

- **Preliminary PLANNING REPORT** -

**Z02/10 DeGagne Bros.**

**January 30, 2010**

**Amended (by addition of information) 12 Apr 2010**

## **Introduction**

The law firm of Hook, Seller, Lundin is agent for the owner/applicant, DeGagne Brothers Limited. The owner/applicant proposes to amend the Zoning By-law specifically at 1100 Railway Street. The proposed use of the property will be a new land ambulance base and training centre.

The following updated information has been requested:

- Site sketch requires dimensions for ambulance bays
- Site sketch requires dimensions and number of parking stalls provided as required by Zoning By-law 160-2004
- Site sketch requires addition of proposed access/egress to Railway Street
- Proposed drainage plan requires signature/professional designation of the Channel Technical Services staff member who prepared the drainage plan
- Proposed drainage plan does not include cross section or elevations for lands abutting to the west of the subject lands

## **Description of Proposed Development**

The subject property is described as Part of CPR Station and Hudson Bay Reserve Designated as RP 23R10177 PARTS 6, 7 & 11.

The sketch provided indicates that the lot has 42.7 m of frontage on Railway Street and is an average of 53 m in depth.

The property would be transferred to the Kenora District Services Board for the construction of a land ambulance base and training centre.

The structure would include an office and training component, four ambulance bays and associated parking.

The building is proposed to be 625.5 square metres in size.

## **Adjacent Land Uses**

The subject property is located on Railway Street in an area characterized by commercial and industrial uses. The lands to the north are owned and controlled by the Canadian Pacific Railway for rail yards and the main line. The lands abutting to the east are owned and controlled by the Canadian Pacific Railway. The lands to the west are the site of a car wash establishment.

There is a propane distribution facility located approximately 80 metres to the southeast of the subject lands.

### **Official Plan and Zoning By-Law**

The Official Plan designation is Commercial Development Area in both the current Official Plan and the draft Official Plan (2010). Section 4.4.3 of the current Official Plan indicates that: 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

Section 3.9 Development and Redevelopment Adjacent to Railway/Transportation Corridors requires that:

3.9.4 Where development is proposed within 75 metres of a rail yard or railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with the Railway, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

3.9.5 Appropriate safety measures, such as setbacks, berms and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the Railway.

The Agent for the owner/applicant has been contacted with respect to the requirements of the Official Plan. The letter and proposed mitigation measures will provide background for a final recommendation by staff.

The zoning for the property is currently HC – Highway Commercial. The application is to amend the zoning by-law to zone the subject lands as I – Institutional. The lot size and frontage meets the requirements of the Zone.

Provincial Policy Statement (2005)

### **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.

## **1.6 Infrastructure and Public Service Facilities**

**1.6.1** *Infrastructure* and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

Planning for *infrastructure* and *public service facilities* shall be integrated with planning for growth so that these are available to meet current and projected needs.

**1.6.2** The use of existing *infrastructure* and *public service facilities* should be optimized, wherever feasible, before consideration is given to developing new *infrastructure* and *public service facilities*.

**1.6.3** *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services. Where feasible, *public service facilities* should be co-located to promote cost-effectiveness and facilitate service integration.

## **Circulation: Interdepartmental and agency comments**

### Operations Department

The Operations Manager has reviewed the application and requested further information and clarification of matters respecting drainage and elevations.

In the opinion of the Operations Manager, a traffic impact study is not required, based on the understanding that the ambulances "roam" throughout the City, rather than park on the base property and respond to calls from that location.

- The drainage ditch, indicated in the drainage plan as running from west to east, along Railway Street, is located on the subject lands (private property) and would not be maintained by the City of Kenora

- The catch basin, indicated in the drainage plan, to drain under the proposed driveway would be difficult to maintain as the proposed connection is not straight.

Operations Department will recommend that any hard surfacing not occur for a number of years, due to settlement which is likely to occur as a result of the soils conditions on the site. The zoning by-law requires dust free surfacing.

#### Manager of Emergency Services

The City of Kenora Fire and Emergency Services has no objections to the construction of an Ambulance Base at the proposed location provided that the building and its components comply with the Ontario Building Code and the Ontario Fire Code.

As the Community Emergency Management Coordinator for the City of Kenora two matters need to be reviewed to ensure that adequate and effective Emergency Medical Response is within best practices and acceptable standards from this location.

First, the City of Kenora has two hazardous goods corridors that transect the City. One is Highway 17 A. The other is the Canadian Pacific Main Line that is located a short distance to the north of the property described as 1100 Railway Street. Given that I would need to be assured that the proponent has contingency plans in place that would ensure an adequate and an effective response from this location is possible should something untoward occur in the Canadian Pacific Railway yard.

Second, Superior Propane's bulk plant is located approximately between 80 to 100 metres from this address and as such amendments to the Planning Act which came into effect on the 1st of January 2010 need to be observed.

#### The City of Kenora Chief Building Official

Nothing to date.

#### Utilities: Kenora Hydro

Nothing to date.

#### CP Rail

No response to date

#### Agencies circulated per Planning Act

Superior Propane : Objection received per correspondence of February 12, 2010.

## Letter of Opinion: FoTenn Consultants

Nadia DeSanti, MCIP, RPP, of FoTenn Consultants provided a letter of opinion respecting the application. As part of the letter, several deficiencies and recommendations for additional information were identified:

- The sketch is deficient in illustrating the number of parking spaces that would be accommodated on site;
- Recommendation that the City request the owner/applicant to update the sketch to illustrate the parking spaces, as well as the maximum building height for the proposed development
- Recommend that the City requests the owner/applicant to provide a letter indicating that noise and vibration from the railway corridor will not impact the ambulance operation, and how noise will be mitigated.

It is Ms. De Santi's opinion that the rezoning and proposed development are consistent with the 2005 Provincial Policy Statement and the Official Plan.

### **Land Use Planning Issues:**

- **2005 Provincial Policy Statement: The proposed use will provide employment. Although not co-located with another public service, the proposed site is located on an arterial municipal road**
- Noise and vibration study per Official Plan is required in order to evaluate the proposed development
- No traffic impact study required, per the Operations Manager
- Official Plan indicates that 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. The use of the property, as an ambulance base and training centre will have fewer traffic turning movements than the uses in the area of the property (car wash, automobile dealership);
- Protection of uses: Generally an institutional use is more sensitive than a commercial use. As an example, a school use is sensitive to traffic issues and needs to be protected by not locating the school in an area of high traffic (a commercial zone) and requiring an adequate buffer area from a busy road. In this case, the school use also needs to be buffered, to some degree, from a residential use (and vice versa) so that the residential use is not bothered by the school use and the school use does not need to endure complaints with respect to noise etc, from the residential use.  
It follows then, that the ambulance base, as an institutional use, is different from many institutional uses in that it does not need to be protected from a residential use. The Institutional ambulance base and training centre is a better fit within a highway commercial zone; the use will not impact either the highway commercial use, or a residential use.
- The notification from Superior Propane that the proposed use may place Superior Propane in non-compliance with its risk and safety management plan, mandated by Ontario Regulation 211.01 made under the Technical

Standards and Safety Act, 2000. The proponent shall provide a report which includes the extent/boundary of the hazard distance from the existing propane distribution centre;

- Rail yard – The designated rail yard abuts the subject lands at the rear, however the actual rail line is in excess of 100 metres from the property. A noise/vibration study is required;
- Parking/drainage: Additional information required with respect to number/location of parking stalls. Based on the soils report provided, it is recommended that the City implements site plan control on the subject lands, including a financial security equal to an approved estimate of cost to asphalt the parking area. Section 5.1.5 (4) which requires that: Any off-street parking area providing more than five (5) parking spaces shall be so constructed as to provide a durable, stabilized and dustless surface. It is recommended that the site plan control/financial security be in force for a period of not less than 2 years. This time period will permit the owner/applicant and the City to evaluate the surface treatment of the parking lot. If dust is not a concern, over the two year period, and the parking lot does not require re-surfacing to asphalt, site plan control and the associated financial security would be released. The maintenance period would begin on the day that the occupancy permit is issued by the Chief Building Official.

## **Recommendation**

***It is recommended the decision on approval of Application Z02/10 DeGagne Bros. be tabled until such time as the proponent provides the additional information requested in a letter to them on February 3, 2010, and***

- ***A report from the Technical Standards and Safety Authority (TSSA) which informs the municipality of the extent/boundary of the hazard distance from the Superior Propane distribution centre in order that a staff recommendation can be formulated.***
- ***Information with respect to the height of the building;***
- ***A letter from the Ministry of Health, or appropriate Ministry, indicating that the proposed location is satisfactory with respect its proximity to the dangerous goods corridor (CP main line)***

## **12 April 2010**

Additional information requested and received:

The City of Kenora has received the following information:

(February 16, 2010) – updated site plan indicating parking stall design

(February 23, 2010) - updated drainage plan, by Channel Technical Services including building elevation

(March 22, 2010) - Email from Jack Cruickshank, Ministry of Health, indicated that the Ministry of Health and Long Term Care's position with respect to the land ambulance relocation is a matter that rests with Kenora and the DSSAB.

(March 30, 2010) – Email from Dale Smyk, Emergency Management Ontario, stating that the proximity of the CP main line and the Superior Propane Bulk plant to the proposed location poses hazards that could impact the viability of the ambulance base during an emergency.....the ambulance base could be within an evacuation zone, rendering it non-operational in the short term and perhaps compromising EMS coverage.

(April 1, 2010) - Email from Dave Schwartz outlining concerns with location with respect to rail crossings, proximity to a propane facility, hazardous condition of Railway Street to pedestrians and character of the location, and requesting that the KDSB revisit other locations.

(April 1, 2010) – Email from Peter Marshall, KDSB, with attached email outlining response times and distances from the current land ambulance base location and the proposed location.

(April 9, 2010) – Email from Randall Seller, agent for property owner – providing background information with respect to propane safety recommendations published by the provincial government.

(April 12, 2010) – Email from Councillor Cuthbert with location matrix criteria attached.

The City requested: A report from the Technical Standards and Safety Authority (TSSA) which informs the municipality of the extent/boundary of the hazard distance from the Superior Propane distribution centre in order that a staff recommendation can be formulated. To date, no report has been received. The City has received background information confirming the obligation of the propane handler to develop and maintain a safety plan, and discussion of the obligations of the handler and TSSA's role with propane safety issues. There has been no safety plan or report of hazard distance received to date; Information with respect to the height of the building; This information was supplied.

A letter from the Ministry of Health, or appropriate Ministry, indicating that the proposed location is satisfactory with respect its proximity to the dangerous goods corridor (CP main line); An email was received stating that “the land ambulance relocation is a matter that rests with Kenora and the DSSAB”.

In addition, a noise/vibration study has been required by Council; the City has not received the study, to date.

There is concern, on the part of Council, with respect to two potential safety issues being the hazard distance to the Superior Propane location and proximity of the site to the CP main line and therefore the hazardous goods corridor. The latter issue has been addressed by Emergency Management (Ontario). The former – that of the proximity to the Superior Propane outlet has not been addressed. Council's concern has been heightened due to a propane explosion in Smithville Ontario, on April 1, 2010, which did require some evacuation measures, according to news reports.

The latest information to be received, on April 12, 2010 is a copy of the matrix used to make the decision with respect to the preferred location of the land

ambulance base. It is noted that co-location, with the Kenora Fire Hall, currently under construction, was not considered.

Recommendation:

That the Council of the City of Kenora recommends the Application to Amend Zoning By-law 160-2004 Z02/10 DeGagne for property described PT CPR STATION GROUNDS & HUDSON BAY RESERVE DES RP 23R10 177 PARTS 6, 7 & 11, be refused. The reasons for refusal are that the application is not consistent with section 1.6. 3 of the Provincial Policy Statement, 2005:

**1.6.3** *Infrastructure and public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services.

Where feasible, *public service facilities* should be co-located to promote cost-effectiveness and facilitate service integration; and

That the rezoning of the property from a commercial designation to an I – Institutional designation, and permitting the development of a land ambulance base is not orderly development, providing adequate protection of public health and safety, or an appropriate location for the development of such a use per the City of Kenora Official Plan and the opinion of Emergency Measures Ontario.

#### **Kenora Official Plan (2004):**

Section 3.9 Development and Redevelopment Adjacent to Railway/Transportation Corridors requires that:

3.9.4 Where development is proposed within 75 metres of a rail yard or railway corridor, submission of a vibration study, prepared to the satisfaction of Council in consultation with the Railway, and addressing the potential impacts of vibration and recommended mitigation measures, may be required. Where potential adverse impacts are identified, appropriate mitigation measures shall be implemented at the time of development.

3.9.5 **Appropriate safety measures**, such as setbacks, berms and security fencing, shall be provided in association with all development proposals adjacent to rail yards or railway corridors, to the satisfaction of the City in consultation with the Railway.

#### **Kenora Draft Official Plan (2010)**

Section 1.1 Purpose

The City of Kenora, in fulfilling its responsibilities under the Ontario Planning Act, R.S.O. 1990, ch. 13, shall have regard to, among other matters, matters of provincial interest such as the:

- i) orderly development of safe and healthy communities
- q) protection of public health and safety;
- r) appropriate location of growth and development