

## Planning Report

### Z05/10 Shoppers

Council of the City of Kenora – November 18, 2010

#### Recommendation:

**THAT** the Council of the City of Kenora approves Application Z05/10 to amend Zoning By-law No. 160-2010 specifically at property as 605 Fourth Street, PART MILL RESERVE RP 23R6524 PART 3, Kenora, from ML – Light Industrial and HC – Highway Commercial to HC – Highway Commercial which maintains the intent and purpose of the Official Plan and Zoning By-law and has regard to the Provincial Policy Statement (2005), and there is no new development.

**Purpose of Application:** The Applicant, Shoppers Realty Inc., Peter Kuklarni Agent, has applied to consolidate the zoning on the property.

**Effect of Approval:** Consolidating the zoning designation to HC – Highway Commercial is "down zoning" in that the light industrial zone will no longer be in force. The HC – Highway Commercial zone will permit a home healthcare facility (warehouse and storage).

#### Provincial Policy Statement (2005)

Approval of this application will reduce light industrial uses and therefore protect existing uses. The use of the land for warehousing and storage within the enclosed building is characteristic of the commercial development in the area. The property is located in a highway commercial area along Highway 17 West (St. Clair Street) and therefore is an efficient use of land and resources as no expansion of municipal services is required and there is no change to the settlement area or employment lands ( Section 1.1.3.2 , 1.1.3.7, 1.4.2c,d PPS 2005).

#### City of Kenora Official Plan:

##### 2.2.4 Principle 4 – Diversified Economy

Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth to withstand global market conditions and provide financial stability.

##### Objectives:

To support existing businesses and attract a diverse range of new employment opportunities for new and existing residents.

##### 3.4 Land Use Compatibility

Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed.

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

#### 4.4 COMMERCIAL DEVELOPMENT AREA

The continued development of retail commercial uses shall be promoted in order to serve the residents of the City of Kenora, Northwestern Ontario, western Canada and the Midwestern United States.

##### 4.4.1 Permitted Uses

- a) 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, landscaping services, horticultural nurseries, garden centres, tourist establishments, shopping centres and accessory uses.

#### **4.4.2 Commercial Development Area Policies**

- a) The Zoning By-law shall ensure that developments in the Commercial Development Area are appropriately set back from roadways and provincial highways, including outdoor storage and loading areas. They shall be buffered to protect adjacent residential, institutional and open space uses. Adequate on-site parking shall be provided.
  - (v) The sufficiency of the supply of optimum-sized employment land parcels for the range of employment uses anticipated in the Commercial Development Area designation;
  - (vi) The preservation of a diversity of employment lands for a variety of employment uses

The purpose and effect of the application meet the intent of the Official Plan the structures on the land exist and are not an extension of the settlement area and do not negatively affect employment lands, while preserving them for a variety of employment uses. There is no new development proposed as part of this application.

#### **Kenora Zoning By-law No. 160-2010, as amended**

##### **Split Zoning**

*Those lands shown on the Schedules to this By-law which have two zone categories such as RR-HL are subject to the most restrictive zone with respect to permitted uses and zone provisions.* This application to amend the zoning by-law was made in order to ensure that the subject property has one zoning designation. The HC – Highway commercial designation is more focused on services than manufacturing and is restrictive than the Light Industrial in the types of uses it permits and therefore is more suitable to ensure that the character of the neighbourhood is not affected by approval of this application.

##### **Lot Size and Frontage:**

The lot size and frontage meets or exceeds the required size of 600 m<sup>2</sup>; and exceeds the frontage requirements of 18 metres with a frontage of 48.9 metres on Highway 17 West.

##### **Loading dock:**

There is a loading dock indicated on the copy of a real property report provided by the applicant.

##### **Character of the neighbourhood:**

The subject property is located along Highway 17 West which is a commercial development area. The property across Fourth Street is the location of a telecommunications business and the property across Highway 17 West and to the west is a lumber/hardware outlet and there is a motel (closed) directly to the north. There is some residential development to the south of the property.

##### **Servicing:**

The property is currently serviced with municipal sewer and water.

##### **Parking/Access:**

There is a parking area on the east side of the property, accessed from Fourth Street. Required parking is located at the back (east of the property).

##### **Comments from other City Departments:**

None received. There is no new development of the property as a result of this application and therefore no planning concerns.

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

None received.

##### **Recommendation of Kenora Planning Advisory Committee (October 19, 2010):**

**Moved by: Art Mior**

**Seconded by: Joyce Chevrier**

**THAT** the City of Kenora Planning Advisory Committee recommends approval by Council of Application No. Z05/10 Shoppers, for property described as PART MILL RESERVE RP 23R6524 PART 3, to rezone from ML – Light Industrial and HC – Highway Commercial to HC – Highway Commercial, to permit warehousing and storage as the use is appropriate to the area and meets the intent of the Kenora Official Plan.

**CARRIED**