

**PLANNING REPORT**  
**FOR**  
**PROPERTY AND PLANNING COMMITTEE**

**AUGUST 5, 2009**

**Application for Zoning By-law Amendment Z02/09 Queen**

**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 Proposed Development**

- 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**

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.

**Official Plan and Zoning By-Law**

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

**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 form.

## **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.

### **Interdepartmental comments:**

The application was circulated internally and there were no objections.

### **Comments from outside agencies:**

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.

**CARRIED**

**Comments from the Public:**

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.

**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.

**Amended Recommendation:**

THAT Council approves the application to rezone property described as Parts 1, 2 and 3 on Registered Plan 23R-9072, from RR – Rural Residential to HC – Highway Commercial(H), with the following conditions:

1. That the City of Kenora will implement site plan control on the subject lands with a minimum of:

(i) a visual barrier, being a fence or line of trees (compatible with the City's approved species list) be located to provide a buffer for the residence to the east of the consolidated property, and to the west of the consolidated property, and a drainage and stormwater management plan prepared by an accredited professional engineer and approved by the City Engineer;

(ii) that a clearance letter will be provided, considering the property as it is consolidated, from the Northwestern Health Unit, for private services;

And a Phase I Environmental Assessment report.