list-style-type: none"> the management or use of resources; resource-based recreational uses (including recreational dwellings); residential development, including lot creation, that is locally appropriate; <i>agricultural uses, agriculture-related uses, on-farm diversified uses</i> and <i>normal farm practices</i>, in accordance with provincial standards; home occupations and home industries; cemeteries; and other rural land uses. 			

13.0 – Original Parcel Transfer

Has any land ever been severed from the parcel original acquired by the owner of the subject land?

Yes

No

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: In 1988 under the Town of JM, Part 2 23R7517 was created from the subject property, locally known as 129 Anderson Road.

Name of Transferee: Greg and Donna Moncrief

Use(s) of Severed Land: Rural/ Residential

14.0 – Significant Features Checklist

Check through the following list. Indicate under Yes, No or Unknown if a listed feature is on-site or within 500 metres. Indicate under Yes, No or Unknown if a listed development circumstance applies. Be advised of the potential information requirements.

Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Non-farm development near designated urban areas or rural settlement areas		√			Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹		√			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²		√			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³		√			Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		√			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		√			Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond		√			Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line		√			Evaluate impacts within 300 metres.
Operating mine site		√			Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land		√			Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater		√			Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35

					NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility		√			Determine possible impacts within 200 metres.
High Voltage Transmission Lines		√			Consult the appropriate electric power service.
Transportation and Infrastructure corridors	√			Not within the 200m highway corridor	Will corridor be protected? Noise Study Prepared?
Agricultural Operations		√			Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area		√			Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations		√			Will development hinder continuation of extraction? Noise and Dust Study completed?
Feature or Development Circumstance	Yes	No	Don't Know	If Yes, specify distance in metres (m)	Potential Information Needs
Existing Pits and Quarries		√			Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources		√			Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands		√			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant portions of habitat of Endangered or Threatened Species		√			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest		√			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers		√			Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes		√			Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources		√			Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels		√			Development not permitted
Lands Subject to Flooding and/or Erosions		√			Development may be permitted. Must demonstrate that hazards can be addressed.

Erosion Hazards		√			Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		√			Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴		√			Slope Study, Flood line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites		√			Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites		√			Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (Karst topography)

15.0 – Additional Information

Please provide any additional information that you feel would be beneficial to the application:

16.0 – Directions

Please provide directions to the subject property:

Subject lands: off Reddit Hwy

Benefitting lands: off Anderson Road.

17.0 - Sketch

A sketch or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. All necessary information must be contained on one single sketch or site plan. The sketch or site plan must clearly demonstrate:

- i. The boundaries and dimensions of the subject land
- ii. The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii. The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples

include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells, and septic tanks.

- iv. The current uses on land that is adjacent to the subject land
- v. The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi. If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii. The location and nature of any easement affecting the subject land.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

18.0 – Authorization of Agent or Solicitor

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We MCL Holdings Inc., am/are the owner(s) of the land that is subject of this application for a zoning by-law amendment and I/We hereby authorize Greg and Donna Moncrief to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application .

June 10, 2024
Date

[Signature]
Signature of owner(s)

[Signature]
Cheryl C. M. Siran
Name and Signature of Witness

19.0 – Affidavit or Sworn Declaration

I, Greg & Donna Moncrief of the City of Kenora in the province of Ontario, make oath and say (or solemnly declare) that the information required under Ontario Regulation 545/06 (as amended), and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the City of Kenora in the Province of Ontario this 8th day of August in the year 2024.

[Signature]
Commissioner of Oaths

[Signature]
Applicant(s)

HEATHER LAJEUNESSE, a Commissioner of Oaths
District of Kenora, while DEPUTY CLERK for the
Corporation of the City of Kenora

20.0 – Privacy Consent/Freedom of Information Declaration

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of Council and/or the Planning Advisory Committee.

I/We, MCL Holdings Inc. being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Aug 16/24

Date

[Signature]

Owner(s) Signature

Personal information contained on this form is collected pursuant to the *Municipal Act*, and will be used for the purpose of processing and approval of this application and associated applications. Questions about this collection should be directed to:

The Freedom of Information and Privacy Coordinator, City of Kenora,
1 Main Street South, Kenora, ON P9N 3X7, (807) 467-2295

Planning Rationale:

On behalf of MCL Holdings Inc. making application for lot addition to transfer approximately 1.2 hectares of land from the subject property locally known as the "Moncrief Construction yard" on the corner of Redditt Road and Anderson Road, civic address: 82 Redditt Road to 129 Anderson Road owned by Greg and Donna Moncrief.

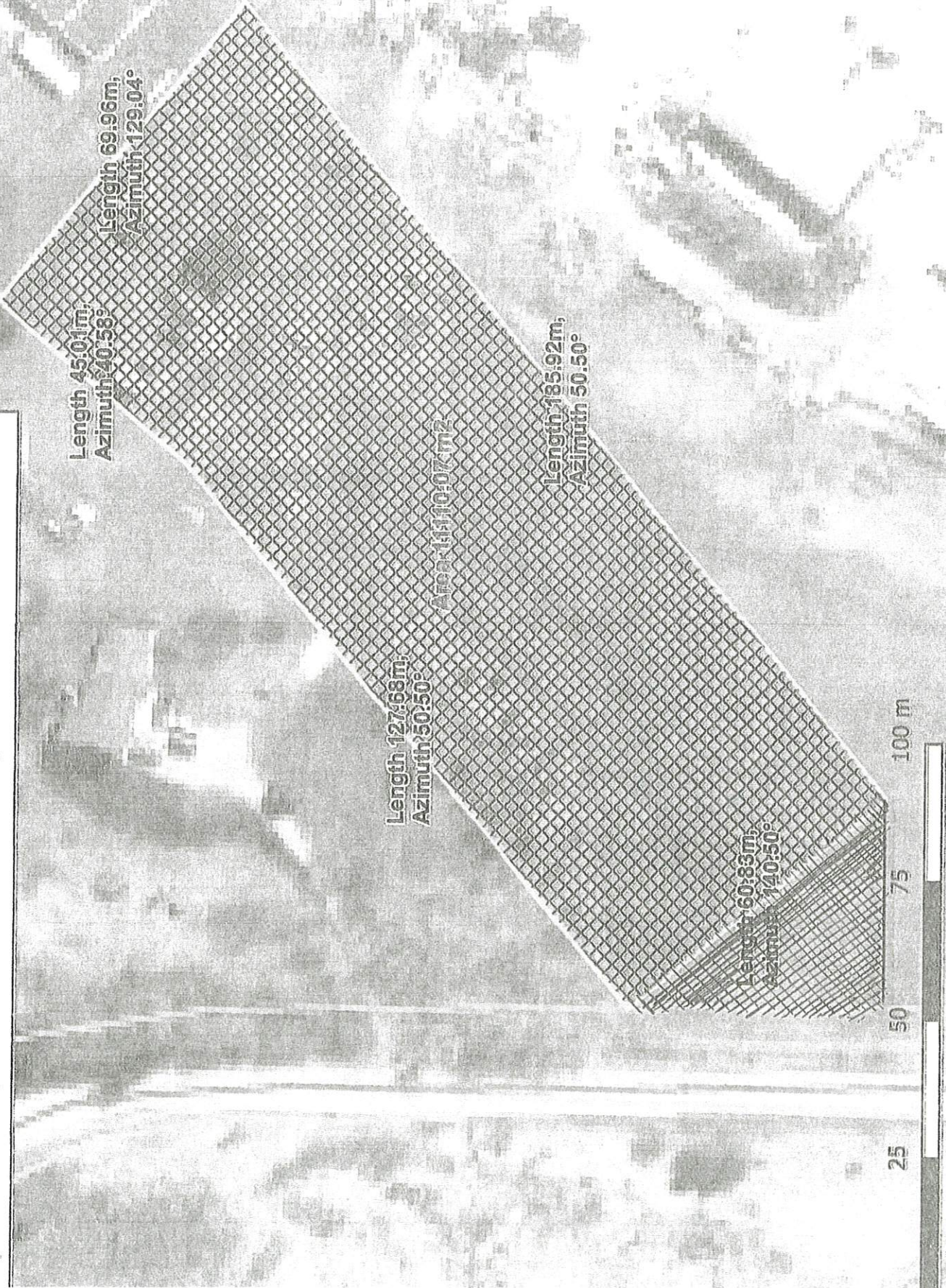
The land being transferred has historically been occupied by Greg and Donna of 129 Anderson Road and the green space used as ancillary to the residence.

The retained lot being 82 Redditt Road will continue to comply with the provisions of the zoning by-law.

The purpose of the application is simply to clean up title of a historical use of the lands. This is an inter-familial transfer. There is no negative impact on adjacent lands.

Measurements are approximate from desktop study and do not reflect legal survey.

Prepared 2022-06-23 Settlement Agreement - May 2023 Schedule D

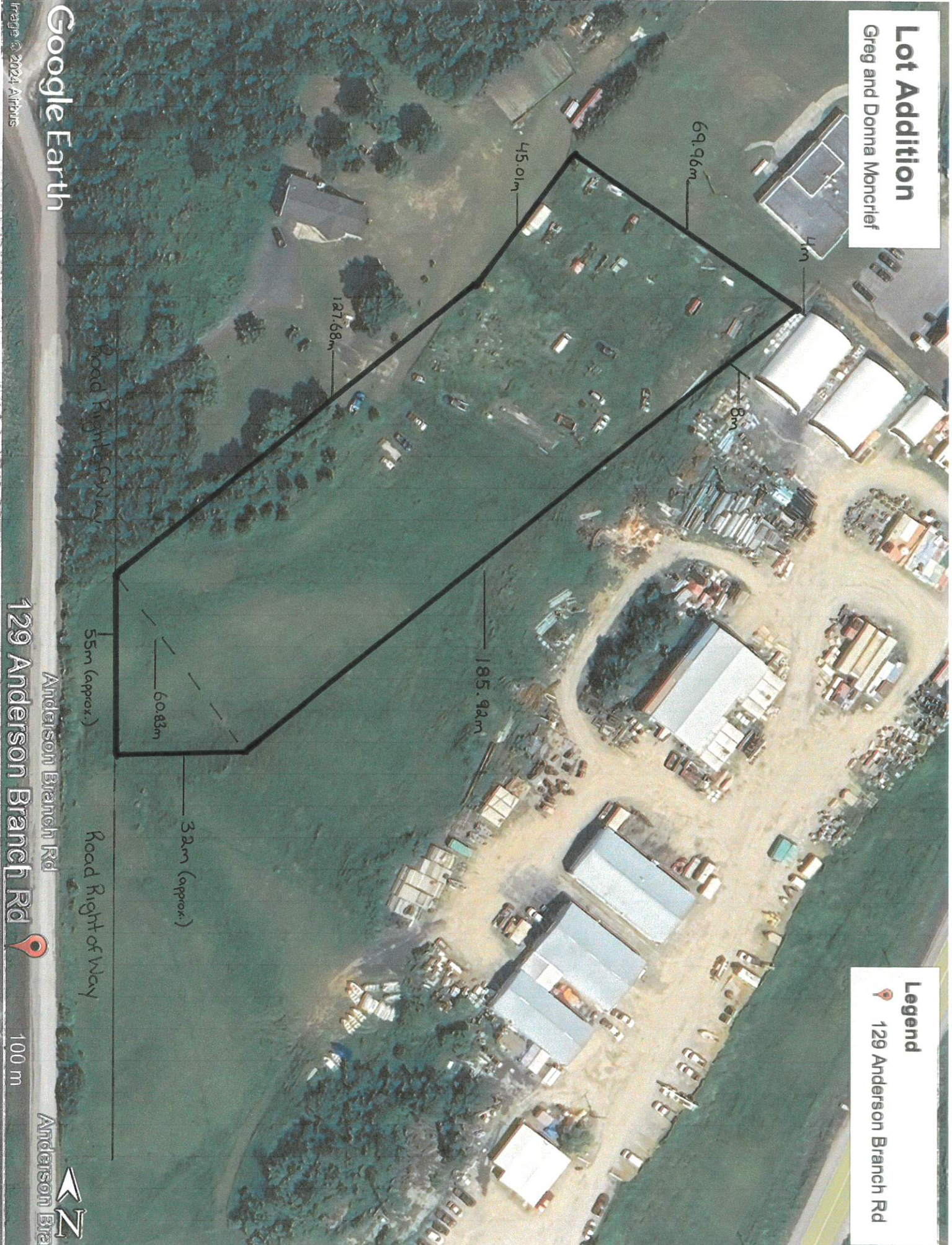


Lot Addition

Greg and Donna Moncrief

Legend

- 📍 129 Anderson Branch Rd



Google Earth

Images © 2024 Airbus

129 Anderson Branch Rd

Anderson Branch Rd

Road Right of Way

100 m

Anderson Branch Rd



Lease Area from MCL property at 82 Redditt Road, Kenora, ON.

Measurements are approximate from desktop study and do not reflect legal survey.

Prepared 2022-06-23 Settlement Agreement - May 2023 Schedule D





To: City of Kenora Planning Advisory Committee
From: Tara Vader, Associate Planner
Date: October 11, 2024
Re: Consent Application – File D10-24-08
Location: 82 Reddit Road
Owner/Applicant: MCL Holdings Inc. / Gregory & Donna Moncrief

RECOMMENDATION

That application D10-24-08 be **approved** and provisional consent be granted with the attached conditions.

INTRODUCTION

This application proposes to sever a piece of land from 82 Reddit Road and merge it with the abutting property to the north (129 Anderson Branch Road). Approximately 1.2 ha of land is proposed to be severed and conveyed to the owners of 129 Anderson Branch Road, Gregory and Donna Moncrief. The proposed land to be severed has historically been occupied by the applicants. The retained land is approximately 5 ha in size.

The subject property is located and has frontage on Reddit Road and Anderson Branch Road. It is used as a contractor service yard and contains several storage buildings, storage tents, outdoor storage of construction materials, and the storage of construction machinery. The piece of land proposed to be severed is vacant. The subject property is serviced by on-site services.

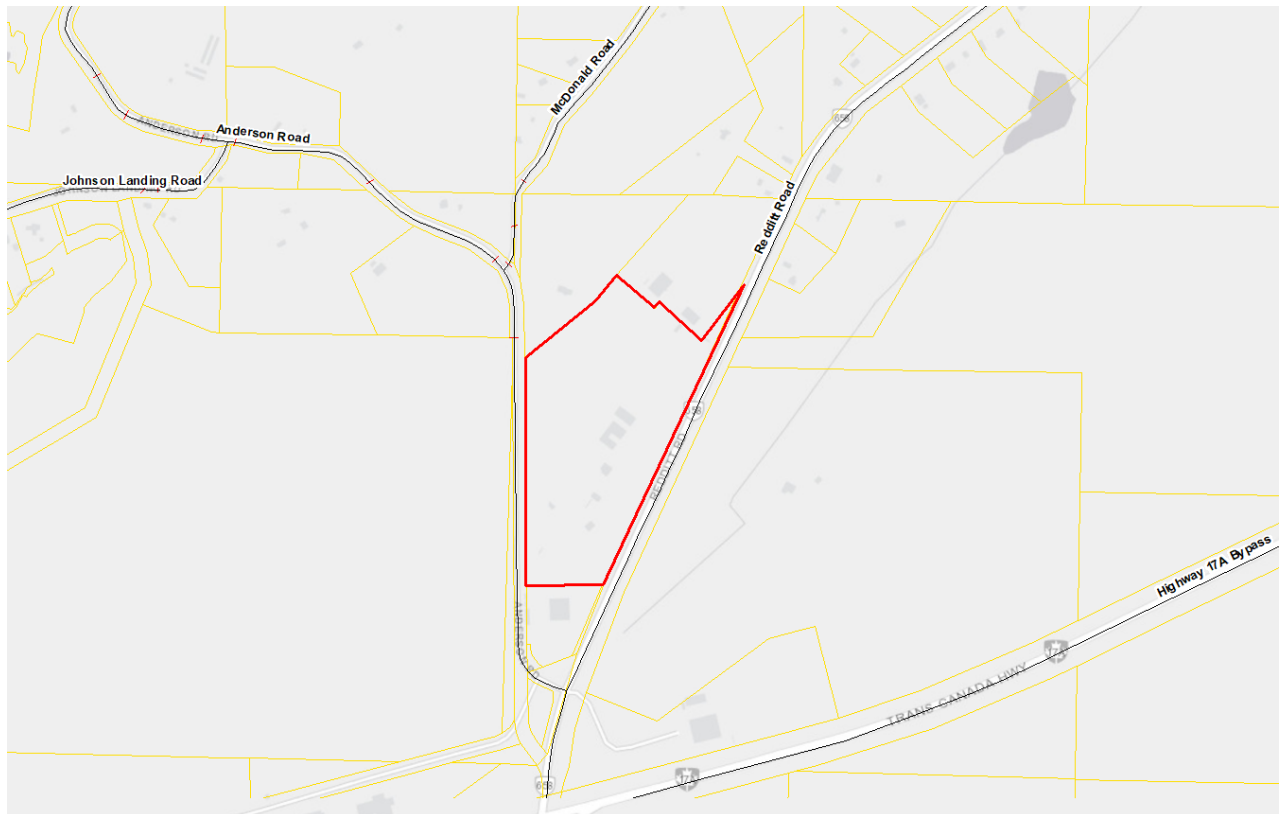
REVIEW

This application:

- ✓ Is consistent with the Provincial Policy Statement (Section 3(5) Planning Act);
- ✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (Section 53(1) Planning Act);
- ✓ Conforms with Section 51(24) of the Planning Act;
- ✓ Conforms to the City of Kenora Official Plan (Section 4.8);

- ✓ Complies with the City of Kenora Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and
- ✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

Figure 1. Location Map (Kenora GIS 2022)



AGENCY/PUBLIC COMMENTS

City Staff

City staff had no concerns with the application.

Agency

The Ministry of Transportation had no objections. The Ministry of Natural Resources advised that the subject property falls within General Use Area G2598 – Kenora-Keewatin. This area indicates that a minimum frontage of 46 m and depths of 90 are recommended for future private lots. The proposed lots appear to meet this recommendation. Their records do not indicate the presence of natural heritage features adjacent to this property and therefore they are not recommending additional study at this time. No comments were received from other agencies.

Public

No comments received from members of the public.

Figure 2. Site Sketch (provided by applicant)



PLANNING REVIEW

The subject lands are designated Commercial Development Area in the City of Kenora Official Plan, and zoned “HC” Highway Commercial Zone in the City of Kenora Zoning By-law. The subject lands are approximately 6.2 ha in size.

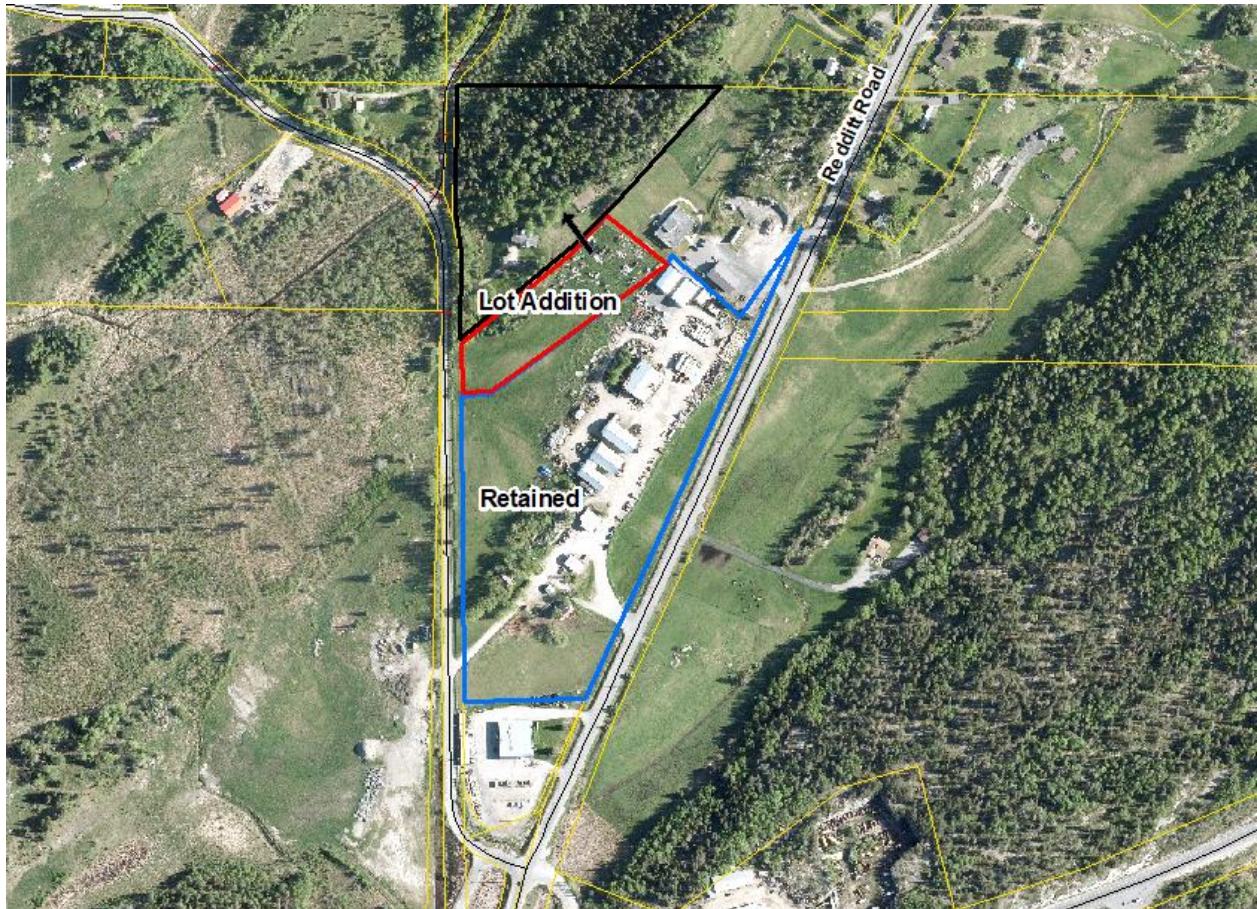
Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) directs that development in rural lands that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. As this application is compatible with the rural landscape and does not impact rural service levels, it is supported by these policies of the PPS.

City of Kenora Official Plan

The City of Kenora Official Plan (OP) Section 4.4 contains policies for the Commercial Development Area. The OP states that residential land uses shall be permitted on a limited basis in existing buildings and structures suitable for residential use. New residential development in the Commercial Development Area shall not be permitted. The proposed application is a lot addition to a residentially utilized property with existing buildings suitable for residential use. Additionally, this application is addressing a historic use of the lands for uses accessory to residential. As a result, the severance application conforms to the OP.

Figure 3. Site Sketch (Kenora GIS 2022)



City of Kenora Zoning By-law N0. 101-2015

The City of Kenora Zoning By-law No. 101-2015 contains specific provisions for the “HC” Highway Commercial Zone and Rural Zone (129 Anderson Branch Road). No change in use is being proposed as part of this application. Additionally, the proposal does not result in the retained lot being out of conformity with the zoning regulations.

	Required	Retained Lot	Merged Lot
Lot Frontage (minimum)	25 m / 90 m	~ 318 m	~ 290 m
Lot Area (minimum)	1 ha / 2 ha	~ 5 ha	~ 4 ha

Planning Act

Section 51(24) of the Planning Act provides items that regard must be had to in the consideration of a proposed severance to be approved. These include whether the severance conforms to the OP, the suitability of the land for the proposed development, and that the application is not premature and is in the public interest. The application [meets or does not meet] the requirements of this Planning Act section.

Recommendation

As a result, it is recommended that the Planning Advisory Committee approve this consent application and grant conditional consent approval with the following conditions.

RECOMMENDED CONDITIONS

Expiry Period

1. Conditions imposed must be met within two years of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within two years, the application shall be deemed to be refused. Provided the conditions are fulfilled within two years, the application is valid for three years from the date of notice of decision.

Survey/Reference Plan

2. Provide to the satisfaction of the City:
 - a. A survey showing the lot lines of the severed parcel, and
 - b. A reference plan based on an approved survey.
3. 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.

Zoning

4. Where a violation of any City Zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the City.

City Requirements

5. That the newly created parcel be consolidated on title with the adjacent lot identified as CON 7J N PT LOT 4;RP23R 7517 PART 2 PCL 37734 and if recommended on solicitor review, that a merger agreement be entered into.
6. 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.
7. The original executed Transfer/Deed of Land form, a duplicate original and one photocopy for City records be provided for each parcel.
8. A Schedule to the Transfer/Deed of Land form on which is set out the entire legal descriptions 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 provide for each parcel.
9. That prior to endorsement of the deeds, the Secretary-Treasurer shall receive a letter, from the owner or the owner's Agent/Solicitor, confirming that conditions 1 through 5 have been fulfilled. Clearance from the City of Kenora and external agencies as required are to be included.



Tara Vader

Associate Planner

October 11, 2024

Appendix A. Application

Appendix B. Notice of Complete Application and Public Meeting

11) Old Business

- D07-23-02



October 11, 2024

Staff Report

To: City of Kenora Planning Advisory Committee

From: Janis Pochailo, Director, Planning and Building Services

Re: Application for Plan of Subdivision-File No. D07-23-02

Location: Unaddressed Property on Villeneuve Road, Kenora, ON

Applicants: 2852630 Ontario Ltd.

Background

On the 30th day of August, 2023, the Planning Advisory Committee/ Committee of Adjustments gave consideration to the application for draft plan of subdivision, circulated as file number D07-23-02. The Committee gave provision approval subject to the conditions outlined in the decision, attached as Schedule A.

The Planning Advisory Committee recommended condition #12 *“That the Owner/Developer will be required to provide the cash equivalent of 5% of the land, based on current value assessment, as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e), and condition #18 ”That the Owner/ Developer will be required to provide 5% parkland dedication to the City of Kenora. Parkland dedication may be a combination of land for public access to the river and cash-in-lieu of land.”*

Condition #12 – Development Charge

The Province of Ontario’s Bill 108 received Royal Assent on June 6, 2019. The enactment of Bill 108 included significant amendments to the *Development Charges Act, 1997*. The amendments included restrictions on development charges, with provisions for municipalities to transition to the “community benefits charge” authority once the legislative provisions came into force. As per the Planning Act (Section 37) and Ontario Regulation 509/20: *Community Benefits Charges and Parkland*, prior to the enactment of a Community Benefits Charge (CBC) by-law a municipality must prepare a CBC strategy, which identifies the facilities, services and matters that will be funded by the by-law. The City of Kenora does not currently have a CBC strategy nor a Community Benefits Charge by-law.

Condition #18 – Parkland Dedication

Sections 42, 51 and 53 of the Planning Act provide that the Council of a local municipality may by By-law require that land and or cash-in-lieu of land be conveyed to the municipality for park or other public recreational purposes as a condition of Development or Redevelopment or the subdivision of lands. The introduction of Bill 23 (*More Homes Built Faster Act*) in 2022 included changes to the parkland dedication requirements of the Planning Act. The preparation of a publicly available parks plan as part of enabling an Official Plan is required at the time of passing a parkland dedication by-law.

The City of Kenora parkland dedication bylaw (Bylaw 162-2023) came into effect on December 20, 2023, which was after the Notice of Decision for Application D07-23-02 on August 30th, 2023.

Evaluation

The Application for Plan of Subdivision, File No. D07-23-02, which received a decision on August 30, 2023, may have been imposed with Condition #12 *“That the Owner/Developer will be required to provide the cash equivalent of 5% of the land, based on current value assessment, as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e), and Condition #18 “That the Owner/ Developer will be required to provide 5% parkland dedication to the City of Kenora. Parkland dedication may be a combination of land for public access to the river and cash-in-lieu of land.”* without proper authority to do so as the City does not have a Community Benefits Charge bylaw and the Parkland Dedication By-law was passed in December 2023, after the Notice of Decision for File No. D07-23-02.

Recommendation:

The request to change the decision of application for draft plan of subdivision File No. D07-23-02, by removing Condition #12 *“That the Owner/Developer will be required to provide the cash equivalent of 5% of the land, based on current value assessment, as required under the City of Kenora Official Plan (2015) Policy 8.11.4(e), and Condition #18 “That the Owner/ Developer will be required to provide 5% parkland dedication to the City of Kenora. Parkland dedication may be a combination of land for public access to the river and cash-in-lieu of land.”* be approved pursuant to subsection 51(44) of the Planning Act, and that the change is deemed minor per subsection 51(47).