



CITY OF KENORA
PROPERTY & PLANNING
STANDING COMMITTEE AGENDA
Wednesday, December 13, 2006

City Hall Council Chambers commencing at 10:00 A.M

Present: Councillor Cuthbert, Chair, Mayor Compton, Councillors Drinkwalter, McMillan, McCann and Van Walleghem, Art Mior, Tara Rickaby, Bill Preisenzanz, Jennifer Rasmussen

Regrets: Jeff Port

A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 14-2003 -

Take Notice that as required under Notice By-law No. 14-2003, Council hereby advises the public of its intention to adopt the following by-law at its next meeting, December 18, 2006 :

A By-law to accept transfer of property into the municipal road inventory

A By-law to amend Zoning By-law No. 160-2004, specifically at 96 Lakeside Crescent, PLAN M56 LOT 113 PCL 5436 PLAN M56 E PT LOT 114;PCL 19453

A By-law to amend Zoning By-law No. 160-2004, specifically the Museum Annex from I-Institutional to GC-General Commercial.

A By-law deeming certain lands described as All the lands contained within the boundaries of Lots 13 and 14, on Plan 18, Block 33, in the City of Kenora, formerly the Town of Keewatin, in the District of Kenora not to be within a registered plan of subdivision

A by-law to authorize the entering into of an agreement of purchase and sale and to authorize the sale and transfer of land from the corporation of the City of Kenora to Peter MacDonald

B. DECLARATION OF PECUNIARY INTEREST - None

C. CONFIRMATION OF MINUTES -

Moved by: Rory McMillan

Seconded by: Art Mior

THAT the minutes of the October 18, 2006 Property and Planning Committee meeting are adopted as distributed.

CARRIED

D. ADDITIONS TO THE AGENDA - Mt. Evergreen - Backgrounder

E. DEPUTATION - Mary Louise Price, Agent for Otis Holdings

Ms. Price read from a prepared statement which was also presented to former Council. She described issues with running a business from the location at 1987 Highway 17 W and the process which she has gone through to get to the point of applying for an Official Plan Amendment. She indicated that some of her points may be moot, as a result of a conversation she had, over the weekend, with the City Planner. Ms. Price indicated that there have been no objections from neighbours for the proposed changes and that a residential use allows her more flexibility for disposition of the property; rentals or sale.

NO.	REPORT SUBJECT	DISPOSITION
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1) Economic Development: Overview Report

Jennifer Rasmussen presented a status report of activities relating to economic development. She indicated that the first meeting of the new Economic Development Committee will take place on December 20th. The agenda will be to set out priorities for 2007, based on the City's Economic Development Plan. Jennifer also discussed value added forestry and the Kenora Forest Products Mill

Expansion, Downtown Revitalization and off-shoots; the Performing Arts Centre, and Making Kenora Home initiatives, the business/industry/government attraction strategy and Abitibi-specific opportunities such as the adaptive re-use of the mill and retention and support former Abitibi workers in the community, the Tunnel Island/Common Ground Committee, and disposition of other Abitibi lands. The report also addressed tourism development & marketing which will have an initial focus on the development and promotion of Kenora as a winter destination. The thrust for 2007 will be on supporting the development of winter product and the implementation of some winter tourism promotion, however the eventual goal under this item is for Kenora to develop a comprehensive, four season tourism strategy.

Mayor Compton asked for the composition of the Tunnel Island/Common Ground Committee. Jennifer explained that there were two representatives from each organization involved from Treaty 3, a representative of Abitibi Consolidated and she, the CAO and City Planner. *Rory McMillan will be added to the working group membership, representing Council.*

The Committee discussed a winter tourism committee. *Jennifer will prepare a draft terms of reference for such a committee and bring forward for review by the Property and Planning Committee.*

Jennifer will include updates on new contacts in her reports on a forward basis.

The Committee discussed the need for a full review of economic issues and priorities. The orientation for Council will be discussed at the Economic Development Committee level and a plan brought forward for consideration by the Property and Planning Committee.

2) Application for Zoning By-law Amendment Z07/06 Ronnebeck

Tara Rickaby reviewed the application with the Committee, indicating that the public hearing, under the Planning Act, had been held in October. At that time two issues were presented by the public; traffic congestion on Lakeside Crescent and the possible infringement of a neighbour's view by proposed new construction.

The recommendation of the planning department includes removal of a garage from the subject property, which encroaches onto the municipal roadway; this will accomplish two things i) give wider access over the roadway and ii) remove a building which is not compatible with the neighbourhood. In addition, the issue of height of a duplex residence, and the possibility of a view being changed, is moot because the maximum height for a building in the R2 zone is the same as one in the R1 zone.

Recommendation:

That Application Z07/06 to rezone the subject property from R1 – Residential First Density to R2 – Residential Second Density be approved, and;

It is further recommended that the storage building/garage located on the City road allowance be removed.

Recommendation approved

Councillor Drinkwalter left the meeting at 10:50 a.m.

3) Application for Zoning By-law Amendment Z08/06 Ramchandar

Tara Rickaby described the application, stating that the applicant initially intended to open a bed and breakfast on the site. The applicant no longer wishes to proceed with the B & B. They have also followed up with both the City Building Department and Fire Department in order to determine what modifications will be necessary to proceed with developing a second unit by utilizing the existing footprint of the residence. There is adequate parking and there have been no objections received. Art Mior indicated that the Planning Advisory Committee has been poled and because the bed and breakfast component is no longer an issue, the application is recommended for approval.

Mr. Mior went on to explain that, for the most part, there should likely not be any R1 zoning because it encourages illegal second units.

Recommendation:

That Application Z08/06 Ramchandar to rezone the subject property from R1 – Residential First Density to R2 – Residential Second Density be approved.

Recommendation approved

4) Application for Zoning By-law Amendment Z09/06 Beaucage

Tara Rickaby explained that this application was made because of a non-conformity which was discovered as a result of a request for a letter of compliance, to the By-law, as a result of a sale of the property. There is a recommendation from the Planning Advisory Committee not to make a decision

until there is indication from the Fire and Building Departments that the units are up to the applicable codes.

Recommendation:

That Application Z07/06 to rezone the subject property from R2 – Residential First Density to R3 exception no. to be inserted at a later date – Residential Third Density, with a reduction in required lot size from 700 square metres to 450 square metres, and reduced site width from 23 metres to 15.24 metres, and further reduce front yard from 7.5 metres to 0 metres along the Rupert Road and exterior side (along Tenth Street North) from 7.3 metres to 2.225 metres and rear yard from 5.669 metres to 18.6 and interior side to 9.7 m be tabled until the recommendation of the Planning Advisory Committee, requiring an inspection by the Kenora Fire and Emergency Services, is carried out and a letter is received indicating that all issues have been addressed.*

Recommendation approved

5) Application for Zoning By-law Amendment Z10/06 Annex

Tara Rickaby reviewed the application and stated that the previous Council had approved a business case for the Museum to offset costs of renovations by renting/leasing of the Annex. She explained that, in order to lease/rent, the property would have to be rezoned in order to accommodate potential users. The area to be rezoned would be the building and 20 feet to the south and to the east.

Mayor Compton indicated that he has a concern with the City competing with private enterprise. Councillor McMillan acknowledged that Council had approved renovations but that he did not recall that rezoning was a part of the plan.

Lori Nelson will be at the public hearing, to be held under the Planning Act, on Monday, December 18th at 4:35 to present the Museum report

Recommendation:

That Application Z10/06 to rezone the subject property from I- Institutional to GC – General Commercial, with a reduction in required lot size from be approved, for the purpose of its use as a commercial/retail use.

Recommendation on hold until January

6) Transfer of property from Walsten to City for road purposes

Tara Rickaby gave the history of the Garrow Road, indicating that it is maintained by the City, and in fact used as a turn-around for equipment. When Neil Walsten, current owner of the subject portion of Garrow Road discovered that he still owned the road, he approached the City to have it transferred for municipal purposes. The Operations Manager and Road Supervisor recommend transfer and assumption to the City. The City is responsible for survey, legal and transfer costs but will not pay for the property.

Recommendation:

- 1) *THAT lands described as Part 1 on reference plan 23R-11327 prepared by Ross M. Johnson Surveying Ltd., August 8, 2006 be accepted and assumed into the City's road inventory;*
- 2) *THAT the Corporation of the City of Kenora will acquire, from Neil Walsten, a part of property described as Part of Broken Lot 1, Concession 8 in the Township of Jaffray, now in the City of Kenora, District of Kenora, and designated as Part 1 on Plan 23R-11327, to be assumed as a highway for public/municipal purposes;*
- 3) *THAT the portion of the road is hereby named Garrow Road;*
- 4) *THAT the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.*

Recommendation approved

5) Development agreement – Treaty Three and City – Airport Road

Tara Rickaby referred to the works performed to tie sewer and water services into the new Treaty Three Police Services building on Homestake Road. While the mains have been tied in, the reconstruction of Ninth Street North and a portion of the Airport Road are incomplete. She explained that when a developer requires municipal services and is working on municipal property, the City uses a development agreement to ensure that the work will be done to municipal standard and that the works are insured.

Recommendation:

THAT the City of Kenora hereby enters into a development agreement with Treaty 3, for works associated with the construction and servicing of the Treaty 3 Police Services office; and further that

THAT the Mayor and Clerk be authorized to enter into an amended agreement with the correct legal name of the developer, and legal description of the subject property.

Recommendation approved

6) Deeming By-law – Requirement to pass with correct legal description

Tara Rickaby explained the concept of a deeming by-law and stated that this application was approved by the former Council. When the by-law went to the Land Titles Office for registration, it was discovered that there was an error in the legal description and therefore a new by-law is required.

Recommendation:

- 1) *All the lands contained within the boundaries of Lots 13 and 14, on Plan 18, Block 33, in the City of Kenora, formerly the Town of Keewatin, in the District of Kenora are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(3) of the Planning Act, RSO 1990.*
- 2) *In accordance with the provisions of the Planning Act, this by-law shall come into force and take effect on the final passing thereof by the Council of the Corporation of the City of Kenora and upon registration of this by-law in the Land Titles office for the District of Kenora.*
- 3) *That By-law No. 110-2006 is hereby repealed.*
- 4) *That the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction*

Recommendation approved

5) Transfer of Property from City of Kenora to MacDonald

Bill Preisentanz explained that the sale of this property on Coney Island was approved by the previous Council and that a by-law is required in order to perform the transfer.

The Committee discussed the allocation of the revenue; the intention is that the Skate Park will receive the bulk of the proceeds, less commission and administrative costs associated with the transaction.

Recommendation:

- 1) *THAT The Corporation of the City of Kenora shall enter into an Agreement of Purchase and Sale with PETER MACDONALD for the sale of the surplus land.*
- 2) *THAT The Corporation of the City of Kenora hereby declares that the land described as Location D57, being Parcel 4029 and Parcel 619, Town of Kenora, now the City of Kenora, for the District of Kenora, is surplus land.*
- 3) *THAT The Corporation of the City of Kenora shall sell to PETER MACDONALD the property described as Location D57, being Parcel 4029 and Parcel 619, for the sum of \$250,000.00 plus G.S.T.*
- 4) *THAT the Purchaser and Vendor shall be responsible to pay their own respective legal fees, disbursements and all other related costs associated with this transaction.*
- 5) *THAT Mayor and Clerk be and are hereby authorized to execute the Agreement of Purchase and Sale and to do all things necessary to complete this transaction.*

Recommendation approved

6) Council not to require further notice be given – Z05/06 Otis

Tara Rickaby explained that, under the Planning Act, Council has the authority to determine, where a change is made in a proposed by-law after the holding of the public meeting, whether any further notice is to be given in respect of the proposed by-law. The determination of the council as to the giving of further notice is final. In this case, Otis Holdings submitted a new application, requesting a change from the initial application for zoning by-law amendment. The change would be to apply for an R1 designation, rather than an R2 designation. The Planning Department determines that the impact of the change would be the same, and there were no objections to the first application. By waiving the requirement, the second application would be unnecessary.

Recommendation:

THAT, in order to defray costs to the Applicant, and because the change is zoning requested (from R1 to R2 from the current HC – Highway Commercial) does not have an impact on the intent and impact of a zoning change, Council hereby declares that no further notice is required for application for zoning by-law amendment no. Z05/06 Otis, as amended.

Recommendation approved

7) Mt. Evergreen Ski Club

Jennifer Rasmussen reviewed the ski club's vision for future development and success, including a number of partners who have provided funding and agencies which have provided manpower and funding.

She reminded the Committee that the ski club is located on municipal property.

Ms. Rasmussen explained that there are three issues to be dealt with by the ski club and that they are requesting assistance from the City to resolve them.

- i) There are potential private sector donors who wish to contribute to the club's success, but also need a charitable receipt. The club is requesting that the City of Kenora agrees to issue such receipts. The ski club recognizes that there will be conditions to any such agreement by the City.
- ii) The club is requesting a resolution of support, to accompany an application for funding to the Northern Ontario Heritage Fund. There is a letter to the NOHFC, on behalf of the previous Council, however a resolution would be preferred.
- iii) The City of Kenora has allocated \$100,000 for capital works at Mount Evergreen. The Club requests that this money be re-allocated for use in 2007. This deferral would permit Mt. Evergreen Ski Club to determine the best use for the capital upgrades after a decision is received from the NOHFC as to whether or not their funding is approved. The City money is allocated for snowmaking, but if the NOHFC funding is not approved, a groomer will be required in order to move snow to areas in which it is required to keep the hills open.

Bill Preisentanz pointed out that the funds were initially allocated for Jaffray Melick recreation purposes, and that they have been reduced to approximately \$90,000 because of a land purchase associated with snow making requirements. He further explained that the allocation in the 2006 budget, if not used in 2006, goes back into reserve funds. If Council supports re-allocation, to the same project in 2007, the resolution should be brought forward as part of the budget deliberations, in 2007.

The Committee discussed the issues. There is agreement, in principle, to re-allocation of the balance of the reserve funds to the project. The resolution will be brought forward in 2007.

Jennifer will contact the Club and request a revised letter of intent for the use of the remaining \$90,000.

Recommendations:

1. *THAT Council authorize the proposal as submitted by the Mt. Evergreen Ski Club for the purposes of revitalizing the Ski Club; and*

THAT Council authorize the acceptance of charitable donations for the purposes of this revitalization; and

THAT following the revitalization works, the City will pay up to a maximum of the donations received direct to this organization for these works.

Recommendation approved

2. *That the Council of the Corporation of the City of Kenora hereby acknowledges and supports the efforts of the Mount Evergreen Ski Club to revitalize the Club and, by doing so, winter tourism in the City of Kenora; and further
That the Mount Evergreen Ski Club's application for \$519,183, to the Northern Ontario Heritage Fund is viewed as integral to such revitalization.*

Recommendation approved

OTHER BUSINESS - None

8) Motion required adjourning to Closed Meeting: Not required

Next meeting: Wednesday, January 10, 2007 10:00 a.m.

The meeting adjourned at 11:30 a.m.