



Minutes
of the
Property and Planning Committee of Council
Tuesday, September 11, 2012
City Council Chambers
9:00 a.m.

Action

Present: Councillor L. Roussin, Chair
Mayor Dave Canfield
Councillor R. McKay
Councillor R. McMillan
Councillor S. Smith
Karen Brown, CAO
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Heather Kasprick, Deputy Clerk

Regrets: Councillor C. Drinkwalter
Councillor R. Lunny, Vice-Chair
James Tkachyk, Planning Advisory Committee 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 September 17th meeting:-

- To name a road within a subdivision – Lougheed Drive
- Declare various municipal properties as surplus to the needs of the municipality
- Authorize a zoning amendment for Z06/12 Coker

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 R. McKay, Seconded by S. Smith & Carried:-

That the Minutes of the last meeting of the Regular Standing Committee meeting held August 8, 2012 be confirmed as written and filed.

*** A minute of silence was held in memory of the events of 9/11 that took place 11 years ago.**

D. Committee Deputations:

Shaun Stevenson

Shaun Stevenson, a local contractor has approached the City about a lease for a barge and tug operation. He indicated to Council that he isn't looking for a transfer of a lease, but a new lease agreement as there is a need for this service in Kenora. Shaun left copies of information for Council and filed a copy with the Clerk.

E. Presentations:

Lake of the Woods Brewing Company – Taras Manzie

Taras Manzie was present to request additional time from Council on the development of the Lake of the Woods Brewing Company. He is looking to be ready by June 30, 2013 and presented Council with his plans to date by power point presentation. Taras explained to Council that the outside colour will be a deep green with the bricks being cleaned and brightened. They will be keeping the outside roll up doors, the ambulance bay will be used for deliveries as they need large equipment access. The design concept was appealing with see through plexi-glass in the roll up doors and an open concept inside. There is a lot of work required in the building that was not planned for. 70 Park Street will allow for the retail aspect of the business. There are significant license requirements to be able to sell the beer at the restaurant, sell off sale, etc. and these multiple license requirements are taking a long time for approvals. The capacity will be approximately 300 people in the building and they plan to have entertainment as well. Part of the mandate of their proposal is to help attract tourism and keep people in the downtown core and he feels that this will be something to do and see in Kenora. Mr. Manzie will be participating in the Ontario Heritage Doors Open September 28 & 29th and they will have the building secure and safe for people to tour.

F. Reports:

1. Norman Park – Background Information for Official Plan Amendment Recommendation:

That the Council of the City of Kenora proceeds with an amendment to the City of Kenora Official Plan 2010 (OPA #2 – Norman Park) as follows:

Item 1: The area indicated on Schedule "A" – Land Use Designations of the Official Plan for the City of Kenora would be amended in accordance with Schedule "1" to this Amendment to change the designation from "Open Space" to Open Space – NP, as a Special Policy overlay.

Item 2: Section 2.2.2 Natural Environment would be amended by adding the following text: maintaining Norman Park as a recreational open space; and A concurrent amendment to Zoning By-law No. 160-2010 to add Section 4.1.4(b) OS –NP, the provisions of which would include a purpose to provide active and passive recreational uses in Norman Park and to indicate permitted uses as:

Community Centre
Golf Course

Community Garden
Interpretive Centre

Off-leash dog area	Outdoor Recreational Facility
Park	Parking Lot
Recreational Facility	Wildlife Conservation Reserve
Tourist information Centre	Food vendor(s) as ancillary use
Rental Kiosk(s) as ancillary use	

(f) Notwithstanding any other provision in this By-law, a park, parking lot, outdoor recreational facility, a wildlife conservation reserve and ancillary food vending and/or rental kiosks shall be permitted uses in Norman Park and will be subject to site plan agreement per Section 41 of the Planning Act, and further

That FoTenn Consulting be requested to facilitate the public consultation process and oversee the process; and further

That the application be drafted, circulated to the Kenora Planning Advisory Committee, commenting departments and agencies, and an open house and a statutory public meeting be scheduled, under the provisions of the *Planning Act*, in November of 2012.

Amended Recommendation:

That the Council of the City of Kenora proceeds with an amendment to the City of Kenora Official Plan 2010 (OPA #2 – Norman Park) as follows:

Item 1: The area indicated on Schedule "A" – Land Use Designations of the Official Plan for the City of Kenora would be amended in accordance with Schedule "1" to this Amendment to change the designation from "Open Space" to Open Space – NP, as a Special Policy overlay.

Item 2: Section 2.2.2 Natural Environment would be amended by adding the following text: maintaining Norman Park as a recreational open space; and A concurrent amendment to Zoning By-law No. 160-2010 to add Section 4.1.4(b) OS –NP, the provisions of which would include a purpose to provide active and passive recreational uses in Norman Park and to indicate permitted uses as:

Community Centre	Community Garden
Golf Course	Interpretive Centre
Off-leash dog area	Outdoor Recreational Facility
Park	Parking Lot
Recreational Facility	Wildlife Conservation Reserve
Tourist information Centre	Food vendor(s) as ancillary use
Rental Kiosk(s) as ancillary use	

(f) Notwithstanding any other provision in this By-law, a park, parking lot, outdoor recreational facility, a wildlife conservation reserve and ancillary food vending and/or rental kiosks shall be permitted uses in Norman Park and will be subject to site plan agreement per Section 41 of the Planning Act, and further

That Council submit their views based on material provided to them about the future use of Norman Park to the Planning Administrator by September 25, 2012; and further

That the application be drafted, circulated to the Kenora Planning Advisory Committee, commenting departments and agencies, and an open house and a statutory public meeting be scheduled, under the provisions of the *Planning Act*, in November of 2012.

Amended Recommendation Approved.

HKasprick

Discussion: Tara Rickaby, Planning Administrator advised that she is seeking input from Council on how this will look prior to the final approval so she can proceed with the official plan amendment. It was suggested that Council bring their comments back to Tara prior to the next Property & Planning meeting in order for her draft the next steps.

2. Request to Name Road - Lougheed

Recommendation:

That the City of Kenora hereby names the road described as "Road A" on the draft plan of subdivision associated with S02/11 Lougheed (Ross M. Johnson Surveying Ltd. August 3, 2011) "Lougheed Drive".

Amended Recommendation:

That the City of Kenora hereby names the road described as "Road A" on the draft plan of subdivision associated with S02/11 Lougheed (Ross M. Johnson Surveying Ltd. August 3, 2011) "Lougheed Drive"; and further

That the appropriate bylaw be passed for this purpose.

Amended Recommendation Approved (resolution & by-law)

HKasprick

3. LOW Brewing Company – Amended Development Agreement

Recommendation:

That the Council of the City of Kenora approves an amendment to Section 2 of the Development Agreement with Lake of the Woods Brewing Company Inc., to extend the required time to obtain required licenses, to brew beer and sell beer retail on site to June 30, 2013 subject to the agreement being revised by the Municipal Solicitor; and further

That all other conditions (1-4) of the development agreement continue to apply and are current and valid; and further

That three readings be given to a bylaw authorizing the Mayor and Clerk to enter into the amended Development Agreement.

Recommendation Approved (resolution & by-law)

HKasprick

3. Sign Variance – Kenora Women’s Action Network

Recommendation:

That Council refuses a sign variance application from the Kenora Women’s Action Network for various signs for the "Take Back the Night" event due to the potential driver distraction and impediment to pedestrian traffic; and further

That signage located on private property such as the Kenora Shoppers Mall are exempt from this variance denial.

Amended Recommendation:

That Council refuses a sign variance application from the Kenora Women’s Action Network for various signs for the “Take Back the Night” event for the following reasons:

- i. Obstructs the view of any pedestrian or driver of a motor vehicle, obstructs the visibility of any traffic control sign or device, or interferes with vehicular traffic in a manner that could endanger
- ii. Does not relate to any use or uses of the premises located on the same property; or is within the sight triangle; and
- iii. That the intent of the Sign By-law, to reduce and control the number of signs within the City of Kenora, is not met; and further

That signage located on private property such as the Kenora Shoppers Mall are exempt from this variance denial.

Amended Recommendation Approved.

HKasprick

4. Items Deferred from the Monday, September 10, 2012 Committee of the Whole Meeting

None

Motion - Adjournment to Closed Meeting:

1. Moved by R. McMillan, Seconded by R. McKay & Carried:

That this meeting be now declared closed at 9:44 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 (4 matters)**
- ii) **Security of Property**
- iii) **Acquisition of Land for Municipal Purposes**

At 11:15 a.m. Committee reconvened to Open Meeting with six (6) reports from the Closed Session:

4a. 2225171 Ontario Corporation – Costs to upgrade turnaround before City of Kenora transfer

Recommendation:

That 2225171 Ontario Corporation be responsible to pay a total of \$10,000 (plus HST) for the costs associated with the development of a turnaround which the City will construct; and further

That all other conditions of the agreement continue to apply.

Recommendation Approved.

HKasprick

4b. 792 Coney Island

Recommendation:

That the Council of the City of Kenora hereby declares property described as LOC 564P PCL 2761, as surplus to the needs of the municipality; and further

That the property be marketed on the open market by Bill Scribilo of Century 21 Reynard Real Estate.

Recommendation Approved.

HKasprick

4c. Request to Purchase Municipal Land – Creed

Recommendation:

That the Council of the City of Kenora hereby declares the part of the Portage Street road allowance abutting PLAN 18 BLK 44 LOT 1 TO 2 required to satisfy the existing encroachment of the residential structure, as surplus to the needs of the municipality; and further

That the property owner must make formal application to purchase the lands and pay the required fee; and further

That the property owner be responsible for all costs associated with the removal of the lease from title; and further

That the applicant will commission and pay for an appraisal, to be performed by Bill Scribilo of Century 21 – Reynard Real Estate, which appraisal will be provided to the City of Kenora; and further

That the applicant will commission and pay for a survey of the lands. The survey instructions will be issued by the City of Kenora; and further

That in accordance with the Notice By-law, arrangements be made to advertise the sale of the subject lands for a two week period; and further;

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to each of the property owners as a lot addition (consolidation) at the appraised value as established by Century 21 – Reynard Real Estate, plus survey and all other associated costs.

Recommendation Approved.

HKasprick

4d. Request to Purchase Municipal Land – Hawryluk

Recommendation:

That the Council of the City of Kenora hereby declares a portion of property abutting PLAN M755 LOT 10 PCL 32995, 188 Kerr Drive, as surplus to the needs of the municipality; and further

That the property owner completes the application form, including the sketch and associated fee and submits it to the City of Kenora; and further

That before the transfer of the lands the applicant provides a legal survey of the

subject lands to be transferred, which will establish the location and extent of the 1039 foot contour to the satisfaction of the City of Kenora and Ontario Power Generation; and that prior to transfer to the applicant, the City of Kenora will grant to OPG a registered flooding easement over the subject lands up to the 1039 foot contour, at the cost of the Applicant; and further

That before the transfer of the lands, the applicant provides a legal survey of the subject lands indicating the location of the existing structure(s) associated with the property upon which final survey instructions for the transfer of lands will be provided to the surveyor, by the City of Kenora; and further

That in accordance with Notice By-law #140-2007, as amended, arrangements be made to advertise the sale of the subject lands for a two week period; and further

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to the property owner, subject to the conditions above, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs, including survey, legal, transfer costs of the subject lands and associated flood easement.

Recommendation Approved.

HKasprick

4e. Request to Purchase Municipal Land – Arnason

Recommendation:

That Staff be directed to indicate to Ron Arnason, that the City of Kenora will not be declaring lands, or portion of lands described as an unopened lane allowance located between lands described as 405 Beach Road P18 BLK 30 LOT 4 & 5 P75 BLK LOT N & O and 313 St. Clair Street, PLAN 59 W 257 FEET OF PLOT B at this time; and further

That the property owner to the west of the road allowance be advised that the dock associated with his residential property be removed to their private property no later than May 1, 2013.

Recommendation Approved.

HKasprick

4f. Request to purchase municipal property - Marciniak

Recommendation:

That the Council of the City of Kenora hereby declares the part of the road allowance abutting Plan M.56 Lot 134, in addition to a portion of property described as Plan M.56, Lot 134 as surplus to the needs of the municipality; and further

That the property owner must make formal application to purchase the lands and pay the required fee; and further

That the applicant will commission and pay for an appraisal, to be performed by Bill Scribilo of Century 21 – Reynard Real Estate, which appraisal will be provided to the City of Kenora; and further

That the applicant will commission and pay for a survey of the lands. The survey instructions will be issued by the City of Kenora and will include a portion of lands to

be transferred to the City of Kenora for municipal highway purposes; and further

That in accordance with the Notice By-law, arrangements be made to advertise the sale of the subject lands for a two week period; and further

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Dawn Marciniak and Edward Marciniak at the appraised value as established by Century 21 – Reynard Real Estate, plus survey and all other associated costs.

Recommendation Approved.

HKasprick

4g) Statutory Public Hearings - Z06/12 Coker

That the proposed zoning by-law amendment Z06/12 Coker, to amend the Zoning By-law 160-2010, as amended, for the property described as 118 Coker Lane Concession 3 of Melick PT LOT 7 23R-5651PARTS 4&5 & 23R-3940 PT 3 PCL 39413 ROW OVER PT 3; 3R-3940 and 111 Coker Lane Concession 3 of Melick PT LOT 7 RP 23R5651 PART 2 PCL 34297 , City of Kenora, District of Kenora from RU to RU, BSL, RR 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 further

That all of the new shorefront 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.

Recommendation Approved.

HKasprick

G. Other Business:

By-Law Final Approval - Hack (Hilly Lake property) at the September 17, 2012 Council meeting

JMcMillin

The meeting closed at 11:25 a.m.

