

PROPERTY AND COMMUNITY PLANNING COMMITTEE

MINUTES

Thursday, June 22, 2004 **10 a.m.**
Council Chambers

Present: Len Compton, Jeff Port, Bill Preisenz, Rory McMillan, Tara Rickaby, Grant Carlson

Regrets: Art Mior

Councillor Compton called the meeting to order at 10: 05 a.m.

1. **Adoption of Minutes** - June 17, 2004
 Moved by: Grant Carlson Seconded by: Len Compton
 THAT the minutes of the June 17, 2004 minutes be adopted as distributed.
2. **Declaration of Pecuniary Interest**
 Councillor Compton declared a conflict of pecuniary interest with item 5 Gordon Subdivision, as a former solicitor.
3. **Additions to the Agenda**
 No. 14. Communications Centre - Grant Carlson
4. **Zoning By-law/Official Plan – Date for next meeting and report**
 Jeff Port reported that the Ministry of Municipal Affairs has provided additional draft modifications which should represent the final refinement. The changes are mainly housekeeping.
 Bill Preisenz questioned the “Transportation” section addressed in the letter from the Ministry and noted that there is to be no access to the by-pass.
 The Planning Department is to short list items for discussion by Council for the next meeting, including the change to the Transportation section restricting development along the by-pass.

 The next public meeting to introduce the 2nd draft of the zoning by-law will be held on Thursday, August 26, from 3 to 5 and from 7-9 pm. in the Council Chambers.
5. **Gordon Subdivision**
 Nothing to report. Will be discussed at next meeting to determine whether or not to remain on agenda.
6. **M. Ronald – Purchase of Road Allowance – Dufresne Island**
 This file has been open since 2002. The Applicant built an addition on the municipal road allowance and applied to purchase same. This item

has been dealt with by administration and vetted internally with no objections.

The Committee recommends this item to go forward at Committee of the Whole.

7. D. Kuharski – Purchase of Road Allowance – Dufresne Island

The Applicant's contractor proceeded to begin construction of a foundation on property, which after investigation by the building department, was in fact the municipal road allowance. Once the Applicant was apprised of the situation, the application to purchase the road allowance was made, and letters provided from the abutting neighbours, approving the extension of the lot lines. The property will then be in compliance with zoning by-law 024-91.

If the sale of the property is approved by Council, the Chief Building Official could consider issuing a conditional permit.

The Committee recommends this item to go forward at Committee of the Whole.

8. Request to purchase municipal road allowance – James Road

The Ministry of Municipal Affairs, with approval from the former Town of Jaffray Melick, historically created road allowances for public access to navigable waters, as part of subdivision agreements. In some cases the property is not conducive to access water, however it is often used by the public for access to water. From time to time, individuals trespass onto private property in order to access and utilize the road allowance. In addition, there are chronic requests for the placement of private docks on public road allowances.

Such is the case on the James Road. In this case, the abutting neighbours on either side of a road allowance have posted their properties and blocked them off, however still have individuals on their property to access the water. The neighbours have approached the Planning Department to determine whether or not the City would sell this particular road allowance. It is proposed to split the road allowance between the two abutting landowners.

The subject property is not a buildable lot as it does not meet the size requirements. The frontage on the Black Sturgeon Lake is approximately 20.31 metres, and the depth is approximately 27 metres. The property would be split in half and transferred as lot additions to each property.

Planning Issues

Backshore Areas – Subdivisions

Typically, road allowances have been included in waterfront subdivisions in order to provide access to navigable waters for backshore lots. In this case, there is only one backshore lot in the subdivision, which is located adjacent to the beach area further east in the subdivision.

Private Docking

Previously, the City has received requests, from property owners along the James Road, to purchase this road allowance for the following purposes:

- (i) to purchase as a “stand alone lot” for the purpose of gaining access to the water; and
- (ii) to utilize the road allowance for the purpose of constructing a private dock.

In both cases, the requests were refused space.

The City refused to sell the road allowance as a lot due to the fact that it did not meet the minimum lot size according to Zoning By-law No. L37/95.

The request to construct a private dock was refused as it did not conform with the City policy for the construction of private docks on municipal property. According to the policy, a private dock can only be permitted if the municipal property abuts the landowner's property.

Public Use/Access

In several of the waterfront subdivisions within the City of Kenora, road allowances to the lake have traditionally been used by the public for pedestrian and/or vehicular access to the water. Road allowances have been used for cross-country skiing, snowmobiling, walking, etc.

This appears not to be the case with the subject property due to the high elevation from the water. While there has been some use of the road allowance, it has been for the purpose of private docking space on Black Sturgeon Lake.

The abutting property owners would like to purchase the road allowance from the City. This would then remedy the City's problem of processing requests for private docking on the road allowance.

Mr. and Mrs. Bilyk and Ms. Fisher and Mr. Long were in attendance. Ms. Fisher explained that this property is not true public access because of the high profile, people wanting to reach the water have to trespass on private property on either side of the road allowance to do so. They were told in the late 1980's when they purchase the property, that this road allowance was a buffer only between the old development and the new subdivision.

Mrs. Bilyk added that the James Road beach is approximately 1600 feet away and has good access to the water.

Some discussion ensued respecting open space versus road allowances.

Mayor Canfield suggested that, before Committee of the Whole, members of Council visit the area to get a good idea of the issues.

Mr. Bilyk stated that the OPP informed them that, in order to have the police involved, the property has to be posted and fenced and they prefer not to do that.

Councillor McMillan recommended that the issue go to Committee of the Whole for discussion and decision. The Committee concurred.

9. LOWBIC – Second Quarter Report

Mayor Canfield congratulated Grant Carlson on the more consolidated report, done per the request of this Committee. Recommendation to go forward to Committee of the Whole.

The agenda was altered in order for the Mayor to be present for the next item.

10. OPP Communications Centre

Grant Carlson reported that an OPPA contact indicated that the proposal was well received and that Kenora was the only area to submit. The time

frame remains at 2006 or 2007 and there may be a higher staff complement.

The OPPA will be in Kenora on September 13.

11. AMO – Request for Issues

The Mayor reminded those present that AMO is approaching and requested that members of Council submit issues for presentation at AMO.

Motion required adjourning to Closed Meeting (10:05 am)

Moved by: David Canfield Seconded by: Grant Carlson

THAT this meeting now be declared closed; and further

THAT this Committee adjourns to a Closed Meeting to discuss the following

12. Colonization Road – Proposed purchase of municipal property

The Planning Administration Team recommends offering the property to both abutting neighbours. The appraisal shall be commissioned – Planner to contact Century 21.

13. Imperial Oil – 15 Main Street

Bill Preisenz and Jeff Port met with Imperial Oil and real estate representative. The City of Kenora has first right of refusal, providing a clean site and providing that the City agrees to a 20 year caveat that no sale of fuel or fuel products be permitted.

To be discussed at Committee of the Whole. If approved, agreement of purchase and sale will be forwarded to Municipal Solicitor.

11:07 a.m. Motion required to return to open meeting.

Moved by: David Canfield Seconded by: Grant Carlson

ACTION REQUIRED FROM CLOSED MEETING:

Security of municipal property

- **Appraisal – Vacant property – Colonization Road**

Recommendation:

THAT the City Planner proceed to commission an appraisal of municipal waterfront property located on Colonization Road.

- **Acquisition of Property – 15 Main Street**

THAT the Council of the Corporation of the City of Kenora proceeds to acquire property described as Plan 3, Block 2, Lot 174 to 175; and further THAT the Mayor and Clerk be given approval to sign the documents required to transfer said property.

14. Lease renewal – Days Inn

Report by City Clerk to renew lease for 2 lots off of Highway 17 East for sign which is not within the road allowance. The proposal was circulated to Operations for comment on requirement for the property and it is not required for work on Highway 17 East.

Committee recommends matter to Committee of the Whole.

15. Hidden Trail Road/Battigelli Development - Report

The City Planner reported that , as of yesterday, the road has been completed to City standards; a letter to that effect was received from the Roads Supervisor. The two year maintenance period begins. The deeds have been stamped and sent to the Battigelli's solicitor for registration. There have been several requests for information by Mr. Sitch, which the Clerk is handling.

16. Reid – Request to purchase property on Coney Island

Mr. Reid requested that he be able to purchase Lot 26. A letter was sent in reply, stating that the City would not be selling any land until a review of Coney Island issues is complete.

17. Report from Sign Committee

The Sign Committee met with owners of temporary/mobile signs. The City has agreed not to enforce by-law until after Labour Day at which time another meeting will be held to discuss options for compliance with the by-law.

18. Property Standards Issues

Council has had complaints respecting one particular property in Keewatin, along St. Clair Street, and one in the Lakeside area. The Emergency Services department is addressing the issue in Lakeside. The Building Department will be reminded about the Keewatin issue.

Next meeting, Thursday, August 19th, 2004, 10 a.m., Council Chambers

The meeting adjourned at 11:36 a.m.