



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2004
(Scheurmann)
Monday, August 11, 2008 - City Council Chambers
At 4:40 p.m.

PRESENT:

Mayor L. Compton
Councillor W. Cuthbert
Councillor C. Drinkwalter
Councillor D. McCann
Councillor R. McMillan
Councillor A. Poirier
Councillor C. Van Walleggem
Bill E. Preisentanz, CAO
Jeffrey C. Port, Planner
Heather L. Kasprick, Deputy Clerk

Mayor Compton advised the public meeting is being held by Council in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law

Heather Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Miner & News on July 22, 2008.

Mayor Compton asked if there was anyone who wished to receive written notice of the adoption of the By-law, to leave their name and address with the Clerk. **Mr. Kevin Oberlin** requested that he be notified of any developments.

Mayor Compton mentioned that any person may express his or her views of the amendment, and a record will be kept of all comments.

Jeff Port, City Planner then reviewed the details of the Planning Report:

Introduction

Grant Robertson is Agent for property owner Jane Pollock and has applied to rezone a property to LC - local commercial from R2 – Residential Second Density. The application is being made to permit the establishment of a chiropractic clinic and massage therapist.

Description of Proposed Development

- The subject property is described as PLAN 3 BLK 2 LOT 206
- The property owner proposes to amend the zoning by-law in order to sell the property to a chiropractic business;
- The lot dimensions and size exceed those required for the Local Commercial zone;
- There is currently an existing commercial business being operated from the lower level of the existing dwelling;
- There also two dwelling units within the building;
- The proposal is to provide a minimum of 12 parking stalls;

Adjacent Land Uses

The subject property is located in an area characterized by residential use to the east, west and north. A municipal laneway, and Laurenson's Creek abuts the property to the south.

Official Plan and Zoning By-Law

The Official Plan designation is Established Area.

The subject property is zoned R2 – Residential Second Density, and business is

considered to be a permitted use as a home occupation.

Provincial Policy Statements

There are no provisions of the PPS that apply to this application.

Interdepartmental comments

The application was circulated internally and the Building Department indicated that a chiropractic/massage therapy clinic will require upgrades for barrier free access and fire safety. The Roads Superintendent has inspected the property and approved, in principle, a proposed parking area, along with all associated access and egress requirements.

Comments from the Public

The City of Kenora has received a letter of support for the application from Mr. Mike Causyn, the abutting neighbor to the west. Mr. Causyn, however, would like to ensure that a privacy fence is constructed along the west lot line of the subject property.

The City has also received three letters opposing the application from residents in the immediate vicinity of the subject property. These letters all cite increased traffic, safety, and changes to the residential character of the neighbourhood as planning concerns.

Land Use Planning Analysis

Official Plan

The Official Plan land use designation is “Established Area”. Section 4.1.4 of the Official Plan states:

“Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form and that improve the quality of life for area residents shall be permitted through an amendment to the zoning by-law”

Zoning

The proposed zoning to Local Commercial – LC would allow for the development of low density, commercial and service uses. This zoning designation is designed to permit uses that support residential uses in the area, and the City in general. It is the only commercial zoning designation that is permitted to co-exist in predominantly residential areas.

Some examples of permitted uses in this zone are a convenience store, eating and drinking establishment (less than 30 seats), laundromat, pharmacy, and pet grooming/supply business. A health service is also a permitted use, and is the basis of this application.

Compatibility with surrounding uses

The proposed use would occur in the existing residential unit, thereby maintaining the residential character of the neighbourhood. The applicant proposes to undertake site plan improvements in the rear yard in order to provide the requisite parking for the health service. Landscaping of the parking area is proposed in order to mitigate any negative impacts to the abutting residential uses.

Road access and traffic

The subject property is located at the intersection of Second St. South and Seventh Ave. South. The intersection is characterized by a fairly steep hill located on Seventh as it approaches Second St. to the north. It is expected that the proposed use will generate an additional 35 turning movements per day off of Seventh Ave. to the proposed parking area.

It is acknowledged that this intersection can be difficult to negotiate during the winter months during snowy and icy conditions.

The Roads Supervisor has inspected the subject property, and indicates that there is acceptable access and egress from Seventh Ave. onto the subject property.

Noise

The proposed businesses will operate during normal daytime business hours. It is not expected to generate any undue noise as a result of business operations.

Servicing

The subject property is fully serviced by municipal water and sewer. It is also serviced by telephone and hydro.

Parking

There are currently four (4) parking spaces available on the subject property.

According to the zoning by-law, five (5) parking spaces are required for each health care practitioner. The applicant proposes to provide a total of twelve (12) parking spaces.

Recommendation:

Reserved, pending the public meeting and Planning Advisory Committee review.

Mayor Compton asked if there was anyone who wished to speak in favour or opposition to the by-law.

Residents Present in Favour:

Grant Robertson - spoke regarding the parking issues. Mark Libitka would require 10 spots (5 per practitioner) but it would take the 2 spots off the street. If this goes back to a triplex you are unsure of who can be occupying the building, whereas if you have a business owner in the property is stable. Dr. Labitka identified that they would keep the house aesthetically appealing and they don't see the traffic changing that dramatically.

Residents Present in Opposition:

Brent Tew - is the adjacent owner to the property. Has lived there 10 years and has seen a lot of traffic problems in that area. He feels that his property value will decline if this is allowed to move ahead.

Beth Vaudry lives two doors down from the property. She presented Council with a letter opposing the application with her main concerns focusing around parking spots, increased traffic, past history of numerous accidents and affects the lives of their families. She asked Council to investigate this notorious intersection further and the terrible long history of accidents it owns before amending a By-law to make it even busier. She left a copy of her letter as well as numerous pictures for the record.

Kevin Oberlin – 701 Second Street South live directly East of the property. Mr. Oberlin is present speaking on behalf of 10 other neighbours who asked them to speak on their behalf. There are two main reasons why they are all opposed to this re-zoning. The first is the deteriorated aesthetics of the location with the implementation of a busy commercial business in the location and the second is the increase in traffic to the neighbourhood. Mr. Oberlin left a copy of his deputation for the record and requested that any correspondence regarding this matter be sent to him directly.

Colin Bolen – lives at 711 Second Street South. With the rezoning being approved the business could change dramatically if Dr. Labitka doesn't stay in the location. If he left, a convenience store or some other kind of business could go in once the location is approved to the new zoning. That could potentially increase traffic dramatically and cause further problems in the area. Also, if constructing a parking lot, wouldn't big equipment be required to come in and how would that affect the street. Mr. Bolen did send a letter to Ms. Rickaby and will form part of the record.

Donna Wiebe – in opposition and her concerns are for the safety of the citizens, neighbours and overall safety. The intersection is already not safe and this rezoning would add more to the problem.

Mayor Compton asked if there were any questions. There were no questions.

Mayor Compton the declared the Public Meeting closed at 5:10 p.m.