



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010
(Re: Z03/11 Deon Drilling)
Tuesday, January 10, 2012 - City Council Chambers
At 10:00 a.m.

PRESENT: Councillor L. Roussin
Mayor D. Canfield
Councillor R. Lunny
Councillor R. McKay
Councillor R. McMillan
Councillor S. Smith
Karen Brown, CAO
Rick Perchuk, Operations Manager
Matt Metson, Planning Assistant
Heather Kasprick, Deputy Clerk

REGRETS: Councillor C. Drinkwater
Tara Rickaby, Planning Administrator
James Tkachyk, Planning Advisory Chair

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 December 15, 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 Ontario Municipal Board not later than 20 days after the day that the giving of notice as required by section 34(18) 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/Agent will provide the background information for their application and then the Planning Administrator provide information from the planning report, after which anyone who wishes to speak either for or against the application will be given the opportunity to do so, and a record will be kept of all comments.

Nadia De Santi, Senior Planner with FoTenn Consultants Inc. (via teleconference) then reviewed the details of the Planning Report:

Introduction:

Deon Drilling Ltd. (Donald and Jeanine Wilson), agent for Bry-Kar Associated Inc., owner of property located at 1 B Matheson Bay Road, CON 1J PT LOT 14 EB1628 PCL;20681 and 1A Matheson Bay Road CON 1J PT LOT 14 LOC KM196 DES RP KR1543 PART 1 PCL 27161 have submitted an application to amend the Zoning By-law for the property from RR – Rural Residential to HC – Highway Commercial [21] to permit contractor service as a light industrial use, to permit the residential use to continue and to bring the property into compliance with Zoning By-law No. 160-2010, as amended. The effect of approval would be to permit the use of the property for commercial, residential and light industrial uses and to bring the existing uses into compliance with the Zoning By-law 160-2010, as amended.

Description of Subject Lands and Context

The subject site is municipally known as 1A and 1B Matheson Bay Road and is legally described as CON 1J PT LOT 14 EB1628 PCL 20681 and CON 1J PT LOT 14 LOC KM196 DES RP KR1543 PART 1 PCL 27161 City of Kenora, District of Kenora. The application shows that the subject site has an approximate area of 1.32 hectares, a depth of 203.7 metres and a frontage of 84 metres on Highway 17 East.

The surrounding land uses are as follows:

North: Highway Commercial, Rural Residential

South: Crown, Rural

East: Rural Area, Crown lands, Rural Residential

West: Rural Residential, Highway Commercial, Rural Area, Crown lands

Description of Proposed Development

The applicant proposes to:

1) to amend the Zoning By-law, specifically for the use of this property, from RR to HC – Highway Commercial [21] to permit contractor service as a light industrial use, to permit the residential use to continue and to bring the property into compliance with Zoning By-law No. 160-2010, as amended; and

2) to purchase a portion of Crown land (to the west) to consolidate into the existing property in order to satisfy an encroachment of an existing septic field. This property is included in the application,

The property is privately serviced.

The use of the property will not change significantly as it is currently used for light industrial/commercial purpose.

Comments from External Agencies

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

Northwestern Health Unit – Email from Doug Vergunst, Chief Building Official, December 1, 2011 - A site inspection of the property located on the south-east corner of the East Highway and Matheson Bay Road that includes EB 1628 and KM196 was undertaken to assess the proposed re-zoning.

There is one active dwelling on the property serviced by an older septic system. There was no evidence of breakout from this system that is presently receiving very little effluent as the dwelling is on a hauled water supply and the occupancy of the dwelling is low.

The Northwestern Health Unit has no objections to the proposed re-zoning of the property. Pro-active solutions/ideas were discussed with Mr. Wilson at the site.

- **Ministry of Natural Resources** (included with application) Letter from Kevin Keith, Land and Waters Specialist, November 28, 2011 – Provision of assurance that Crown land will be transferred in order to resolve encroachments associated with KM 196 and EB 1628.

Utilities – None to date

Public – None to date

Comments from City Departments:

Departments and Agencies Circulated	Comments Received
Planning Department	<ul style="list-style-type: none">▪ Current use of the property is light industrial/commercial (truck storage associated with former dairy) and residential. Use has continued for approximately 20 years▪ The approval of the amendment application would bring the property into compliance with the Zoning By-law
Building Department	No comments received to date
Roads Department	No comments received to date
Sewer & Water Department	N/A
Kenora Hydro	No comments received to date
Kenora Fire & Emergency Services	No comment received to date
Heritage Kenora	No comment received to date
Engineering Department	No comment received to date

Official Plan and Zoning By-Law

The Official Plan designation is Rural Area. Policy 4.8.1 permits small-scale commercial and industrial and limited residential development in the Rural Areas. The use of the property will not change and the existing lot of record is large enough to meet the provisions of the HC – Highway Commercial zone when the property is not serviced with municipal sewer and water.

The Official Plan includes a list of Guiding Principles and Objectives, one of which is Principle 4 – Diversified Economy - Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth to withstand global market conditions and provide financial stability. One objective is to support existing businesses and attract a diverse range of new employment opportunities for new and existing residents. The other principle which applies is **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. One objective is to support mixed-use neighbourhoods.

The development is existing and the property will be brought into compliance with the Zoning By-law. There is no compatibility concern.

Zoning By-law No. 160-2010

The property is currently zoned RR – Rural Residential, and has been since at least 1993, in the Zoning By-law for the former Town of Jaffray Melick. The property has been used since at least that time to store heavy equipment, as a transfer station for dairy goods and for transport vehicles as well as for a residential use.

The approval of this application would bring the property into compliance with the Zoning By-law.

Commercial storage facilities are permitted as an HC use, as are light industrial uses. The contractor service use is a permitted use under ML – Light Industrial zone.

In the HC zone, a maximum of one dwelling unit shall be permitted as an accessory use to any commercial use. The dwelling unit must be occupied by the business owner, caretaker, security guard or similar employee. The use of the property for residential purposes is permitted; this amendment would permit the residence to be occupied by a person other than the owner, caretaker, security guard or similar employee.

Provincial Policy Statement (2005)

The continued use of the property for light industrial/commercial and residential use promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term by 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;

In addition, the proposed development ensures the continued use of the property as employment lands.

Planning Recommendation:

That the proposed zoning by-law amendment Z03/11 Deon, to amend the Zoning By-law for the property from RR – Rural Residential to HC – Highway Commercial [21] to permit contractor service as a light industrial use, to permit the residential use to continue and to bring the property into compliance with Zoning By-law No. 160-2010, as amended, at property described as 1 B Matheson Bay Road, CON 1J PT LOT 14 EB1628 PCL;20681 and 1A Matheson Bay Road CON 1J PT LOT 14 LOC KM196 DES RP KR1543 PART 1 PCL 27161 be approved as the continued use of the property for light industrial, commercial and residential purposes 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 (20 December 2011)

Moved by: Terry Tresoor Seconded by: Wendy Cuthbert

That the proposed zoning by-law amendment Z03/11 Deon, to amend the Zoning By-law for the property from RR – Rural Residential to HC – Highway Commercial [21] to permit contractor service as a light industrial use, to permit the residential use to continue and to bring the property into compliance with Zoning By-law No. 160-2010, as amended, at property described as 1 B Matheson Bay Road, CON 1J PT LOT 14 EB1628 PCL;20681 and 1A Matheson Bay Road CON 1J PT LOT 14 LOC KM196 DES RP KR1543 PART 1 PCL 27161 be approved by Council of the City of Kenora as the continued use of the property for light industrial, commercial and residential purposes 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.

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

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

- Don and Jeanine Wilson were present and presented Council with a proposal for the rezoning application. Mr. Wilson clarified with Nadia on the restrictions of rental of the property within the zoning by-law. If the property is to be rented, it may only be occupied by persons who are permitted within the parameters of the zoning by-law.

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

- There were none

Councillor Roussin asked if there were any questions.

- There were no questions.

Councillor Roussin the declared the Public Meeting closed at 10:15 a.m.