

PLANNING REPORT

Z03/12 Neniska

March 13, 2012

Introduction

Diane and Stuart Neniska, agents for 1726799 ONTARIO INC. (Lakeside Mini-mart) have made an application to amend Zoning By-law No. 160-2010, as amended, The subject site is designated Established Area in the City of Kenora Official Plan, 2010. The subject lands (structure and associated parking lot) are zoned LC – Local Commercial.

Description of Subject Lands and Context

The subject site located on a corner lot and is locally known as the Lakeside Mini-mart and is located at 211 Sixth Street South. It is legally described as PLAN M8 W PT LOT 57 PCL 15340 and PLAN M8 E PT LOT 57 PCL 17378 City of Kenora, District of Kenora. The application shows that the subject site has an approximate area of 684 square metres

The surrounding land uses are as follows:

North: Multi-residential, day care facility, art studio

South: Residential

East: Residential

West: Residential

The application indicates that the existing building, located on the west half of the subject land, is the location of a convenience store and two (2) apartments above. The existing structure is approximately 75 years old. City records indicate the existence of two rental units above a commercial use in 1948.

Description of Proposed Development

The applicant proposes to amend Zoning By-law No. 160-2010, as amended by changing the zoning from LC – Local Commercial to R3 – Residential Third Density to develop a four-plex (stacked/attached dwellings) and associated parking area.

The two existing dwelling units would remain and two additional units developed on the lower floor.

The applicant indicates that reductions to setbacks would be required in order to bring the property into compliance with the zoning by-law.

Parking is proposed to be provided on the eastern portion of the property and some landscaping will be added.

Comments from External Agencies

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

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| Agencies Circulated | Comments Received - None |
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Comments from the Public – No response to date.

Comments from City Departments:

| Departments Circulated | Comments Received |
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| Planning Department | <ul style="list-style-type: none">• In accordance with Zoning By-law No. 160-2010, the front yard frontage is on Third Avenue South – (the shorter lot line abutting a street shall be the front lot line)• Existing structure uses Sixth St. S. as front• Lots will not be required to be deemed as they have merged on title• Reduction in rear yard and exterior side yard not required; recommend permitting existing structure to remain as legal non-complying use of property• 3.16.2 Through Lots (b) Where through lot is also a corner lot in a Residential Zone, the exterior side yard and rear yard provisions apply.• No amenity area required, by by-law as proposal is for four units• Reduced lot size accommodates existing structure and required parking• Residential use has less impact on traffic/noise etc. than a local commercial use• Property/project is subject to site plan control• This proposal does not constitute a major change; no Official Plan Amendment is required.• Minimum parking requirements for residents and visitors are met (1 per |

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| | residential unit + 1 visitor parking) • Updated 21 Feb 12 – Review of square footage indicates that 3 units are reduced from required 65 m ² per unit – exception for size recommended |
| Building Department | In regards to the square footage of the suites, I offer the following comment; Although at first glance the proposed square footage for the units will satisfy the Ontario Building Code requirements for the Design of Areas and Spaces; It must be noted that a favorable decision doesn't in itself guarantee the issuance of a building permit. The plans submitted for the purpose of a building permit must indicate compliance with the building code, which includes but is not limited to appropriate room dimensions. |
| Roads Department | No objection received |
| Sewer & Water Department | No objection received |
| Kenora Hydro | No objection received |
| Kenora Fire & Emergency Services | No objection received |
| Heritage Kenora | No objection received to date |
| Engineering Department | No objection received to date |

Official Plan and Zoning By-Law

The Official Plan designation is Established Area. Policy 4.1 Permits residential uses in the area and 4.2 encourages residential development of existing uses on full municipal services.

The Official Plan includes a list of Guiding Principles and Objectives , the first of which is Principle 2.2.1 – Sustainable Development:

- To promote compact development by using land efficiently and existing infrastructure.
- To direct residential development to land within the settlement area boundary by way of infilling and residential redevelopment in the Established Area and Harbourtown Centre and the Residential Development Area.
- To support infill and intensification in built up areas (e.g. Harbourtown Centre) where services exist.

Principle Three encourages the development of affordable housing by provide a range of housing opportunities types that shall meet the physical and financial needs of an aging population and be able to provide a timely response to housing needs associated with a diversified economy.

Finally, Principle 6 – Complete Communities, supports mixed-use neighbourhoods.

The change in zoning, associated with the required site plan approval will ensure that land use which will reduce the traffic and noise factor in a residential neighbourhood and is therefore appropriate to the residential character and use of other lands in the and meets the intent of the City of Kenora Official Plan (2010).

Zoning By-law No. 160-2010

| Zoning Mechanism | | |
|----------------------------------|---|--|
| | Multiple attached and stacked dwellings | Existing conditions/proposed |
| (a) Lot frontage (minimum) | 6.0 m/unit | <ul style="list-style-type: none"> • 14.5 fronting Third Avenue South • Approximately 46 fronting Sixth Street South |
| (b) Lot area (minimum) | 180 m ² /unit | |
| (c) Front yard (minimum) | 6.0 m | <ul style="list-style-type: none"> • Approximately 47 metres (measured from Third Ave. S. |
| (d) Interior side yard (minimum) | 2.5 m | <ul style="list-style-type: none"> • Approximately 6 metres (from south lot line to existing structure) |
| (e) Exterior side yard (minimum) | 4 m | <ul style="list-style-type: none"> • Approximately 1 metre (an encroachment of a stairway into the Sixth Street South road allowance is indicated on a real property report |
| (f) Rear yard (minimum) | 8 m | <ul style="list-style-type: none"> • Real property report indicates .0012 setback from rear lane |
| (g) Gross floor area (minimum) | 65 m ² /unit | Unit 1 (Existing) – 58 m ² Unit 2 (Existing) – 86 m ² Unit 3 (New) – 58 m ² Unit 4 (New) – 58 m ² |
| (h) Lot coverage (maximum) | 40% | <ul style="list-style-type: none"> • Estimated by City to be approximately 35% |
| (i) Building height (maximum) | 11 m | <ul style="list-style-type: none"> • 8.2 metres |

Provincial Policy Statement (2005)

The rezoning of this property , which is located within the settlement area and currently serviced with municipal services has regard to the PPS (2005).

Planning Recommendation:

That the proposed zoning by-law amendment Z03/12 Neniska, to amend the Zoning By-law 160-2010, as amended, at the property described as PLAN M8 W PT LOT 57 PCL 15340 and PLAN M8 E PT LOT 57 PCL 17378 by changing the zoning from LC – Local Commercial to R3[23] – Residential, Third Density[23] with reduced floor area/unit of 55m². This change will permit the development of a four-plex, which is an adaptive re-use of the structure, and associated parking. 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: Ray Pearson

Seconded by: Wendy Cuthbert

That the recommendation to approve Application Z03/12 Neniska, be forwarded to Council by the City of Kenora Planning Advisory Committee, with the following comments/conditions: That the fire separations between the existing uses meet the requirements of the Ontario Building Code or that the new development and existing use meets the requirements of the Ontario Building Code.

Final Planning Recommendation:

That the proposed zoning by-law amendment Z03/12 Neniska, to amend the Zoning By-law 160-2010, as amended, at the property described as PLAN M8 W PT LOT 57 PCL 15340 and PLAN M8 E PT LOT 57 PCL 17378 by changing the zoning from LC – Local Commercial to R3[23] – Residential, Third Density[23] with reduced floor area/unit of 55m². This change will permit the development of a four-plex, which is an adaptive re-use of the structure, and associated parking. 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 approval of this amendment does not preclude or guarantee the property owner/developer from applying for and receiving approval for a building permit for the works associated with the(re)development of the property.