

# PROPERTY AND COMMUNITY PLANNING COMMITTEE

## MINUTES

**Thursday, June 2, 2005**                      **10 a.m.**  
**Council Chambers**

Present: Len Compton, Rory McMillan, Art Mior, Tara Rickaby, Bill Preisentanz, Rick Perchuk, Jeff Port (arrived at 11 a.m)

Regrets: Colin Wasacase, Ingrid Parkes, Annalie Rosteski

**1) Adoption of Minutes – May 19, 2005**

**Moved by: Rory McMillan    Seconded by:        Art Mior**

THAT the minutes of the May 19, 2005 minutes be adopted as distributed.

**CARRIED**

**2) Additions to the Agenda**

Home occupations

**3) Declaration of Pecuniary Interest**

None.

**4) Official Plan**

The City Planner has prepared a report and recommendation for Committee of the Whole for June 7<sup>th</sup>, 2005. The Council resolution is to be forwarded to MMA&H in order to accept the final modifications.

*Action required: Forward final resolution to MMA&H.*

**5) Private Roads Assumption Policy**

The Municipal Solicitor has provided final revisions, which has been circulated to this Committee and to the Operations Manager and Road Supervisor for comment.

*Action required: Discuss at next meeting after policy has been reviewed.*

**6) Overnight RV parking in commercial parking lots**

Jeff Port has contacted Dryden; the Wal-Mart there posts the parking area for no overnight camping and redirects people to appropriate campgrounds. Jeff passed this suggestion on to Carol Davis.

First Professional Shopping Centres, property owner, agrees that compliance to the zoning by-law is required and a letter has been sent to Wal-Mart indicating that overnight parking is not a permitted use and requesting that the parking lot be posted to indicate this.

*Action required: Track for compliance and receive report from LOWBIC.*

**7) LOWBIC – Agreement, Budget and Quarterly Report**

Annali Rosteski was not available for today's meeting but requested that these items be placed on the agenda for the June 16<sup>th</sup> meeting.

*Action required: Annali to report budget and work plan on June 16<sup>th</sup>.*

**8) 502 St. Clair St.**

The Chief Building Official received verbal notice that the home owner will be proceeding to remove a portion of the building.

*Action required: CBO to follow up in writing and provide report.*

**9) 17 Birchwood Crescent – Update**

Tara Rickaby, Planning Assistant, and Colin Bird, Chief Building Official inspected the lower level of the residence. The Zoning By-law was reviewed with, and explained to the property owners, with a view towards ensuring that each requirement was addressed. The CBO discussed Ontario Building Code requirements for “assembly areas” with the home owners. A letter was sent summarizing requirements for compliance with both the zoning by-law and building code, with a request for the home owners to appraise the City of their intentions. The letter also states that not charging for the right to use the gym does not preclude the requirements of the building code.

The home owners have a Provincial business license, however did not apply for a City business license; if they had, the application would have been circulated and the CBO’s comments with respect to building code requirements would have been provided to the home owners at the outset.

The Planning Department has received complaints since the inspection that “nothing has changed”.

*Action required: CBO to monitor and follow up under Building Code Act.*

**10) Gunne Cres. – Possible Sale of Land**

Mr. Monteith has not submitted an application to purchase the subject property. A letter was sent to the neighbour indicating that the property behind their residence does belong to the City.

Mr. Monteith has indicated to Councillor Compton that he may not pursue the purchase.

*Action required: Tracking.*

**11) Complaint re. Rental Unit in R1 Zone**

The Planning Department received correspondence from the property owner indicating that the property will be brought into compliance with the zoning by-law and stating that they will be contacted shortly to set up an appointment.

*Action required: Planning department to contact home owner in 10 days if haven’t set up an appointment yet. Building Department to attend meeting and/or inspect residence for Building Code compliance.*

**12) 1629700 Ontario Inc. – Application to purchase municipal property and application to rezone**

– Councillor Compton indicated that a declaration of pecuniary interest is no longer required from him as he is no longer in the real estate business This company is in the process of purchasing the former Gordon/White lands at the end of Duffus Road. There was conditional approval given to a 15 lot plan of subdivision in 1997, with no deadline for completion, which they intend to proceed with. The shore/road allowance is owned by the City and there is an

application to purchase same. These lands will then be added to the individual lots. The Planning Department recommends sale at the appraised value of \$15,000.00

In 1997, when conditional approval was given, the lot size requirement for an "RLS" property on the water was 1 acre. Zoning By-law 160-2004, which is in force, requires 2 acres for "RR" lots. Therefore, in order to create legal lots, the lots must be rezoned. The MOE standard for septic fields on "cottage lots" is still 1 acre. A planning report will be given on June 27, 2005 at 4:45 at the public hearing.

*Action required: Report and recommendation for sale of road allowance to COW.*

### **13) Community Auditorium – Terms of Reference**

Rory McMillan reported that there will be meeting on June 10<sup>th</sup>. The new terms of reference will be required in order to reflect a multi-purpose facility, possibly including a bush plane museum, interpretive centre and conference centre. This Committee will be tracking this item.

*Action required: Report on June 10<sup>th</sup> meeting on June 16<sup>th</sup>.*

### **14) Private Road Agreement – Condition of consent no. B14/04 Magnusson**

Douglas Magnusson received conditional approval, from the Kenora Planning Advisory Committee, for the creation of one new lot on a private road on September 21, 2004. One of the conditions is to enter into an agreement acknowledging that the City will not assume the private road, nor provide services, and which saves the City harmless from claim and responsibility for maintenance. The agreement is to be registered on title.

The consent meets the following criteria of the Official Plan:

- (i) the private road must be of a minimum standard acceptable to the Road Supervisor;
- (ii) the new lots abut the water and represent infilling;
- (iii) the proposed lot must be for residential use;
- (iv) there are agreements, acceptable to Council, regarding municipal services.

The property is located on the Winnipeg River, on Peterson Drive. The "private roads agreement" is a standard condition for any new lot created on an existing private road.

*Action required: Report and recommendation to COW.*

### **15) Home Occupations in the Zoning By-law**

The Planning Department has circulated some proposed changes to the Kenora Planning Advisory for discussion at the June 21<sup>st</sup> meeting. The goal is to differentiate between commercial operations and home based businesses. Councillor Compton suggested that too much detail could be restrictive and that common law respecting nuisance is a tool which neighbours could use.

*Action required: Research in reference materials and report discussions from PAC at next meeting.*

**Motion required adjourning to Closed Meeting (11:00 am)**

**Moved by: Rory McMillan    Seconded by: Art Mior**  
**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.**

**Jeff Port arrived**

**Moved by: Art Mior    Seconded by: Rory McMillan**  
**THAT the closed meeting be adjourned at 11:37 a.m.**

***Action resulting from in camera proceedings:***

**Item 19 Sale of property – Colonization Road**

**Moved by: Art Mior    Seconded by: Rory McMillan**

THAT the following tenders for the purchase of municipal property on Colonization Road, be received:-

**Mark Thiessen & Ron Loustel – Winnipeg - \$26,600**

**Kathleen O’Flaherty – Kenora - \$25,000**

**Brian Ingo – Kenora - \$20,400**

**Marc Bechard – Kenora - \$15,333**

**Alistair Nilson – Kenora - \$10,000**

**Neil Wise – Kenora - \$5,505; and further**

THAT the tender received from Mark Thiessen & Ron Loustel in the amount of \$26,600 be hereby accepted.

**Meeting adjourned at 11:42 a.m.**

**Next meeting, Thursday, June 16, 2005, 10 a.m., Council Chambers**