

PROPERTY AND COMMUNITY PLANNING COMMITTEE

MINUTES

Thursday, March 17, 2005 10 a.m.
Council Chambers

Present: Len Compton, Jeff Port, Rory McMillan, Ingrid Parkes, Tara Rickaby, Art Mior, Bill Preisenzanz

Regrets: Colin Wasacase

Councillor Compton called the meeting to order at 10:01 a.m. and welcomed Ms. Judy Zilinsky, who was in attendance to discuss a small business she wishes to run from her property.

Ms. Zilinsky explained that she applied for a business license in order to offer therapeutic horseback rides to able and disabled children, on her property and some property belonging to an abutting neighbour. The Rural Residential zone does not permit this type of business on her property.

Ms. Zilinsky indicated that this would be the first of this type of service offered in the City and that it adds to the lifestyle of the area. She added that if she could not run the business from her property, she was considering a mobile business; she would go to customers' sites and provide the service. Ms. Zilinsky provided letters from abutting neighbours stating that they have no objection to the proposed business. The City has had two complaints, previous to this proposal, about the horses.

The Committee discusses alternatives with Ms. Zilinsky; leasing an additional five acres, purchase of property or rezoning.

Councillor Compton thanked Ms. Zilinsky and indicated that the City Planner will contact her with options.

1) Adoption of Minutes – March 3, 2005

Moved by: Ingrid Parkes Seconded by: Rory McMillan

THAT the minutes of the March 3, 2005 minutes be adopted as distributed.

CARRIED

2) Additions to the Agenda

Councillor Parkes requested that a status update be provided for 502 Highway 17 West.

Councillor McMillan requested one item to be added to the closed portion of the meeting.

3) Declaration of Pecuniary Interest

None

4) Official Plan - Update

Jeff Port reported that the Planning Department met with the Regional Land Use Geologist and have reached an agreement to use the current industrial

designation, with some small area of expansion, to delineate the areas of high mineral potential.

The only other outstanding matter is that of access to Highway 17A.

The Committee directed the Planning Department to contact the Mayor to request that he discuss the matter further with the staff member of the MMA and H in Thunder Bay who assured him earlier this month that there would be no problem in reaching agreement on the outstanding issues.

Action required: Planning Department to contact Mayor and contact MMAH to finalize the other modifications.

5) Private Roads Assumption Policy

City Planner met with Randy Seller. Three situations will be addressed in this policy: criteria for when a group of owners along a private road request that the City assumes the road; work permits along unopened road allowances; and terms and conditions of the City taking over roads which have been publicly maintained but are not owned. A provision for a two year warranty period has also been added.

The Committee discussed the definition of a private road and re-wording the section which requires contiguous lands along a roadway to be transferred to the City. Also discussed was the “grey” area between the 2001 Municipal Act being enacted and the laws before respecting public monies being expended on private roads.

Moved by: Len Compton Seconded by: Rory McMillan
THAT the Private Roads Assumption Policy be forwarded to Bruce Ormiston for review.

Action required: The draft policy is to be reviewed by Bruce Ormiston, in conjunction with Randy Seller.

6) Parkland Dedication in Subdivisions

Past practice has been for the City to require a 5% cash in lieu of parkland for rural subdivisions and 5% land for parks and open space purposes in urban subdivision. The City Planner reminded the Committee that the former Town of Jaffray Melick sold some lots created in this manner. He has spoken with several colleagues who indicate that it is not the practice to take the lots to sell later, and further, that each subdivision is reviewed on its own merits to decide whether or not parkland or cash in lieu is appropriate.

The Committee discussed maximizing revenue potential by requiring a lot and then selling it.

The City Planner will discuss the matter with the Planning Advisory Committee and bring their recommendation back to this Committee.

Action required: Discussion and recommendation from PAC and report and recommendation from City Planner.

7) Public Notices for Planning Applications

Per the request of an affected neighbour in a recent application for zoning by-law amendment, this item has been placed on the agenda.

The Planning Act regulations are adhered to by the City of Kenora. The Committee recommends that the advertisements continue, but that the civic address be inserted before the legal description and be in bold lettering, and

that the applicant's name appear on the notice in order for people to recognize the property in question.

Action required: Future notices to include the above-noted recommendations.

8) Lease – Mrs. D's Chiptruck

The Committee discussed the future of the area with respect to the application for funding which was submitted for underground infrastructure improvements and associated downtown revitalization.

Action required: Lease to be renewed for a one (1) year period at the current rate. Issue to proceed to COW with report from Planning Department and By-law from Clerk's office.

9) Cash in lieu of Parking Provision – Harbourtown Centre

There is approximately \$28,000 in reserve from previous applicants for change or expansion of use. The zoning by-law gives Council discretion, however the recommendation of administration has always been to apply the fee, in order to be equitable everyone is charged.

The Planning Department has drafted a "Community Improvement Plan" which includes some incentives to developing the Harbourtown Centre area and this could be included. The by-law was useful when the downtown area was booming. The City Planner commented that this waiver should not include conversion from commercial to residential and vice versa, only where there is no change of use or to the footprint of the building. The Committee agreed.

Moved by: Len Compton Seconded by: Ingrid Parkes

THAT the current regulation in Zoning By-law No. 160-2004, for requirement for cash in lieu of parking for application for zoning by-law amendment number Z04/05 Spicer be waived; and further

THAT the Planning Department proceeds with amending zoning by-law number 160-2004.

Action required: Planning Department report and recommendation for COW and zoning by-law amendment.

10) LOWBIC Service Agreement

Bill Preisntanz reported that the newly drafted agreement is intended to reflect the new structure which will take effect after LOWBIC's annual general meeting in April. He further explained that the agreement targets the City's requirements and is results-oriented with goals and targets to be achieved.

There was discussion with respect to tourism as a resource/market and some wording changes were also recommended. Councillor McMillan will provide a draft for the development of health care services as part of economic development targets.

Bill will produce a final draft for approval.

Action required: Final draft to be presented to COW.

11) Tella – Request to purchase City property

This item will be going forward to COW for approval. The Operations Manager has approved the recommendation which already went forward.

Action required: Amended report and recommendation by Operations Manager.

12. Appointment of LOWBIC representative to Committee

The City Planner reported that the vacancy on this Committee will not be filled until the new Economic Development Officer begins work in April

The new service agreement includes the City's CAO, or designate, as a resource member of the LOWBIC Board of Directors. The City Planner recommends that the representation remain apolitical.

Action required: Bill Preisentanz to clarify role of Council at Annual General Meeting.

13. 502 Highway 17 West (St. Clair St) – Request for status update

Councillor Parkes requests an update and recommendation to deal with an unsightly property at this location. Art Mior commented that the Planning Advisory Committee has concerns with this property as well.

Action required: Operations Manager report and recommendation to this Committee.

Motion required adjourning to Closed Meeting (11:43 am)

Moved by: Rory McMillan Seconded by: Ingrid Parkes

THAT this meeting now be declared closed; and further

THAT this Committee adjourns to a Closed Meeting to discuss the following: matters of security of municipal property and acquisition of land

Moved by: Rory McMillan Seconded by: Ingrid Parkes

THAT the closed meeting be adjourned at 11:53 a.m.

Action from closed meeting:

14. Land Ambulance Base Stakeholders' Meeting

Criteria should be established in order to better assess location. Date for meeting to be coordinated by Councillor McMillan.

15. Miscellaneous Leases

Three leases due to expire will be reissued: Environment Canada, Ernest Whiting, KFC.

Next meeting, Thursday, April 7, 2005, 10 a.m., Council Chambers

The meeting adjourned at 12:20 a.m.