



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to Zoning By-law #160-2010

(Re: Z01/12 Charles
Z02/12 Lafreniere
Z03/12 Neniska)

**Tuesday, March 13, 2012 - City Council Chambers
At 10:00 a.m.**

PRESENT: Councillor R. Lunny, Vice-Chair
Mayor D. 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 R. McKay
Councillor L. Roussin

Vice-Chair of Property and Planning Committee, Ron Lunny opened the meeting by indicating that the public meetings are being held by the City of Kenora Property and Planning Committee in accordance with Section 34 of the Planning Act to consider amendments 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 applications 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 dates of notice given by publishing notices in 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 McMillin, City Clerk, advised the Notice pertaining to these public meetings appeared in Kenora Daily Miner & News on February 16, 2012.

The Chair indicated that if anyone wishes to receive written notice of the adoption of the By-laws 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, together with any associated municipal fees, with the City Clerk.

The Chair stated that each Applicant/Agent will provide the background information for their application and then the Planning Administrator will provide information from the planning report, after which anyone who wishes to speak either for or against the applications will be given the opportunity to do so, and a record will be kept of all comments.

Z01/12 (Charles): Ross M. Johnson spoke on behalf of the Applicants

Mr. Johnson, agent for Marie and Valmore Charles, owners of lands described as 192 Kerr Drive, PLAN M755 BLK 22 PCL 32914 presented the application. The application is being made as a condition of approval of application for consent #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: None

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

Comments from City Departments: No objections received. Conditions made as part of application for consent.

The City of Kenora Planning Advisory Committee (21 Feb 2012) recommended the following:

Moved by: Wendy Cuthbert

Seconded by: Wayne Gauld & Carried:

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.

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

Councillor Lunny asked if there was anyone who wishes to speak in favour of the amendment. No comments.

Councillor Lunny asked if there was anyone who wishes to speak in opposition of the amendment. No comments.

Councillor Lunny asked if there were any questions. Hearing none, Councillor Lunny closed the public meeting for Z01/12 Charles at 10:11 a.m.

At 10:11 a.m., Councillor Lunny opened the Statutory Public Meeting for the following:

**Z02/12 (Lafreniere):
Jeffrey Port spoke on behalf of the Applicants**

Mr. Port, Agent for D. Lafreniere Development Ltd., spoke to the application.

The application is 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 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 indented fisheries value to be zoned "Environmental Protection" – EP.

Comments from External Agencies

The application was circulated per the requirements of the *Planning Act* and the following comments were received: None.

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

Comments from City Departments: No objections received.

The City of Kenora Planning Advisory Committee (21 Feb 2012) recommended the following:

Moved by: Ted Couch, Seconded by: Wayne Gauld & Carried:

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 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.

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

Councillor Lunny asked if there was anyone who wishes to speak in favour of the amendment. There were no comments.

Councillor Lunny asked if there was anyone who wishes to speak in opposition of the amendment. There were no comments.

Councillor Lunny asked if there were any questions. Hearing none, Councillor Lunny closed the public meeting for Z02/12 Lafreniere at 10:21 a.m.

At 10:21 a.m., Councillor Lunny opened the Statutory Public Meeting for the following:

Z03/12 (Neniska):
Jeffrey Port spoke on behalf of the Applicants

Mr. Port, Agent for Diane and Stuart Neniska, spoke to the application.

Diane and Stuart Neniska, 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.

Tara Rickaby, Planning Administrator, then reviewed portions of the Planning Report for Z03/12 (Neniska):

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, and there will be no modifications to the building.

Comments from External Agencies - None

Comments from the Public – No response to date.

Comments from City Departments:

Departments Circulated	Comments Received
<p>Planning Department</p>	<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

	<p>residents and visitors are met (1 per residential unit + 1 visitor parking)</p> <ul style="list-style-type: none"> • Updated 21 Feb 12 – Review of square footage indicates that 3 units are reduced from required 65 m² per unit – exception for size recommended
Building Department	<p>In regards to the square footage of the suites, I offer the following comment;</p> <p>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.</p>
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

The City of Kenora Planning Advisory Committee (21 Feb 2012) recommended the following:

Moved by: Ray Pearson, Seconded by: Wendy Cuthbert & Carried:

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.

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

Councillor Lunny asked if there was anyone who wishes to speak in favour of the amendment. There were no comments.

Councillor Lunny asked if there was anyone who wishes to speak in opposition of the amendment. There were no comments.

Councillor Lunny asked if there were any questions. Councillor Lunny closed the public meeting for Z03/12 Neniska at 10:30 a.m.