

PLANNING REPORT

Z01/12 Charles

March 13, 2012

Introduction

This application was submitted by Ross M. Johnson, agent for Marie and Valmore Charles, the owners of lands described as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914. The application is being made as a condition of approval of application for consent no. B20/11 for the creation of two new rural residential lots fronting the Winnipeg River. The applicant proposes to amend Zoning By-law No. 160-2010, as amended by rezoning from OS – Open Space to RR – Rural Residential and to reduce the frontage requirement of a public road in section 4.5.3(l) from 11 metres to 10 metres.

Description of Subject Lands and Context

- The subject site is municipally known as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914, City of Kenora, District of Kenora. The application shows that the subject site has an approximate area of 2.41 ha, with approximately 228 metres of frontage on the Winnipeg River.

The surrounding land uses are as follows:

North: Light Industrial, Rural Residential

South: Winnipeg River

East: Rural Residential, Rural and helicopter base

West: Rural Residential,

Description of Proposed Development

The applicant proposes to amend Zoning By-law No. 160-2010, as amended by rezoning from OS – Open Space to RR – Rural Residential and to reduce the frontage requirement of a public road in section 4.5.3(l) from 11 metres to 10 metres.

- Each proposed lot is proposed to be a minimum of .8 ha in size, with frontage of 73m on the Winnipeg River
- The new lots are proposed to have a reduced frontage on Kerr Drive of 10 metres (reduced from 11 metres)
- The lots will be subject to the RR – Rural residential zoning provisions with respect to building location, private sewage system location
- Each lot will be serviced with private water and sewage systems

The use of the property will change from boat launch/storage and access to the Winnipeg River to those uses permitted in the Rural Residential zone. The application includes information that a new residential unit will be constructed on each of the three lots.

Comments from External Agencies

The application was circulated per the requirements of the *Planning Act* and the following comments were received:

Agencies Circulated * Associated with Z01/11	Comments Received - None
---	---------------------------------

Agencies Circulated * Associated with B20/11	Comments Received
<p>Ministry of Natural Resources (November 22, 2011) – Abby Anderson , District Planner</p> <p>December 14, 2011 email Abby Anderson</p>	<p>Due to the extent of existing development in the and the distance between the subject lands and the nest, the MNR is not concerned with the nest at this time. There is existing development between the subject lands and fish spawning habitat east of the property and presently no other specific natural heritage values or species at risk have been identified in the area. No concerns with the proposal however would like to review and comment on the official application.</p> <p>No concerns per original letter.</p>
<p>Northwestern Health Unit (from information included with the application – no date provided)</p>	<p>The property has been inspected the NWHU advises that there is enough room for three separate septic fields on the subject property and have requested a copy of the application to review prior to issuing a formal letter.</p>

Public – No response to date. No appeal of decision of conditional approval of B20/11 Charles.

Comments from City Departments:

Departments Circulated *Z01/12	Comments Received
<p>Planning Department</p>	<p>The rezoning of the property was a condition of approval of consent application B20/11. All planning matters were dealt with during that process.</p> <ul style="list-style-type: none"> ▪ There was no objection to the conditional approval of the Consent Application B20/11
<p>Building Department</p>	<p>No objection received to date</p>
<p>Roads Department</p>	
<p>Sewer & Water Department</p>	<p>N/A</p>
<p>Kenora Hydro</p>	<p>N/A</p>
<p>Kenora Fire & Emergency Services</p>	<p>No objection received</p>
<p>Heritage Kenora</p>	<p>No objection received to date</p>
<p>Engineering Department</p>	<p>No objection received to date</p>

Official Plan and Zoning By-Law

The Official Plan designation is Rural Area. Policy 4.8.1 permits limited residential development in the Rural Areas. The use of the property will change to a less intrusive use with privately-owned lots developed in accordance with the provisions of the Rural Residential zone.

The Official Plan includes a list of Guiding Principles and Objectives , one of which is Principle 7 – Neighbourhood Design. Two of the objectives of this principle are: o promote built form that may address the needs of present and future generations (i.e. live, work, play) and to ensure that all aspects (e.g. buildings, streetscapes, landscapes) contribute to everyday living in a positive manner.

The land division and change in zoning will ensure that land use, more appropriate to the current rural residential design and use of lands within the subdivision is developed.

Section 5.1 Natural Heritage and Schedule A to the Official Plan identify nesting areas and require certain reporting with respect to nesting areas.

Zoning By-law No. 160-2010

The property is currently zoned OS – Open Space, and has been since the development of the subdivision by the former Town of Jaffray Melick. The property has been used since at least that time to store equipment, as river access by neighbours and to provide access to another property formerly owned by this property owner.

The application includes a reduced frontage of 10 metres, from 11 metres for each of the three lots. No objection was received from the Roads Supervisor.

The approval of this application would bring the use of property into compliance with the RR – Rural Residential provisions of the Zoning By-law.

A condition of approval of the application for consent is that an undertaking be provided that the roads/driveways over the subject lands have been closed. This will ensure that the use of the property, to access the river for docking/launching purposes will no longer be available and the more compatible, rural residential uses will be developed.

Provincial Policy Statement (2005)

The rezoning of this property will provide limited residential development (as infilling) and does not affect natural heritage resources.

Planning Recommendation:

That the proposed zoning by-law amendment Z01/12 Charles, to amend the Zoning By-law for the property from OS – Open Space to RR – Rural Residential [22] to permit a reduced frontage of 10 metres on Kerr Drive, for proposed new lots 1, 2 and 3 at property described as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914. City of Kenora, District of Kenora is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report.

City of Kenora Planning Advisory Committee (21 Feb 2012)

Moved by: Wendy Cuthbert

Seconded by: Wayne Gauld

That the recommendation to approve Application Z01/12 Charles, be forwarded to Council by the City of Kenora Planning Advisory Committee, with the following comments/conditions: None.