

# PLANNING REPORT

## Z02/12 Lafreniere

March 13, 2012

### Introduction

Jeffrey Port, Agent for D. Lafreniere Development Ltd., has made an application to amend Zoning By-law No. 160-2010, as amended, as a condition of approval of draft plan of subdivision to create fifteen (15) new residential lots, a block and a new local road on Black Sturgeon Lake. The subject site is designated Rural Area in the City of Kenora Official Plan, 2010. The westerly part of the subject site is subject to the Black Sturgeon Lake Restricted Development Area Special Policy Overlay. The subject site has multiple zoning: RU – Rural, I – Institutional and BSL – Black Sturgeon Lake (Restricted Development Area).

### Description of Subject Lands and Context

The subject site is municipally known as 2100 Coker Road and is legally described as Part of Lot 11, Concessions 5 and 6, Geographic Township of Melick, City of Kenora, District of Kenora. The application shows that the subject site has an approximate area of 159 acres or 72 hectares, a depth of 550 meters and a frontage of 805 meters.

The surrounding land uses are as follows:

North: Rural Area, Crown lands

South: Black Sturgeon Lake

East: Rural Area with some Rural Residential uses, Crown lands

West: Rural Area with some Rural Residential uses, Crown lands

### Description of Proposed Development

The applicant proposes to amend Zoning By-law No. 160-2010, as amended by changing the zoning from RU - Rural and I – Institutional to the following:

1. The nine (9) waterfront lots to be zoned as “Black Sturgeon Lake” – BLS;
2. The six (6) back shore lots to be zoned as “Rural” – R;
3. Block 16 to be zoned “Open Space” – OS, and;
4. Shoreline areas abutting an identified fisheries value to be zoned “Environmental Protection” – EP.

The application did not include a discussion of the impact of the changes to the zoning in this area.

### Comments from External Agencies

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

<b>Agencies Circulated – Z02/12</b>	<b>Comments Received - None</b>
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Agencies Circulated * <u>S03/11</u>	Comments Received
<p>- S03/11 – Letter – October 5, 2011 – Abby Anderson</p> <p>October 31, 2011 - Abby Anderson</p>	<p>– No objection to the proposed subdivision. The MNR will expect all future applicants to consider the Municipal Planning for Species at Risk (MPSR) document and to conduct where assessments where warranted. The development will be subject to the Screening Criteria for Determining Archaeological Potential as directed by the Ministry of Tourism. A Stage 1 Archaeological Assessment will be required as a result of this screening</p> <ul style="list-style-type: none"> <li>• Natural Heritage Information Centre – No endangered species have been listed on the subject site.</li> </ul>
<p>Northwestern Health Unit - Fax – May 24, 2011</p>	<ul style="list-style-type: none"> <li>▪ No objection to proposed subdivision; would like condition imposed that requires existing septic systems to be upgraded and that clay be brought into [proposed] Lots 6 and 7 to line the bottom of the proposed future septic systems on these two lots.</li> </ul>

**Comments from the Public** – No response to date. No appeal of decision of conditional approval of S03/11 Lafreniere.

**Comments from City Departments:**

Departments Circulated	Comments Received
<p>Planning Department</p>	<ul style="list-style-type: none"> <li>▪ The lot sizes and frontages meet the requirements of RU and BSL lots</li> <li>▪ Block 16 will be subject to site plan control per the condition 15 of approval of S03/11 Lafreniere</li> <li>▪ Areas of fishery value to be protected, through zoning, per condition 10 of approval of S03/11 Lafreniere</li> </ul> <p>No objections</p>
<p>Building Department</p>	<p>No objection received to date</p>
<p>Roads Department</p>	<ul style="list-style-type: none"> <li>• Matters will be addressed through subdivision agreement</li> </ul>
<p>Sewer &amp; Water Department</p>	<p>N/A</p>
<p>Kenora Hydro</p>	<p>N/A</p>
<p>Kenora Fire &amp; Emergency Services</p>	<p>No objection received</p>
<p>Heritage Kenora</p>	<p>No objection received to date</p>
<p>Engineering Department</p>	<p>Drainage will be addressed through subdivision agreement</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 and BSL zones.

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: to 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 change in zoning, associated with the conditional approval of the draft plan of subdivision will ensure that land use, more appropriate to the rural residential character and use of other lands in the area developed for residential use and meets the intent of the Black Sturgeon Lake Restricted Development Area policies.

Section 5.1 Natural Heritage and Schedule A to the Official Plan is satisfied by the use of zoning to control development in identified areas.

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

The property currently has two zones: I – Institutional and RU – Rural which reflect the former use of the property.

The application for approval of a plan of subdivision S03/11 Lafreniere has been approved and the zoning by-law amendments are one of the conditions of approval.

The proposed amendments meet the intent of the Zoning By-law.

### **Provincial Policy Statement (2005)**

**The rezoning of this property** will provide limited residential development while protecting natural heritage resources.

### **Planning Recommendation:**

That the proposed zoning by-law amendment Z02/12 Lafreniere, to amend the Zoning By-law 160-2010, as amended, for the property described as 2100 Coker Road and is legally described as Part of Lot 11, Concessions 5 and 6, Geographic Township of Melick, City of Kenora, District of Kenora from RU/I to RU, BSL, OS and EP as the application 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:** Ted Couch

**Seconded by:** Wayne Gauld

**That** the recommendation to approve Application Z02/12 Lafreniere, be forwarded to Council by the City of Kenora Planning Advisory Committee, with the following comments/conditions: None.

**Final Planning Recommendation:**

That the proposed zoning by-law amendment Z02/12 Lafreniere, to amend the Zoning By-law 160-2010, as amended, for the property described as 2100 Coker Road and is legally described as Part of Lot 11, Concessions 5 and 6, Geographic Township of Melick, City of Kenora, District of Kenora from RU/I to RU, BSL, OS and EP as the application 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 and;

That That all of the new lots are counted as part of new development under the Black Sturgeon Lake Restricted policies of the City of Kenora Official Plan, which is consistent with the intent of the City of Kenora Official Plan.