

PLANNING REPORT
FOR
PROPERTY AND PLANNING COMMITTEE

AUGUST 5, 2009

**Application for Zoning By-law Amendment Z02/09 Queen
(amended November 10, 2009)**

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:

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."

Comments on Drainage Plan circulated to MOE – a grit and oil separator should be constructed in order to prevent the contamination of surface water draining from the 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 5th, 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:

The applicant was required to undertake the following in order to adequately address site specific concerns with the proposed development:

1. That the applicant submit a site plan for the proposed development that includes, but is not limited to, (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 and west of the consolidated property, (ii) a lighting plan, (iii) location of all buildings, parking & outdoor storage, (iv) access/egress and (v) landscaping.
2. That the applicant submits a drainage/storm water management plan, prepared by an accredited professional engineer, and approved by the City Engineer.
3. That a clearance letter will be provided, considering the property as it is consolidated, from the Northwestern Health Unit, for private services.

The applicant submitted a site plan, which was reviewed by City engineering services, and circulated to the MOE and NWHU. The following is summary of the planning issues following the site plan review.

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 has been provided.

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: A site plan has been prepared for the proposed development which indicates there will be no net increase in storm water that would negatively affect abutting properties. However, the MOE states that a "grit and oil separator" should be installed to prevent any off site contamination from surface

water. It is recommended that this be included in a Site Plan Agreement as a condition before a building permit will be issued for the proposed development.

Recommendation:

THAT application Z02/09 (Queen) be approved, and it be noted that no building permit shall be issued until such time as the developer enters into a Site Plan Agreement with the City of Kenora, to the satisfaction of the City Planner and City Engineer.