



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

**Held Tuesday, March 9, 2010
City Council Chambers 9 a.m.**

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PRESENT: Councillor W. Cuthbert, Chair
Mayor L. Compton
Bill Priesentanz, CAO
Councillor R. McMillan (arrived at 9:10 a.m.)
Councillor J. Parson
Councillor D. McCann
Councillor C. Drinkwalter
Councillor C. Van Wallegghem
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
REGRETS: James Tkachyk, PAC Chair

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 enter into an agreement with the Province of Ontario for RED funding
- A By-law to assume lands indicated as Barkman Close on Plan of Subdivision M.946 as a public highway
- A By-law to assume Parts 2, 4, 6, 8, 10 on Plan 23R 11363 as a public highway and name it as Peterson Road
- A By-law to assume certain roads in the South Park Subdivision
- A By-law to transfer lands to Vincenzo and Filomena Cianci
- A By-law to designate the whole of the City of Kenora as a site plan control area

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: Peter Marshall, Kenora District Services Board and Randall Seller re. Application to amend Zoning By-law No. Z02/10 DeGagne

- Mr. Seller explained that the KPDSB is working towards providing the information required as a result of the planning report recommendations. He reviewed the four outstanding issues: i) signing of the drainage report and sketch by a professional engineer (he provided a signed copy of same), (ii) the requirement to provide 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, (iii) 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 (iv) 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). Mr. Seller commented that the issue between Superior Propane is one which should be addressed by the company and TSSA. There has been some difficulty in trying to establish the parameters for the noise/vibration study and how to obtain a letter from the Ministry of Health indicating no objection to the proximity of the development to the dangerous goods corridor. Mr. Seller closed by requesting that Council provide some indication of a positive position on this issue, pending the receipt of the outstanding reports. Mr. Seller and Mr. Marshall left the meeting at 9:20 a.m.

D. ADDITION TO AGENDA : None

E. CONFIRMATION OF MINUTES

Moved by: Dave McCann **Seconded by:** Chris Van Wallegem & **Carried:**

THAT the Minutes from the last regular meeting of Committee held February 9, 2010 be confirmed as written and ordered filed.

Carried

F. REPORTS:-

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

Councillor Cuthbert reported that the public review session, in February, was attended by eight people who represented different groups than the open house in the fall of 2009. KAR attended and there will be some exceptions made for existing sign locations used to advertise coming community events; the location on the north side of Lakeview Drive and the location at the corner of Railway Street, near the Real Canadian Wholesale Club. Other changes were reviewed. There was discussion of methods of enforcement of the by-law. The by-law needs to be reviewed by the Municipal Solicitor, and the short form wordings developed.

Hold for comments from Municipal Solicitor

b) Themed signage – for municipal purposes – Nothing to report.

2. Official Plan/Zoning By-law Review – Update

Tara Rickaby explained that the comments from MMAH, respecting the Official Plan, are expected this week and there will be a conference call with MMAH and FoTenn to discuss the comments, on Friday. The Zoning By-law will be posted on the portal around March 31st, with the public consultations scheduled for May 4th. That is also the day that there has been a request for a special meeting for the public consultation meeting for the Official Plan, which requires attendance by Council.

Information Only

3. Keewatin Patricia District School Board land transfer to City of Kenora

Wendy Cuthbert explained that the KPDSB has agreed to transfer lands, abutting King George School, to the City for the purposes of an urban trail. She described the existing urban trail in the area and said that the addition of this land will give an option for a shorter walk through the City. She also described the "Friends of Trails" program for volunteer help with the maintenance of the trails. The KPDSB is awaiting the paperwork from Toronto.

Information Only

4. Application to Amend Zoning By-law Z02/10 DeGagne

The Planning Administrator reminded the Committee of the rationale behind the request for additional information in order to make an informed decision. Discussion took place with respect to the pros and cons of sidewalks on Railway Street. The Operations Manager reminded the Committee that, at one time, Railway Street was considered a secondary highway by the Province. Discussion took place with respect to the possible noise impact on residents along Park Street and that it is a busy street and that ambulances will not affect the neighbourhood. The Committee discussed the level of traffic in the downtown area, through which the ambulances currently travel to get from the hospital to their destination. The Committee is not prepared to make any decision without all of the information requested.

Hold for further information

5. RED Program (Rural Economic Development) – Enter into an agreement for funding

Councillor Cuthbert indicated that this is a housekeeping item; the Mayor and Clerk need to be authorized to enter into an agreement with the Province in order to access funding towards landscaping, streetscaping, information kiosks etc. associated with the Downtown Phase II project.

Recommendation:

THAT the City of Kenora authorizes the Mayor and Clerk to enter into a funding agreement, on behalf of the City, with the Ministry of Agriculture, Food and Rural Affairs, in order to receive funding in the amount of \$250,000, under the Rural Economic Development (RED) program, for the Port of Kenora Destination Tourism Project: Phase II.

Recommendation to Council

**Planning/Clerk
M. Solicitor**

Planning/Clerk

6. City of Kenora Public Library – designation under the Ontario Heritage Act – HOLD

7. Assumption of Barkman Close and Seitler Drive, assumption of a portion of Peterson Road, assumption of a portion of Homestake Road

The Planning Administrator explained that, through the Asset Management Project, it was discovered that several roads, or parts thereof have not yet been assumed. This is a housekeeping item.

Recommendation:

That the Council of the Corporation of the City of Kenora by the passing of by-laws, accepts and assumes portions of the following roads and establishes them as highways:

Peterson Road, identified on reference plan 23R-11363 as Parts 2,4,6,8 and 10 and the Subdivision Agreement(s) entered into between the City of Kenora and Moncrief Construction Limited; and Barkman Close, and Seitler Drive identified on Plan of Subdivision 23M-946 and the Subdivision Agreement entered into between the City of Kenora and KB Contractors; and Seitler Drive identified on Reference Plan 23R-9808 as Parts 4, 9 and 13 and as PIN 42177-0061; Homestake Road, identified on Reference Plan 23R-11726 as Part 8.

Recommendation to Council

Planning/
Clerk
M. Solicitor

8. Assumption of Woods Drive, Silverstone Drive, Woodfield Drive, Pine Ridge Drive, and parts of Pine Portage Road, Autumnwood Drive and South Park Drive

The Operations Manager reviewed the history of the subdivisions on the south end of Pine Portage Road. The South Park subdivision is approximately 60% complete and the completed works should be assumed for the purposes of consistent maintenance, and before the next phase begins. The assumption of works corresponds only with current development, which is the reason that only a portion of both South Park Drive and Autumnwood Drive are being assumed.

Recommendation:

That the Council of the Corporation of the City of Kenora by the passing of a by-law, the City of Kenora declares that the Owner is not in default of any of the provisions of the Agreement; and

THAT the City of Kenora accepts and assumes part of Pine Portage Road and all of Woods Drive identified on Plan of Subdivision 23M. 883 and PIN 4217-0072 (Woods Drive), and portions of South Park Drive, Silverstone Drive, Autumnwood Drive, and Woodfield Drive, for municipal purposes, identified on Plan of Subdivision 23M890 and the Subdivision Agreement(s) entered into and/or on Schedule A to the By-law which shall lay out what portions of South Park Drive and Autumnwood Drive are to be assumed; and

THAT the City of Kenora, by passing of said by-law, releases the Owner from any further obligations associated with the Agreement and within the boundaries established on Schedule "A" to the By-law.

Recommendation to Council

Planning/Clerk
M. Solicitor

9. Transfer of lands to Vincenzo and Filomena Cianci

The Operations Manager described the subject lands for the Committee. This is a housekeeping item as the resolution to declare the lands surplus was passed in 2009.

Recommendation:

THAT Council of the City Kenora of give three readings to a by-law to authorize the sale of land described as Parts 3 to 8 on 23R- (to be filled in when plan deposited 1st week of March) and subject to easements in favour of the City of Kenora described as Parts 3,4,5 & 6 on 23R- (to be filled in when plan deposited 1st week of March), to Vincenzo and Filomena Cianci at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs; and

THAT in accordance with Notice By-law #14-2003, arrangements be made to advertise the sale of the subject lands for a three-week period; and further

THAT once the advertising process has been completed, the Mayor and Clerk are authorized to enter into the agreement of purchase/sale.

Recommendation to Council

Planning/
Clerk/ M.
Solicitor

10. Site Plan Control By-law

The Planning Administrator explained that site plan control is a site specific, specialized form of land use control, enabled by section 41 of the Planning Act. The purpose of site plan control is to apply specific conditions to certain types of development which complement existing zoning.

These conditions may be applied to encourage development to preserve or enhance existing site characteristics and those of abutting land uses; conditions could include matters relating to road widening, off-street loading areas or parking lots, sidewalks, lighting, landscaping, easements, lot grading etc. Site plan control is another tool to ensure orderly development within the City.

Councillor McMillan commented that the delegation of the responsibility, for site plan review and approvals, to staff was appropriate.

Recommendation:

THAT the City of Kenora adopts a by-law to establish site plan control areas, adopt certain procedures for the processing of site plan control applications and to exempt certain classes of development from approval of plans and drawings and to repeal By-law No. 5-2003

Hold for review by Municipal Solicitor

**Planning/Clerk
M. Solicitor**

11. Twin Eleven Investors - Development Agreement

The Planning Administrator explained that the obligations to the City, required in the site plan/development agreement between Twin Eleven Investors and the City have been satisfied. There is no further requirement for the City to be involved in the development of these lands.

Recommendation:

THAT the City of Kenora authorizes the Municipal Solicitor to remove the site plan agreement between the City of Kenora and Twin Eleven Investors, registered on title, and that all costs associated with this matter are to be paid for by the property owner.

Recommendation to Council

**Planning/Clerk
M. Solicitor**

Motion required adjourning to Closed Meeting: (9:52 a.m.)

Moved by: Chris Van Walleghem Seconded by: Dave McCann and Carried:-

THAT this meeting be now declared closed at 9:52 a.m.; and further

THAT Council adjourns to a Closed Meeting to discuss the following:

- Disposition and Security of Property Matters

Reconvene to Open Session (11:15 a.m.)

RECOMMENDATIONS FROM CLOSED SESSION:

Moved by: Charito Drinkwalter Seconded by: Dave McCann

THAT the March 9, 2010 meeting of the Property and Planning Committee be adjourned at 11:16 a.m.