



**MINUTES
of the
Property and Planning Committee
of Council**

**Held Wednesday, August 5, 2009
City Council Chambers 9 a.m.**

.....
PRESENT: Councillor W. Cuthbert, Chair
Bill Priesentanz, CAO
Mayor L. Compton (9:01 a.m.)
Councillor R. McMillan
Councillor Chris Van Wallegem
Councillor D. McCann
Councillor Charito Drinkwalter
Tara Rickaby, Planning Assistant
Jeff Port, City Planner
REGRETS: Art Mior, Chair, PAC

A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 144-2007

Take Notice that Council intends to approve the following at its next meeting:

- A By-law to amend Zoning By-law 160-2004 on a specific property
- A By-law to deem lots not to be part of a subdivision
- A By-law to enter into an agreement with Rogers Communications

B. DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:

- a) On today's agenda - None
- b) From a meeting at which a Member was not in attendance - None

C. STANDING COMMITTEE DEPUTATIONS: Ted SZAJEWSKI – Application Z02/09 Queen -

Mr. Szajewski thanked the Committee for the opportunity to present his concerns with a proposed rezoning of property along Highway 17 West. He described the area's topography and current storm water drainage patterns as well as the drainage challenges as a result of the bedrock surrounding the property. Mr. Szajewski described the well locations in the area and explained that most of the residents and businesses have their water delivered. Mr. Szajewski, as the former owner of a former truck stop located to the west, and topographically higher than the subject lands, explained that there is a septic field, which serviced the former truck stop, on the subject lands. In addition, during rain events, there is evidence of petroleum contamination downstream.

Mr. Szajewski provided photographs of the area. He stated that, if the drainage issues can be addressed then he would have no objection to the proposed zoning by-law amendment and business. He suggested that there be an environmental impact study required, as well as a drainage plan. Mr. Szajewski indicated that, as far as property value is concerned, his residential property might be more valuable to a commercial developer.

Mr. Szajewski distributed a letter to Council which addresses his concerns and asked that it form part of the public record, along with the photos.

Mr. Szajewski thanked the Committee at 9:20 a.m.

Chairman Cuthbert asked the Committee to consider moving item number 6: Application to Amend Zoning By-law Z02/09 Queen to the first item on the agenda. The Committee members concurred.

1. Zoning By-law Amendment Z02/09 Queen

Councillor Cuthbert summarized the purpose of the application and that it was 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.

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 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.

Councillor Cuthbert indicated that the City Planner has made some changes to the preliminary recommendations, based on comments from the neighbours and the Operations Manager. Mr. Port indicated that site plan control, including physical and/or vegetative buffering, lighting controls, a drainage/stormwater management plan, in addition to the clearance letter from the Northwestern Health Unit are required from the Developer. He stated that the proposed new business is generally consistent with the Official Plan and Zoning By-law, but that there are some site specific issues.

Discussion took place with respect to the PAC recommendation and changes to recommendation as more information is available.

Mr. Szajewski requested some latitude to address the Committee and provided a photo which indicates the current drainage area and suggested that if the subject lands are filled and paved, there would be more of a drainage issue.

The Agent for the applicant, Phil Hanstead, indicated that a Phase I Environmental Scan is being performed next week.

Councillor Cuthbert reminded those present of the public meeting, to be held under the *Planning Act*, on Monday August 10, 2009 at 4:30 p.m. at which everyone will have an opportunity to speak.

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.

Planning

RECOMMENDATION TO COUNCIL

D. ADDITION TO AGENDA : None

E. CONFIRMATION OF MINUTES

Moved by: Dave McCann Seconded by: Charito Drinkwalter & Carried:

THAT the Minutes from the last regular meeting of Committee held July 7, 2009 be confirmed as distributed .

CARRIED

F. REPORTS:-

2. Directional (highway) and way finding signage on Highway 17 and 17A – Update

Councillor Cuthbert indicated that a letter was received from the Minister of Transportation indicating that the exit information will be attached to the two existing population signs on Hwy 17A sometime later this summer, as long as there are no other works of higher priority required.

INFORMATION ONLY

3. Signage – a) Amendments to Sign By-Law

Councillor Cuthbert indicated that this item is still on hold.

HOLD

b) Themed signage – for municipal purposes

Jeff Port indicated that the street signs, white on black with the brand, are on order.

INFORMATION ONLY

Planning

c) Posters on municipal utility poles/light standards

Bill Preisentanz stated that this issue is coming forward as a result of the new utility poles being damaged as a result of flyers being taped to them. It is the same poster issue as experienced in the 1990's, and the problems associated with attaching posters to utility poles ,is now magnified because of the new light standards in the downtown area. The City solicitor was contacted with respect to case law and options available to Council, and his attached letter of July 30, 2009 indicates that a total ban on postering can be successfully challenged and Council should consider other solutions.

Jeff Port indicated that he was recently in Edmonton where there are stickers attached to utility poles indicating that it is illegal to post bills to the poles. There are circular kiosks provided where posters of coming events are encouraged.

Discussion took place with respect to suitable locations for community bulletin boards or kiosks. Locations in the Beatty Park area and within the new Lake of the Woods Plaza are recommended. Jeff Port will contact the consultant to add the kiosk to the downtown plan and order it. Stickers will be ordered for the utility poles and a communication plan developed.

A by-law banning the posting of flyers etc. on the utility poles will be passed, in advance of the sign by-law.

**Planning/
Operations**

4. Rest stop

The Committee reviewed the previous submission to OGRA and directed that the issue of the highway twinning once again bringing the location of a new rest stop to the forefront be added to the AMO submission.

**Planning/Mgr. F
& A**

5. Heritage Kenora – Committee Membership

In June of 2009, the Property and Planning Committee directed that the vacancies on the Heritage Committee be advertised. There have been recent resignations from the Heritage Committee, and replacement members are required. The Heritage Committee reviewed the most recent applicants during this term of Council as potential replacements. Tim Davidson will be appointed as a member at large as he is no longer on the Kenora Historical Society board.

The Heritage Committee makes the following recommendation:

Moved by Riley Sleeman, Seconded by Murray MacDonald that Barbara King and Tim Davidson be appointed to Heritage Kenora for a term ending November 2010. **Carried**

RECOMMENDATION:

That the City of Kenora hereby appoints Barbara King and Tim Davidson, as members at large, to the Heritage Committee, for a term concurrent with this term of Council.

RECOMMENDATION TO COUNCIL

**Planning/Clerk
Museum Dir.**

6. Deeming By- law Request - Lots 14 and 15 on Plan of Subdivision 23M 904 – Sunset Place

David Frances, owners of Lots 14 and 15 on Plan of Subdivision 23M-904 (1 & 3 Sunset Place), has submitted a request to deem the two lots he owns. Mr. Frances proposes to construct a deck on the south side of residence, on Lot 15. The deck would project into lot 14. In order to accomplish this, Lots 15 and 14 are required to be deemed not to be lots within a plan of subdivision.

Once the deeming by-law is passed and registered on title, Mr. Frances can apply for a building permit and be able to comply with the Zoning By-law.

RECOMMENDATION:

THAT

1. All the lands contained within the boundaries of Lots 14 and 15, on Registered Plan of Subdivision M. 904, in the City of Kenora, formerly the Town of Jaffray Melick are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(3) of the Planning Act, RSO 1990.
2. In accordance with the provisions of the Planning Act, this by-law shall come into force and take effect on the final passing thereof by the Council of the Corporation of the

City of Kenora and upon registration of this by-law in the Land Titles office for the District of Kenora.

3. THAT the Applicant shall be responsible for all costs associated with such registration.
4. THAT the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.

RECOMMENDATION TO COUNCIL

Planning/Clerk/
M. Solicitor

7. Immigration Web Portal

- The City of Thunder Bay has received funding from the Ontario Ministry of Citizenship and Immigration to develop a Northwestern Ontario Immigration web portal in partnership with the municipalities in the northwest.
- The portal will provide newcomers to Northwestern Ontario with one stop information and links by community on such topics as:
 1. Housing / real estate
 2. Education
 3. Employment
 4. Social Services
 5. Recreation
 6. Health Care
 7. Religion
 8. Organizations, associations and groups
 9. Maps
 10. Transportation
 11. Population
 12. Immigration specific services eg. English as a Second Language., Settlement Services
 13. Community characteristics that would appeal to newcomers

Resolutions of support from 20 communities in Northwestern Ontario have been received to date.

The end users for the portal will include, but are not limited to immigrants coming to Canada, immigrants residing in Northwestern Ontario, immigrants residing in Canada who are considering a move to Northwestern Ontario, foreign students, aboriginals considering moving into Northwestern Ontario, residents, visitors, and tourists, provincial, federal and international service providers and internal personnel.

Although immigration is not a priority within the City of Kenora's Economic Development Plan (2009), attracting new residents to the community is a major priority. Therefore, participation in this project is recommended as the project will develop an information site for newcomers to the community with project funding from the Ontario Ministry of Citizenship & Immigration.

A resolution of support for this project commits the City to participating in working group meetings in Thunder Bay and a minimum of two meetings in Kenora. The anticipated project completion date is March 2010.

Discussion took place with respect to the staff time required for this project and the anticipated results of participation in the program.

RECOMMENDATION:

THAT the City of Kenora support the Northwestern Ontario immigration web portal project being led by the City of Thunder Bay
AND THAT the Economic Development Officer participates in the project working group; and
THAT the Mayor and Clerk be authorized to enter into any required agreement.

RECOMMENDATION TO COUNCIL

Clerk/EDO

Motion required adjourning to Closed Meeting: (10:08 a.m.)

Moved by: Charito Drinkwater Seconded by: Rory McMillan and Carried:-

THAT this meeting be now declared closed at a.m.; and further
THAT Council adjourns to a Closed Meeting to discuss the following:

- Disposition and Security of Property Matters, Personal Matter about an Identifiable Individual

Reconvene to Open Session (10:58 a.m.)

RECOMMENDATIONS FROM CLOSED SESSION:

That Council of the City of Kenora hereby gives three readings to a bylaw ratifying an amending Agreement between the City of Kenora and Rogers Communications Inc. for lease of an equipment storage building adjacent to the Valley Drive communication tower.

RECOMMENDATION TO COUNCIL

THAT the Council of the City of Kenora declares property described as PLAN 18 BLK 7 LOT 8 as surplus to its needs; and

THAT Bill Scribilo, of Century 21 Reynard Real Estate Ltd. be authorized to market the subject lands; and

THAT the Mayor and Clerk be authorized to enter into any agreement of purchase and sale.

RECOMMENDATION TO COUNCIL

The Mayor requested that an update be provided respecting the status of the Economic Development website and that Staff ensures that the current links are up to date.

General by-law enforcement matters were discussed.

Moved by: Rory McMillan Seconded by: Charito Drinkwalter

THAT the August 5, 2009 meeting of the Property and Planning Committee be adjourned at 11:13 a.m.

**CAO/Planning
Clerk**

Planning