



## **PROCEEDINGS**

Of a Public Meeting to discuss an  
Amendment to Zoning By-law #160-2004  
(Re: Z02/09 Queen)

Monday, August 10, 2009 - City Council Chambers  
At 4:30 p.m.

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PRESENT: Mayor L. Compton  
Councillor W. Cuthbert  
Councillor C. Drinkwalter  
Councillor D. McCann  
Councillor R. McMillan  
Councillor C. Van Walleggem  
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 July 9, 2009.

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**

Philip Hanstead, agent for the property owner (Queen), has applied to rezone three lots on the west highway from RR – Rural Residential to HC – Highway Commercial. The purpose of requesting the amendment to the zoning by-law is to permit the location of a new marine/recreational vehicle/equipment sales and service business.

#### **Description of Proposal**

- The subject property is described as Parts 1, 2 and 3 on Registered Plan 23R-9072;
- The lots have 201 metres of frontage on Highway 17 West;
- The lots are 6.3 acres in size, in their entirety. Each lot exceed 2 acres in size;
- The lots are to be serviced with a private individual well and septic field;
- It is anticipated that more than one of the lots will be utilized; one for the building and at least a portion of another (or both) for storage

- The proposed use is automotive/marine sales, service & repair

### **Adjacent Land Uses**

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- The subject property is located in an area characterized by commercial and light industrial development, with two residences to the east and one to the west.

### **City of Kenora Official Plan & Zoning By-law 160-2004**

The Official Plan designation is Commercial Development Area:

The following excerpt of the Official Plan discusses potential development in the Commercial Development Area:

### **Land Use Planning Issues**

#### **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.*

The Zoning By-law requires that HC – Highway Commercial lots be a minimum of .8 hectares or 2 acres in size. The proposed area and frontage requirements for the three lots, in a consolidated form) exceeds the requirements, individually, or in a consolidated for

## **Provincial Policy Statements:**

### **1.3 Employment Areas**

**1.3.1** *Planning authorities shall promote economic development and competitiveness by:*

1. *providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;*

2. *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

3. *planning for, protecting and preserving employment areas for current and future uses; and*

4. *ensuring the necessary infrastructure is provided to support current and projected needs.*

**1.3.2** *Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.*

### **Public Comments**

Mr. Ted Szajewski attended the City of Kenora Planning and Property meeting on Wednesday, August 5<sup>th</sup>, and expressed a concern with respect to the potential negative impact that increased storm water runoff would have on his property, and other neighbours as well. He pointed out the existing wells and septic fields in the vicinity of the proposed development, and also had a concern with lighting from a new commercial development.

**Agency Comments (Century 21 Phil Hanstead)** was present and reviewed

*Re: Zoning Application z02109 Queen*

Mr Andrew Perron (Pinchin Environmental) and I met with Mr. Szajewski Friday August 7 at 11:00 a.m. to deal with his concerns on the above mentioned zoning application.

1/ Possible Petroleum Contamination

Mr. Szajewski pointed out sites of concern on the Interlake Lifts & Docks property which is located approximately 300 m west of the subject property. The Interlake Lifts & Docks property has a natural slope and drainage going west away from the Queen property. I do not believe we have any jurisdiction or control over a neighbour's property 2 lots away.

2/ Drainage Plan

When this site is developed, the new owners will have to meet the building requirements of the City of Kenora. Currently these requirements do not allow a landowner to divert all the water from his property onto his neighbour's.

3/ Old Septic Field

This field has not been used in over 10 years. I had Mr. Doug Vergunst from Kenora's North western Health Unit inspect the site Friday August 7, 2009 at 3 p.m. He has no objections to the zoning change or concerns with the existing site conditions. He will be involved again when a building permit is issued to ensure the new field will adequately facilitate the new building.

Mr. Szajewski and I discussed any well or water issues. He has never had an issue with the water. Mr. Szajewski has the water tested once a year. His well services both his and his son's home and meets the requirements which includes drinking water. Mr. Szajewski also mentioned that his neighbour (the Sherman's) use their own well for drinking as well.

I will have a Phase 1 Environmental Report from Pinchin Environmental and a letter from Kenora's North western Health Unit this week which should look after Mr. Szajewski's concerns.

Nobody wants this zoning application approved if it has a negative effect on the neighbouring properties.

Q. What happens if this project does not proceed?

A. Nothing changes. The neighbours get to deal with the existing drainage concerns.

Q. What happens if this project proceeds conditional upon a drainage plan approved by the City of Kenora?

A. The neighbours will not be getting any runoff from this property or the neighbours properties to the west.

Let's do something positive and approve this zoning change to get the drainage situation improved in this area. If we don't make a decision to proceed, nothing changes.

At this time I'd like to commend the Mayor and Council for hiring an Economic Development Officer who went to Winnipeg and marketed Kenora. As a direct result of that we have a new business looking at coming to Kenora hiring people and of course paying taxes. Keep up the good work!!

Ray Boivin: Ministry of the Environment

*"I received a call from a concerned citizen who lives in the vicinity of Docks and Lifts on Highway 17W. The caller expressed concern with regards to the potential zoning change of a neighbouring property from rural residential to commercial. Specifically, it is thought that the subsequent commercial development may interfere with natural drainage in the area and cause flooding on the neighbouring property.*

*I am sending this e-mail as a courtesy to the caller with a request that the city consider compatible uses when making planning decisions and that the city ensures that any development takes into consideration natural drainage patterns. Development should be done in a fashion which does not negatively impact on neighbouring property."*

#### **Kenora Planning Advisory Committee:**

PAC discussed the application at their meeting on July 21, 2009 and passed the following resolution:

**Moved by: Joyce Chevrier Seconded by: Terry Tresoor**

**THAT** the Kenora Planning Advisory Committee recommends that the Application for Zoning By-law Amendment Z02/09 Queen, for property described as Parts 1, 2 and 3 on Reference Plan 23R 9072, be approved as the amendment maintains the intent of the Official Plan and Zoning By-law, conditional upon a clearance letter being received from the Northwestern Health Unit.

### **Interdepartmental Comments**

The application was circulated internally and there were no objections.

### **Planning Analysis:**

Road access: The subject property fronts by Highway 17 West. The Roads Supervisor has no concerns with the application.

Servicing: Private water and sewer services will be provided for the lands. A clearance letter from the Northwestern Health Unit will be required before a building permit is issued.

Compatibility with surrounding uses: The immediate area is characterized mostly by light industrial and commercial uses. There are two residences, one abutting each the east and west side of the property, which may be affected.

Official Plan: The proposed highway commercial use is in conformity with the commercial development area designation of the City of Kenora Official Plan.

Zoning: The property will be required to be rezoned to HC – Highway Commercial, which is compatible with the area.

Drainage: The proposed development may have a potential negative impact on the abutting properties with respect to drainage and storm water management. Care must be taken in terms of the area of hard surface proposed for the lands, along with the retention, and diversion, of storm water.

Mayor Compton asked if there was anyone who wished to speak in favour of the amendment. Mr. Phil Hanstead from Century 21, who is the agent of record, was present to review his comments that was provided in writing to the clerk.

Mayor Compton asked if there were any objections to the amendment. Mr. Ted Szajewski was present and represented the three land owners that live below the site. He expressed his objections to the proposed zoning variance. They object to the filling in of the wetland on the three residential lots that are ongoing to be rezoned. This wetland not only slows down the runoff from rain storms, it also filters out any leaching that may originate from the commercial property on the top of the hill. The adjoining property on the south of this proposed development (approximately 50 acres) is owned by the same people who have requested the amendment. All this land is unoccupied. They would like to suggest that they find a way to divert the runoff onto their property rather than onto ours. If they do

this, and provide a significant buffer between their property and the resident's then we withdraw any objections.

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

Mayor Compton the declared the Public Meeting closed at 4:47 p.m.