



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2004
(Re: Jarnel)

Monday, January 14, 2008 - City Council Chambers
At 3:30 p.m.

PRESENT: Mayor L. Compton
Councillor W. Cuthbert
Councillor C. Drinkwalter
Councillor D. McCann
Councillor R. McMillan
Councillor A. Poirier
Councillor C. Van Wallegem
Jeff Port, Planner
Tara Rickaby, Planning Assistant
Heather 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

Ms Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Daily Miner & News on December 20, 2007.

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. 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

1489752 Ontario Inc. (Jarnel Contracting), Agent for Gary Willstrop, has made application for a site-specific Zoning By-law amendment on property described as 714 Lakeview Drive, Part of Bulmer's Mill Location, RP 23R4575 PART 1, PCL 33315. The subject land is approximately .03 ha in size, with 65.53 metres of frontage on Lakeview Drive. The subject property is currently vacant and located on the north side of Lakeview Drive.

Description of Proposal

The applicant proposes to develop a Tim Horton's coffee franchise to be located on Lakeview Drive, across from Bayview Toyota, and east of Tyrell's Auto Glass. The

proposed restaurant will be 3080 sq. ft. in size, with a seating capacity for 64 patrons. It will also have a drive through component to it, with a stacking capacity for 13 vehicles. In addition to the drive through, there will be parking for 33 vehicles on site.

Access is proposed to be via a combination of; (i) right only turns directly in front of the proposed restaurant, and (ii) right and left turning movements at “A” Street located further to the east on Lakeview Drive. Access may also be gained by way of the signalized intersection located at the intersection of Lakeview Drive and Parson St.

City of Kenora Official Plan

The Official Plan designation for the proposed development is “Commercial Development Area”. The following are the pertinent land use policies as set out in the City of Kenora Official Plan.

4.4 COMMERCIAL DEVELOPMENT AREAS

The following policies identify how this area will develop over the lifetime of this Plan.

- 4.4.1 The continued development of retail commercial uses will be promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States.
- 4.4.2. Maintaining Highway 17 and Highway 658 (Redditt Road) through the City is paramount to maintaining the economic health of the commercial/retail sector of the local economy.
- 4.4.3 Permitted uses in the Commercial Development Area land use designation shall primarily serve vehicular traffic. Permitted uses include, but are not limited to, automobile service stations and sales agencies, car washes, building supply outlets, motels, hotels, restaurants, drive-in restaurants, horticultural nurseries, garden centres, tourist establishments, shopping centres and accessory uses.
- 4.4.4 Manufacturing uses accessory and subordinate to a Commercial Development Area use are permitted.
- 4.4.5 The Zoning By-law shall ensure that developments in the Commercial Development Area are appropriately set back from the road. They shall be buffered to protect adjacent residential, institutional and open space uses. Adequate on-site parking shall be provided.
- 4.4.6 Access to new developments adjacent to provincial highways are subject to the policies and regulations of the Ministry of Transportation. In addition, development adjacent to provincial highways is subject to Policy 7.2 of this Plan.

- 4.4.7 Where necessary, Commercial Development Areas, in the vicinity of the Kenora By-pass (Highway 17A), may provide for the construction of service roads parallel to the By-pass in order to make more effective use of the local land resource.
- 4.4.8 Proposals for residential or other sensitive land uses on lands where the Noise Exposure Forecast (NEF) from the Kenora Airport is at or above 25 shall be subject to Policy 7.9 of this Plan.

Zoning By-law 160-2004

The subject property is zoned HC – Highway Commercial. A restaurant is a permitted use in the HC zone. However, a drive through use is not permitted. The purpose of this amendment is to permit the “drive through” component of the restaurant operation. There do not appear to be any problems with meeting the set back requirements or lot coverage provisions of the zoning by-law.

Land Use Planning Issues

Servicing

Municipal water and sewer services are presently available to service the proposed development.

Utilities

Hydro and telecommunications utility services are presently available to service the proposed development.

Traffic

The applicant was required to prepare a traffic study due to the potential impact of the drive through facility associated with the restaurant. The City has experienced significant traffic problems associated with left hand turning movements and access/egress with the only other Tim Hortons franchise on the Highway 17 East.

The traffic study was completed in December 2007 by the *MMM Group*, a qualified planning and engineering firm. The study indicates that the proposed Tim Hortons will generate 75 new trips, plus 240 pass by trips (drive through) during the peak morning hour, and 50 new trips, plus 160 pass through (drive through) during the afternoon peak hour period.

According to the study, the existing intersection design cannot accommodate the projected increase in traffic movements to the proposed Tim Hortons. The study recommends that a second southbound lane and an eastbound turn lane be constructed at the intersection of Lakeview Drive and “A” Street to accommodate the additional traffic.

Access

It is anticipated that access to the proposed development will be via a combination of; (i) access from Lakeview Drive directly abutting the proposed development – the developer has proposed this to be a right turn only intersection, (ii) right and left hand turns via the Lakeview Drive and “A” Street and (iii) access via the Lakeview Drive/Parson St. intersection.

Public Comments

The City of Kenora has not received any comments from the public to date on the application.

Agency Comments

None to date.

Interdepartmental Comments

The Operations Department concurs with the recommendations set forth in the MMM Group Traffic Study, and is analyzing the capital cost implications of the recommended roadway improvements.

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

- Ms. Carol Fehr spoke in favour of the amendment.

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

Mayor Compton the declared the Public Meeting closed at 3:44 p.m.