



## PROCEEDINGS

Of a Public Meeting to discuss an  
Amendment to Zoning By-law #160-2010  
(Re: Z02/11 New Beginnings)  
Tuesday, December 13, 2011 - City Council Chambers  
At 10:00 a.m.

---

**PRESENT:** Councillor L. Roussin  
Mayor D. Canfield  
Councillor C. Drinkwalter  
Councillor R. Lunny  
Councillor R. McKay  
Councillor R. McMillan  
Councillor S. Smith  
Tara Rickaby, Planning Administrator  
Rick Perchuk, Operations Manager  
James Tkachyk, Planning Advisory Chair  
Heather Kasprick, Deputy Clerk

**REGRETS:** Karen Brown, CAO

Chairman of Property and Planning Committee, Louis Roussin opened the meeting. This public meeting is being held by the City of Kenora Property and Planning Committee in accordance with Section 34 of the Planning Act to consider an amendment to the City of Kenora Comprehensive Zoning By-law No. 160-2010. The Property and Planning Committee will make a recommendation to Council with respect to whether or not the application should be approved. The Council of the City of Kenora will make the decision at a meeting of Council.

The Chair asked the Clerk to confirm the date of notice given by publishing a notice the Kenora Daily Miner and News, being a newspaper that, in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice of the public meeting. Ms. Kasprick, Deputy Clerk, advised the Notice pertaining to this public meeting appeared in Kenora Daily Miner & News on November 17, 2011.

The Chair indicated that if anyone wishes to receive written notice of the adoption of the By-law is to leave their name and address with the Clerk.

The Chair explained that an appeal may be made to the Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34 (11) is

completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the council by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act with the City Clerk.

The Chair stated that the Applicant will provide information regarding the application and then the Planning Administrator will provide an overview of the planning issues, after which anyone who wishes to speak either for or against the application will be given the opportunity to do so.

### **Tara Rickably, Planning Administrator then reviewed the details of the Planning Report:**

#### **Introduction**

Philip Hanstead, agent for 2005738 Ontario Ltd., owner of property located at 701 First Street South, Kenora, Plan 3, Block 4, Part Lot 21. The Applicant proposes to amend the Zoning By-law for the property from R2 – Residential, Second Density to I – Institutional. The effect of approval would be to permit the location of a place of worship on the subject property.

#### **Description of Subject Lands**

The subject lands are described as 701 First Street South, Plan 3, Block 4, Part of Lot 21. The lot is the location of a principle structure and an accessory structure. The property is currently the location of a day care centre, which is a legal non-conforming use in the R2 zone.

The corner lot is located at the intersection of First Street South and Seventh Avenue South. There is driveway access to the lot from First Street South, and currently a parking lot is accessed directly from Seventh Avenue South. The parking stalls are partially located on the city-owned road allowance.

The property is zoned R2 in Zoning By-law 160-2010, and the current use is permitted as a legal non-conformance, however the direct access parking lot does not comply with Section 3.29.4 (a).

There is a waste disposal bin located on the property, adjacent to the Seventh Avenue South road allowance.

#### **Description of Proposed Development**

The applicant seeks:

- 1) to amend the Zoning By-law, specifically for the use of this property, from R2 to I - Institutional to permit the location of a place of worship; and

2) to lease a portion of the municipal road allowance, for a period of 10 years, subject to a fee of \$2.00/annually with New Beginnings being responsible for liability insurance, if the zoning by-law amendment is approved.

The existing structure, accessory structure and play structures are used for child day care.

Parking is proposed in two locations: two stalls, for stacked parking, to be accessed from First Street South, on the northeast corner of the property, and 8 stalls accessed directly from Seventh Avenue South, and including two stacked stalls on the south west corner.

There is no indication of whether or not a waste bin will still be required, however site plan control will apply to this property should the zoning by-law amendment be approved.

The property is serviced with municipal sewer and water.

### **Adjacent Land Uses**

The subject property is located in an older established residential neighbourhood with a mixture of single family and multi-family dwelling units, along First Street South. There is an open space area which is the location of two baseball diamonds and an outdoor community club/skating rink located north of the subject property.

The Kenora Curling Club is located to the east, with two residential properties and one local commercial property located between the subject property and the curling club.

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

The Official Plan designation is Established Area.

### **Principle 6 – Complete Communities**

*Kenora shall encourage new development (e.g. buildings, new neighbourhoods) to provide for a mix of uses in planning for complete communities.*

*Objectives:*

*To support mixed-use neighbourhoods.*

*To enhance the quality of life for existing and future residents by improving access to parkland, cultural and recreational facilities.*

*To provide opportunities for the redevelopment of the former Abitibi Mill site with potentially a mix of commercial, industrial, and residential uses.*

### **Principle 7 – Neighbourhood Design**

*Kenora shall promote a desirable built form in any development or re-development.*

*Objectives:*

To promote built form that may address the needs of present and future generations (i.e. live, work, play).

To ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.

To encourage place making in any development through the implementation of public art and public spaces.

### 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.

Compatibility of new developments shall be assessed based on the following criteria:

- a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.
- b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
- c) **Outdoor amenity areas:** the privacy of outdoor amenity areas of adjacent residential units must be respected;
- d) **Shadowing:** shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas;
- e) **Lighting:** the potential for light spill over or glare onto adjacent light-sensitive areas must be minimized;
- f) **Noise and Air Quality:** the development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, odours, and other emissions.

- g) **Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses;
- h) **Loading and service areas:** the operational characteristics and visual appearance of loading and services areas (including garbage and outdoor storage areas) must be designed to mitigate adverse effects on adjacent properties and should be located away from residential uses, where possible; and
- i) **Vehicular access:** the location and orientation of vehicular access must take into account impact on adjacent properties including noise, glare and loss of privacy.

## 4.1 ESTABLISHED AREA

The Established Area of the City includes residential, commercial, existing industrial and institutional uses that presently exist in the City. The designation of lands as Established Area indicates that there will be little change in these areas over the lifetime of this Plan.

### 4.1.1 Permitted Uses

Residential, commercial, industrial and institutional uses such as schools, places of worship, hospitals and health care centre shall be permitted in the Established Area designation.

**4.1.2 e)** Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law

### Provincial Policy Statement (2005)

**1.1.1** Healthy, liveable and safe communities are sustained by:  
promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;  
accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;  
avoiding development and land use patterns which may cause environmental or public health and safety concerns;  
avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;

promoting cost-effective development standards to minimize land consumption and servicing costs;  
improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and  
ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs.

### **1.1.3 Settlement Areas**

1.1.3.1 *Settlement areas* shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on: densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
- minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and
- a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3.

## **Zoning By-law No. 160-2010**

The subject site is zoned R2– Residential Second Density in the City of Kenora Zoning By-law No. 160-2010. The R2 Zone permits a home day care as a use; the current day care centre is a legal non-conformance.

Table 4 – Required parking spaces, indicates that parking shall be provided at a rate of 10 per 100 m<sup>2</sup> of floor space. Parking for the current use is provided on the west side of the property, partially located on the municipal road allowance (Seventh Avenue South).

### **The application:**

The applicant seeks to amend the Zoning By-law by rezoning the property to I – Institutional, to permit a place of worship.

The applicant seeks to provide parking, directly accessed from Seventh Avenue South, and partially located on municipal property. Ten parking stalls are proposed.

The institutional use as a place of worship does not meet the general intent of the Zoning By-law as follows:

- The existing structure is located approximately 3.9 m from the exterior side lot line. This setback does not meet the minimum requirement, and further is currently used for parking and the storage of an industrial waste bin;
- The existing principle structure exceeds the maximum lot coverage of 40% by approximately 12%;

- Section 3.26 of the Zoning By-law requires that where the lot line of a lot containing a non-residential use abuts a Residential Zone, or abuts a street, then the portion of the non-residential use lot directly abutting the residential zone or the street shall be used for a continuous landscaped buffer strip with a minimum width of 3.0 m.
- The exterior side yard does not comply with the minimum setback requirement
- The rear yard does not comply with the minimum setback requirement
- Parking is required at 10 stalls per 100 m<sup>2</sup>; the floor area, including the main level and basement, is 169.4 m<sup>2</sup>, which would required 17 parking stalls
- Table 6 of the Zoning By-law – Required Barrier-free parking spaces indicates that 1 barrier free stall is required
- Section 3.29.4 Design of Parking Areas and Spaces states that all off street parking areas and spaces shall be designed, constructed and maintained in accordance with Table 5 and the following provisions:
  - a) Except in the case of single-detached, semi-detached, duplex dwellings, multiple attached, stacked, no parking spaces may access directly onto a public road.

Zoning Mechanism (Minimums)	Required provisions	Existing conditions
Frontage	15 m	15.2 m
Lot area	450 m <sup>2</sup>	445 m <sup>2</sup>
Front yard	6 m	7.6 m
Interior side yard	3 m	3.96 m
Exterior side yard	4 m	3.9 m
Rear yard	8 m	5.7 m
Lot coverage	40 %	Approx. 52%

### Circulation: Interdepartmental and agency comments

#### COMMENTS FROM CITY DEPARTMENTS

Departments and Agencies Circulated	Comments Received
Planning Department	<p>In order to comply with the Zoning By-law No. 160-2010, the zoning would have to be changed specifically in the following:</p> <ul style="list-style-type: none"> <li>▪ to bring the exterior side yard into compliance,</li> <li>▪ to permit 10 parking stalls with no barrier free parking stall</li> <li>▪ to permit an additional 7 parking stalls to be located off-site by permitting an institutional use to parking spaces may be supplied off-site within 90 m of the main</li> </ul>

	<p>pedestrian access of the building, structure or use for which the parking spaces are required, provided that a Site Plan Agreement is registered on the title of the lands used for parking, which commits the parking spaces to the related institutional site.</p> <ul style="list-style-type: none"> <li>▪ to permit direct access to parking from Seventh Avenue South,</li> <li>▪ to permit lot coverage of 52%</li> <li>▪ a rear yard of 5.7 metres</li> <li>▪ no landscaped buffer strip along Seventh Avenue South</li> <li>▪ Reduce the minimum lot size to 445 m<sup>2</sup></li> </ul>
Building Department	From a Ontario Building Code perspective the use of the Building will NOT change. The Major Occupancy Classification of both a Daycare Center and a Church is Group A – Division 2. A building permit is not required unless there is construction.
Roads Department	<ol style="list-style-type: none"> <li>1. The current parking arrangements have already exhausted the property of meeting our bylaws for parking</li> <li>2. The development of new parking spaces would not fit with the present area of narrow lots and residential</li> <li>3. The addition of new parking spaces at this site would not meet the requirements for the number of parking spaces required for this institution</li> <li>4. Backing out onto street is a safety issue with this many vehicles</li> </ol>
Sewer & Water Department	No comment.
Hydro One	N/A
Kenora Fire & Emergency Services	No comment



Heritage Kenora	No comment.
Engineering Department	

**COMMENTS FROM EXTERNAL AGENCIES**

<b>Departments and Agencies Circulated</b>	<b>Comments Received</b>
Per Planning Act	None to date

**COMMENTS FROM THE PUBLIC**

November 22, 2011 – Judith Reynard, Neighbour – Parking concerns based on experience when the property was formerly used as a church.

**City of Kenora Planning Advisory Committee (22 November 2011)  
The following recommendation was presented to the Kenora Planning Advisory Committee (PAC) on November 22, 2011:**

The proposed zoning by-law amendment, and associated amendments required based on the review by the City of Kenora, does not meet the intent of the goals and objectives of City of Kenora Official Plan (2010) (2.2.7 Neighbourhood Design) (3.19.1 (i) and (l) and Section 4.1.2 (a) and (e) for the Established Area, and does not meet the intent of the City of Kenora Zoning By-law , as the proposed development would not be compatible with the existing development (**Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design) and cannot meet the parking requirements for both number of stalls and requirement not to access the lands directly from the street (**Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses).

The Committee heard from the Applicant and considered comments from the public and City staff and made the following recommendation:

**Moved by: Vince Cianci      Seconded by: Terry Tresoor**

**THAT** Council approves Application Z02/11 New Beginnings, to amend the Zoning By-law No. 160-2010 specifically for property described as, 701 First Street South, Kenora, Plan 3, Block 4, Part Lot 21, from R2-Residential, Second Density to I[20]-Institutional [20] to require six parallel parking stalls on site; and,

**THAT** the setbacks and lot coverage are acceptable legal nonconformances; and further,

**THAT** there is abundant parking provided along First Street South and on the Central Park property to accommodate parking during the use of the church.

**Carried**

### **Amended recommendation from Planning Administrator:**

That Council refuses to approve Application Z02/11 New Beginnings as the proposed zoning by-law amendment, and associated amendments required based on the review by the City of Kenora, does not meet the intent of the goals and objectives of City of Kenora Official Plan (2010) (2.2.7 Neighbourhood Design) (3.19.1 (i) and (l) and Section 4.1.2 (a) and (e) for the Established Area, and does not meet the intent of the City of Kenora Zoning By-law , as the proposed development would not be compatible with the existing development (**Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design), and cannot meet the parking requirements for both number of stalls and requirement not to access the lands directly from the street (**Parking:** adequate on-site parking must be provided, with minimal impact on adjacent uses) which is also, in the opinion of City Staff, a safety issue.

Councillor Roussin stated that any person may express his or her views of the amendment and a record will be kept of all comments.

- Phil Hanstead commented that he feels that parking is not an issue and that it is a public street that anyone can park on at any time.

Councillor Roussin asked if there was anyone who wishes to speak in favour of the amendment.

- Councillor Lunny noted that the Planning Advisory Committee recommended that it be approved, and commented on other areas of parking within the city. He supports the amendment.
- Mayor Canfield noted that it is a public street and that parking is not a significant concern.

Councillor Roussin asked if there was anyone who wishes to speak in opposition of the amendment.

- Councillor Drinkwalter expressed her concerns over the increased parking in the neighbourhood.

Councillor Roussin asked if there were any questions. There were no questions.

Councillor Roussin the declared the Public Meeting closed at 10:38 a.m.