



Minutes
of the
Property and Planning Committee of Council
Tuesday, March 13, 2012
City Council Chambers
9:00 a.m.

Action

Present: Councillor R. Lunny, Vice-Chair
Mayor Dave Canfield
Councillor C. Drinkwalter
Councillor R. McMillan
Councillor S. Smith
Karen Brown, CAO
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Matt Meston, Planning Assistant
Joanne McMillin, City Clerk

Regrets: Councillor L. Roussin, Chair
Councillor R. McKay
James Tkachyk, Planning Advisory Chair

A. Public Information Notices:-

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its March 19th meeting:-

- A By-law to amend Zoning By-law No. 160-2010 for property described as 192 Kerr Drive
- A By-law to amend Zoning By-law No. 160-2010 for property described as 2100 Coker Rd.
- A By-law to amend Zoning By-law No. 160-2010 for property described as 211 Sixth St. S
- A By-law to amend a development agreement with Qualico Headwaters (Ontario) Inc.
- Amend the Tariff of Fees & Charges by-law to include OMB fees and zoning by-law amendment fees.

B. Declaration Of Pecuniary Interest And The General Nature Thereof:

- a) On today's agenda
- b) From a meeting at which a Member was not in attendance

There were none declared.

C. Confirmation of Previous Standing Committee Minutes

Moved by C. Drinkwalter, Seconded by S. Smith & Carried:-

That the Minutes of the last meeting of the Regular Standing Committee meeting held February 7, 2012 be confirmed as written and filed.

D. Committee Deputations:

9:00 a.m. – Buck Matiowski – Signage

Buck advised he was attending for information purposes only as he has appeared

before on the matter of requests for events signage, both of which have been denied. The property he is referred to is municipal land adjacent to the former KPS Station (berm area). The area is being used for advertising signs for Lobsterfest, Swimming Sharks, and Golf Land to name a few. In the past Buck has asked to advertise for such community events as the Big Green Clean and the Train of Lights but has not been granted permission to do so and yet other (non Not-for-Profit groups) are advertising and likely without authorization. He explained he has always asked for permission to advertise on a temporary basis up to 3 weeks on 'non-mobile' signs (sandwich board style signs). Buck was thanked for his deputation and left the meeting at 9:15 a.m.

E. Presentations:

N/A

F. Reports:

Matt Meston provided a PowerPoint Presentation on Outdoor Commercial Patios; highlighting issues and options to consider with the proposed policy development.

1. Policy Development-Outdoor Commercial Patios

Recommendation:

That Council considers the development of a policy for locating commercial outdoor patios on City owned lands; and further

That a draft policy be the subject of public and internal consultation including the Municipal Solicitor, Accessibility Committee, the Ontario Provincial Police, Northwestern Health Unit, Fire Department, business owners and other similar interest groups; and

That the City of Kenora develops a commercial outdoor patio design guideline/manual that establishes minimum standards for all outdoor patio applications; and further

That the proposed policy, together with a By-law regarding a policy commercial outdoor patios be drafted and presented at the May 15, 2012 Property and Planning Committee meeting for consideration.

Recommendation approved.

JMcMillin

2. Policy Development-Recovery of Costs of OMB hearings

Recommendation:

That all planning applications be modified to include a statement that outlines the fee, makes reference to this policy and place for the applicants to sign indicating that they are aware of and accept this policy; and further

That the Council of the City of Kenora approves a cost recovery strategy associated with appeals to the Ontario Municipal Board dependent on the review of this report and recommendation by the Municipal Solicitor; and further

That the City of Kenora applications made under the Planning Act, and therefore subject to an appeal to the Ontario Municipal Board, be amended to include an undertaking by the applicant (owner to pay all fees associated with such appeal to the OMB; and further

That Council give three readings to a by-law to amend the Tariff of Fees and Charges By-law #120-2011 to reflect that fees associated with appeals to the Ontario Municipal Board are in a cost recovery basis.

Recommendation approved (resolution & bylaw).

JMcMillin

3. Amendment to the Tariff of Fees & Charges By-Law

Recommendation:

That Council gives three readings to a by-law to amend the Tariff of Fees & Charges By-law Number 120-2011 to provide for the following:

Planning	Technical consent	\$350.00	
Planning	Application for Zoning By-law Amendment	\$1100.00	+Professional fees, where applicable
Planning	Costs in respect to appeals to the Ontario Municipal Board		Cost recovery
Planning	Processing appeals to the Ontario Municipal Board	\$150	
Planning	Release of site plan agreement from title	\$100	+Professional fees, where applicable
Planning	Amendment of site plan agreement	\$100	+Professional fees, where applicable

That public notice is hereby given that Council intends to adopt the amending by-law at its March 19, 2012 meeting at which time the applicable fee will come into effect on a forward basis.

Recommendation approved (resolution & bylaw).

JMcMillin

4. Amendment to Development Agreement-Qualico

Recommendation:

That Council gives three readings to a by-law to authorize the execution of an amendment to the Development Agreement between the Corporation of the City of Kenora and Qualico Headwaters (Ontario) Inc. and that such by-law will amend By-law Number 108-2009; and further

That execution of the document is subject to the City of Kenora Municipal Engineer approving the proposed new entrance and the property owner receiving an approved entrance permit.

Recommendation approved (resolution & bylaw).

JMcMillin

Other:

Request of Buck Matiowski – Non-Profit/Community Events Signage

The Planning Administrator mentioned there are four approved sites in place for the signage however following Buck's deputation he may be looking to adding another

'pre-approved' location as an approved signage site. Tara indicated she is unaware as to how the former KPS (berm area) and other sites were approved and that the issue raised by Buck may be a By-law Enforcement issue. It was mentioned the property referred to by Buck is private property and perhaps the OPP should be advised about the by-law as they may be giving approval for the location/signs and this contravenes the Sign By-law.

It was noted there is a sign of Buck's near the Wholesale Club that is in complete disarray and falling apart and Buck is to be advised to change or remove the sign and clean up this site. The Planning Administrator will meet and discuss with Buck. The Operations Manager will ensure that the OPP are aware of the sign by-law requirements. It also has to be determined from Buck how the four pre-approved signage sites are used/controlled; through Buck, KAR, etc.

Motion - Adjournment to Closed Meeting:

1. Moved by S. Smith, Seconded by C. Drinkwater & Carried:

That this meeting be now declared closed at 10:55 a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Council to move into a Closed Session to discuss items pertaining to the following matters:-

i) Disposition of Land Matters

At 11:50 Committee reconvened to Open Meeting:

2. Moved by S. Smith, Seconded by R. McMillan & Carried:

That Committee hereby reconvenes to Open Session with the following direction/reports from its Closed Meeting:-

i) That Council of the City of Kenora hereby declares a 10 metre portion of shoreline road allowance property abutting 372 East Melick Road – Concession 8 of Jaffray PT LOT 12 RP 23R 5960 PART 1 & RP 23R 5864 PART 6 PCLS 34945 & 37298 AND RP; 3R7283 PTS 2,3 PCL 38022 and Black Sturgeon Lake, as surplus to the needs of the municipality; and

That the applicants arrange for an Ontario Land Surveyor to provide services, and that the City of Kenora shall issue survey instructions; and

That per the agreement between the former owner and the former Town of Jaffray Melick, an undertaking from Batters must be received indicating that one cabin will be used only for storage purposes and that the cabin to be used as a sleep cabin does not include kitchen facilities, in order to bring the property into compliance with Zoning By-law No. 160-2012, as amended and the agreement signed in September of 1993; and

That in accordance with Notice By-law #144-2007 as amended, when the survey is complete, arrangements be made to advertise the sale of the subject lands for a two week period; and

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Travis and Andrea Batters, at the appraised

**TRickaby/
RPerchuk**

value, as established by Century 21 – Reynard Real Estate, plus survey, legal and any other associated costs; and further

That the Mayor and Clerk be authorized to enter into the agreement of purchase and sale.

ii) Direction given to the Planning Administrator to confirm the details of a current lease agreement with an interested party that it is not transferable.

iii) Direction given to the Planning Administrator to advise an interested party that Council will not be declaring property they are interested in as surplus at this time.

iv) That Council of the City of Kenora **refuses** to declare property described as 10 Sultana Avenue LOC D59 PLAN M106 LOT 6 PCL 27130 16773, (commonly known as Dowsett Street) as surplus to the needs of the municipality as the property is not serviced with municipal services and therefore development would not meet the intent of the Official Plan and Zoning By-law; and further

That the property is also located in an area which may be required for future municipal use.

Recommendations approved.

JMcMillin

**G. Other Business:
Statutory Public Hearings (See Separate Minutes from 10:00 a.m.)**

Recommendations:

Z01/12 - Charles

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.

Recommendation approved (resolution and by-law).

JMcMillin

Z02/12 - Lafreniere

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.

Recommendation approved (resolution and by-law).

JMcMillin

Z03/12 - Neniska

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.

Recommendation approved (resolution and by-law).

The meeting closed at 11:51 a.m.

JMcMillin