

**Notice to All Owners of Property within a 60 metre radius of Property Located at
923 Highway 17E, Kenora, Ontario
SECTION 53 OF THE PLANNING ACT, RSO 1990**

TAKE NOTICE that the Kenora Planning Advisory Committee will hold a public meeting on **November 21, 2017 at 7:00 p.m.** in the Operations Training Room, 60 Fourteenth Street North, 2nd Floor, Kenora, to consider an application for consent on property locally known as 923 Highway 17E.

The applicant is seeking to create one (1) lot, zoned HC- Highway Commercial. This application is being considered in conjunction with an application for Site Plan Control.

The effect of approval would be the creation of one (1) new lot which will comply with the minimum required lot size of 600 m² as per the provisions of the Kenora Zoning By-law 101-2015; for uses permitted in the HC-Highway Commercial Zone.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support or in opposition of the proposed application for consent.



If you wish to be notified of the decision of the Planning Advisory Committee in respect of this application, you must submit a written request to the Planning Advisory Committee. This will also entitle you to be advised of a possible Ontario Municipal Board hearing.

Even if you agree with the decision of the Committee, you should request a copy of the decision since the Planning Advisory Committee decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public. To appeal the decision, of the Committee, to the Ontario Municipal Board, send a letter to the Secretary-Treasurer for the Planning Advisory Committee outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

ADDITIONAL INFORMATION relating to the proposed application for consent is available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday - Friday, at the Planning Department, Operations Centre, 2nd Floor, 60 Fourteenth St. N., Kenora, Ontario,

or for further information please contact Melissa Shaw at 807-467-2292 and quote file no. D10-17-10.

Dated at the City of Kenora this 1st day of November, 2017.

Melissa Shaw, Secretary-Treasurer, 60 Fourteenth St N, 2nd Floor, Kenora, ON P9N 4M9
807-467-2292

**The City of Kenora Operations Centre is a Scent-Free Workplace, Thank
you.**



City of Kenora
Application for Consent
Section 53 of the Planning Act &
Ontario Regulation 197/96

Office Use Only

Date Stamp - Date Received:



File Number: D10-17-10
Roll Number: X 6016 040 002 24200
Date Received: October 31
Application Fee Paid: _____
Application Deemed Complete (Date): _____

1.0 - Requirements/Checklist for a Complete Application:

Note: If the information below is not received the application cannot be deemed complete.

- Pre-consultation meeting
- 1 copy of the completed application form
- 2 copies of any reports/letters of support etc.
- Entrance Permit or MTO clearance if fronting a Provincial Highway
- Sketch as per the requirements of Ontario Regulation 197/96
- 2 copies of information/reports as indicated on application form
- The required application fee of as per the schedule of fees by-law
- Planning Rationale
- Required studies identified at pre-consultation or any other time (See section 8.10 of the Official Plan for full list of studies)
- Authorization
- Electronic version of all required information (i.e. Reports/studies etc.)
- Ontario Municipal Board (OMB) cost recovery undertaking
- Proof of Ownership

2.0 - Concurrent Applications Filed

Please check if you have filed any concurrent applications:

Official Plan Amendment

Plan of Subdivision or Condominium Description

Site Plan Application

✓ Other (Please Specify): Application for Purchase or Lease.

Minor Variance

Zoning By-law Amendment

3.0 - Applicant Information

Date Application Submitted to the City of Kenora:

Subject Property Information

Civic Address	✓	Street NO. 123	Street Name: HWY 17E	Postal Code: P9N1L9	Unit Num.:
Registered Plan Number		M-35			
Legal Description		PIN 42168-0483 PCL 20649 PTLT 3-6 Kenora			
Reference Plan Number		23R-11929			
Lot NO.(s)/Block NO.(s)		PT LT 3-6 PLM35			
Concession Number(s)/PT LOT					
Part Numbers(s)					
Tax Roll Number	✓	6016 040 002 21420 0000			
Lot Frontage (Metres)					
Depth (Metres)					
Area (Ha.)					

Owner/Applicant Information

Check Appropriate Box:	Person(s)		Company 1927044 ONT INC.	
Registered Land Owner	Surname: Brydals	First Name: Faith		
Mailing Address	Street NO.: 504284	Street Name:	Postal Code:	Unit Num.:
City	Iceiw.	Province: ON	POK1CC	
Contact Information	Phone: 807-407-2947	Fax:		
Email				
Acquisition Date of Subject Land	1993 (Subsequent name changes)			

Agent/Solicitor Information

Company or Firm Name				
Name	Surname: Letwiniuk	First Name: Tara		
Mailing Address	Street NO.: 1217	Street Name: St. Clair St.	Postal Code: P0X1C0	Unit Num.:
City	Kenora	Province: ON		
Contact Information	Phone: 807-407-3855	Fax:		
Email	tara@tdlegal.ca			

Mortgages, Encumbrances, Holders of Charges Etc. of Subject Land

Company	RBC.			
Contact Person	Surname:	First Name:		
Mailing Address	Street NO.: 144	Street Name: Main St. S.	Postal Code: P9N1S7	Unit Num.:
Contact Information	Phone:	Fax:		
Email	andrew.bender@rbc.com			

4.0 - Please list the reports and/or studies that will accompany this application

- | | |
|--------------------|---------------------------------------|
| 1. Proposal Letter | 4. Land Registry Property Identifier |
| 2. Survey | 5. Copy of Easement |
| 3. Aerial Photo | 6. Property Index Map Service Ontario |

5.0 - Purpose of Consent Application

Transfer:	Mortgage or Charge	Lot Addition	Creation of new lot(s) - (Number of lots created: <u>1</u>)
			(Severance)
Other:	Right-of-Way	Easement	Lot Line Adjustment/Correction
	Lease	Correction of Title	Other (Please Specify): <u>Severance & Merge</u>

6.0 - Transferee

If known, state the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

If the application is for lot addition, identify the lands to which the parcel will be added (legal description).

If application is for easement, identify property which will benefit (legal description).

7.0 Easements

Are there any easements or restrictive covenants affecting the subject lands?

YES

NO

If Yes, please describe each easement and/or covenant and its effect:

Reference Plan Number	Instrument Number	Purpose of Easement and/or Covenant (e.g. hydro, utility, sewer, etc.)
	KN44044	Storm drain sewer

8.0 Other Applications under The Planning Act

Has the subject land ever been the subject of an application for approval of any of the following?

Draft Plan of Subdivision	File No.:	Status:
Condominium Description	File No.:	Status:
Official Plan Amendment	File No.:	Status:
Zoning By-law Amendment	File No.:	Status:
Minister's Zoning Amendment	File No.:	Status:
Site Plan Application	File No.:	Status:
Consent	File No.:	Status:
Minor Variance	File No.:	Status:
Part Lot Control	File No.:	Status:
Other (please specify)	File No.:	Status:

application to purchase/lease - pending

9.0 Description of Subject Lands and Servicing Information (Complete each subsection.)

9.1 Description		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
	Frontage (m)	26.41 m			51.61 m
	Depth (m)	23.13 m			34.51 m
	Area (ha)	637.40 m ²			1661.6 m ²
9.2 Use of property	Existing Use(s)	Vacant			Restaurant & parking
	Proposed Use(s)	Vacant.			Same.
9.3 Buildings or Structures	Existing	NIL			See above.
	Proposed	NIL.			

9.4 Access (✓)		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
	Provincial Highway (include MTO letter of support with application)	17E-			
	Municipal – year round				
	Municipal - seasonal				
	Other public road				
	Private right of way (provide documentation with application)				
	Water access	lane.			

Describe in Section 9.8 the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.5 Water Supply (✓)	Publically owned and operated piped	N/A.			
	Private individual well	N/A			
	Private communal well	N/A.			
	Lake of other water body	5kms.			
	Other				

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.6 Sewage Disposal (✓)	Publically owned and operated sanitary	N/A.			
	Private individual septic	N/A.			
	Private communal septic	N/A.			
	Privy/grey water	N/A.			
	Other	City Sewer + Water			

* A certificate of approval from the Northwestern Health Unit for the severed and retained lots is required.

		<u>Lot 1</u>	<u>Lot 2</u>	<u>Lot 3</u>	<u>Retained</u>
>9.7 Other Services (✓)	Electricity	@lotline			
	School bus service	3 blocks			
	Waste/recycle collection	@ Roadside corner.			

>9.8 If access to the subject land is by other than publically owned and maintained road, indicate who owns the land or road, and who is responsible for its maintenance and whether it is maintained seasonally or all year. Please attach a copy of the registered easement/agreement if available. If access is by water only, please provide proof of arrangements for docking and vehicle parking.

10.0 - Land Use (Please see www.kenora.ca/planning for schedules/maps)

What is the land use designation in the City of Kenora Official Plan (2015)? *commercial*

Does the proposal conform with the City of Kenora Official Plan (2015)? ☒ YES ☐ NO

If No, have you made a concurrent application for an Official Plan Amendment?

YES

☒ NO

File NO.:

Status:

What is the current zoning designation of the subject property? *commercial*

Does the proposal conform to Zoning By-law No. 101-2015 as amended? ☒ YES ☐ NO

If No, have you made a concurrent application for a zoning by-law amendment?

YES

☒ NO

File NO.:

Status:

What is the existing use of the subject land?

(PT LT 3+4)

Vacant land.

What is the proposed use of the subject land?

Vacant land / commercial development

What are the uses of the abutting properties?

commercial.

How long have existing uses been present?

35+ years.

Has there ever been an industrial or commercial use on the subject land or adjacent land? If Yes, please explain the uses:

yes. These lots have only ever been vacant but lots to the east have been in commercial use with KFC restaurant and lots to west are a small strip mall with pet store and paint store.

CONTAMINATION	YES	NO	UNKNOWN
Has the grading of the subject land been changed by adding earth or other material?		X	
Has a commercial, industrial use or a gas station ever been located on the subject land or adjacent land at any time?			X
Has there been petroleum or other fuel stored on the subject land or adjacent land?		X	
Is there any reason to believe the subject land or adjacent lands may have been contaminated by former uses (brownfields, industrial waste etc.)?		X	
What information did you use to determine the answers to the above questions? If an Environmental assessment has been performed please submit it with the application.	lived in Kenora since 1978+ no gas station there between '78 + 2017.		
*If the answer to any of the above questions from regarding contamination were checked Yes or if there was a previous industrial or commercial use, please attach a previous use inventory with this application form showing all former uses of the subject land. A soils investigation study may also be required.	N/A		

11.0 - IS THE PLAN CONSISTENT WITH POLICY STATEMENTS ISSUED UNDER SUBSECTION 3(1) OF THE PLANNING ACT?

Please state how this application is consistent with the 2014 Provincial Policy Statement (PPS).

X This application presents no hazards. It is outside of hazardous or floodwaylands, dynamic beach area, it is not along a river. There is no present or nearby institutional use, emergency service or uses associated with hazardous substances. No adverse environmental impacts will result from these lot severances.

12.0 - ORIGINAL PARCEL TRANSFER

Has any land ever been severed from the parcel originally acquired by the owner of the subject land? YES ☒

If Yes, please indicate the date of the transfer, the name of the transferee and the uses of the severed land:

Date of Transfer: _____

Name of Transferee: _____

Use(s) of Severed Land: _____

13.0 – SIGNIFICANT FEATURES CHECKLIST

Check through the following list. Indicate under YES, NO or UNKNOWN if a listed feature is on-site or within 500 metres. Indicate under YES, NO or UNKNOWN if a listed development circumstance applies. Be advised of the potential information requirements.

FEATURE OR DEVELOPMENT CIRCUMSTANCE	YES	NO	DON'T KNOW	IF YES, SPECIFY DISTANCE IN M	POTENTIAL INFORMATION NEEDS
Non-farm development near designated urban areas or rural settlement areas		✓			Demonstrate sufficient need within 20 year projections and that proposed development will not hinder efficient expansion of urban areas or rural settlement areas.
Class 1 Industry ¹		✓			Assess development for residential and other sensitive uses within 70 metres.
Class 2 Industry ²		✓			Assess development for residential and other sensitive uses within 300 metres.
Class 3 Industry ³		✓			Assess development for residential and other sensitive uses within 1000 metres.
Land Fill Site		✓			Address possible leachate, odour, vermin and other impacts.
Sewage Treatment Plant		✓			Assess the need for a feasibility study for residential and other sensitive land uses.
Waste Stabilization Pond		✓			Assess the need for a feasibility study for residential and other sensitive land uses.
Active Railway Line		✓	WWS		Evaluate impacts within 300 metres.
Operating mine site		✓			Will Development hinder continuation or expansion of operations?
Non-operational mine site within 1 kilometre of subject land		✓			Have potential impacts been addressed? Has mine been rehabilitated so there will be no adverse effects?
Airports where noise exposure forecast (NEF) or noise projection (NEP) is 28 or greater		✓			Demonstrate feasibility of development above 28 NEF for sensitive land uses. Above the 35 NEF/NEP contour, development of sensitive land uses is not permitted.
Electric Transformer Facility		✓			Determine possible impacts within 200 metres.
High Voltage Transmission Lines		✓	WWS		Consult the appropriate electric power service.
Transportation and Infrastructure corridors		✓			Will corridor be protected? Noise Study Prepared?
Agricultural Operations		✓			Development to comply with the Minimum Distance Separation Formulae and Official Plan.
Mineral Aggregate Resource area		✓			Will development hinder access to the resource or the establishment of new resource operations?
Mineral Aggregate Operations		✓			Will development hinder continuation of extraction? Noise and Dust Study completed?
Existing Pits and Quarries		✓			Will development hinder continued operation or expansion? Noise and Dust Study completed?
Mineral and Petroleum Resources		✓			Will development hinder access to the resource or the establishment of new resource operations?
Significant Wetlands or potentially significant Wetlands		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.

Significant portions of habitat of Endangered or Threatened Species		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Significant Fish Habitat, Wildlife Habitat and areas of Natural and Scientific Interest		✓			Provide Environmental Impact Study (EIS). Must demonstrate that no negative impacts will occur.
Sensitive Groundwater Recharge Areas, Headwaters and Aquifers		✓			Demonstrate that groundwater recharge areas, headwaters and aquifers will be protected.
Significant Built Heritage Resources and Cultural Heritage Landscapes		✓			Development should conserve significant built heritage resources and cultural heritage landscapes.
Significant Archaeological Resources		✓			Assess development proposed in areas of medium and high potential for significant archaeological resources. These sources are to be studied and preserved, or where appropriate, removed. Catalogued and analyzed prior to development.
Lake of the Woods/Winnipeg River: Within defined Portions of Dynamic Beach and 1:100 year flood level along connecting channels		✓			Development not permitted
Lands Subject to Flooding and/or Erosions		✓			Development may be permitted. Must demonstrate that hazards can be addressed.
Erosion Hazards		✓			Determine feasibility within the 1:100 year erosion limits of ravines, river valleys and streams.
Floodplains		✓			Determine limit of Development or where a Special Policy Area (SPA) is in effect, development must meet the Official Plan policies.
Hazardous Sites ⁴		✓			Slope Study, Flood Line Study. Demonstrate that hazards can be addressed.
Rehabilitated Mine Sites		✓			Application for approval from Ministry of Northern Development and Mines should be made concurrently.
Contaminated and/or Brownfield sites		✓			Assess and inventory of previous uses in areas of possible contamination.

¹Class 1 Industry - small scale, self-contained plant, no outside storage, low probability of fugitive emissions and daytime operations only.

²Class 2 Industry - medium scale processing and manufacturing with outdoor storage, periodic output of emissions, shift operations and daytime truck traffic.

³Class 3 Industry - indicate if within 1000 metres - processing and manufacturing with frequent and intense off-site impacts and a high probability of fugitive emissions.

⁴Hazardous sites - property or lands that could be unsafe for development or alteration due to naturally occurring hazards. These hazards may include unstable soils (sensitive marine clays,

14.0 - ADDITIONAL INFORMATION

Please provide any additional information that you feel would be beneficial to the application:

Please see proposal as submitted.

15.0 - SKETCH

A sketch, draft survey or site plan, preferably prepared to scale by a professional shall be submitted as part of each application. The sketch or site plan must clearly demonstrate:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features *(for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks)* that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (f) the current uses of land that is adjacent to the subject land *(for example, residential, agricultural or commercial)*;
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

All necessary information must be contained on one single sketch or site plan.

Applications and plans will be accepted in Metric only (1 foot = 0.3048 metres, 1 acre = 0.4046 hectares). The maximum size for the accompanying sketch/site plan shall be 11"x 17". If there is information provided on larger sizes, at least one copy shall be provided on the 11"x 17" format. Elevation drawings shall also be provided if applicable.

A copy of the most recent available survey  of the subject property completed by a registered Ontario Land Surveyor (OLS) should also accompany the application.

16.0 - DIRECTIONS

Please provide directions to the subject property:

17.0 - AUTHORIZED AGENT/SOLICITOR

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner(s) that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We 1927044 Ont Inc., am/are the owner(s) of the land that is subject of this application for consent and I/We hereby authorize Tana Letwiniuk to make this application on my/our behalf and to provide any of my personal information that will be included in this application or collected during the processing of the application.

June 9 / 17
Date

F. Brydges
Faith Brydges
Signature of owner(s)

18.0 - SWORN DECLARATION OR AFFIDAVIT

I, Tana Letwiniuk of the City of Kenora in the province of _____, make oath and say (or solemnly declare) that the information required under Ontario Regulation 197/96, and provided in this application is accurate, and that the information contained in the documents that accompany this application is accurate.

Sworn (or declared) before me at the CITY OF KENORA in the PROVINCE OF ONTARIO this 9TH day of JUNE in the year 2017

Terence Douglas
Commissioner of Oaths

[Signature]
Applicants(s)

Terence Sakohianisaks Douglas B.A., LL.B.
Barrister, Solicitor & Notary Public
Terence Douglas Professional Corporation
101 Chipman St. Kenora, ON P9N 1V7

19.0 - PRIVACY CONSENT/FREEDOM OF INFORMATION DECLARATION

Consent of Owner(s) to the use and disclosure of personal information and to allow site visits to be conducted by City Staff and members of the Planning Advisory Committee or Council Members.

I/We, 1927044 Ont. Inc. being the registered owner(s) of the lands subject of this application, and for the purpose of the Freedom of Information and Protection of Privacy Act, hereby authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act (R.S.O. 1990 as amended) for the purposes of processing this application.

I/We also authorize and consent to representatives from the City of Kenora and the persons and public bodies conferred with under the Planning Act (R.S.O. as amended) entering upon the subject lands of this application for the purpose of conducting any site inspections as may be necessary to assist in the evaluation of the application.

Faith Bridges
Faith Bridges
Owner(s) Signature

PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED PURSUANT TO THE MUNICIPAL ACT, AND WILL BE USED FOR THE PURPOSE OF PROCESSING AND APPROVAL OF THIS APPLICATION AND ASSOCIATED APPLICATIONS. QUESTIONS ABOUT THIS COLLECTION SHOULD BE DIRECTED TO: FREEDOM OF INFORMATION AND PRIVACY COORDINATOR, CITY OF KENORA, ONE MAIN STREET SOUTH, KENORA, ON P9N 3X7 - (807) 467-2295.

20.0 - UNDERTAKING FOR ONTARIO MUNICIPAL BOARD APPEAL

TO: CITY OF KENORA

FROM: Name: 1927044 Ont Inc.Address: Box 284 Kewatin ON

SUBJECT: APPLICATION FOR CONSENT

Address of Site: Spence Street 2385197*Where the City of Kenora substantially supports the application for Consent,*Name of Applicant: Tara Letwinuk as authorized Solicitor for Owner

Hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including all disbursements of the City, all legal expenses beyond the first \$1,000 and deposit \$4,000 with the City upon notice of the hearing in the event of a site specific third party appeal.

AND

In the event of a policy or major issue third party appeal, hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including disbursements of the City. The applicant shall deposit a sum of \$10,000 to the City of Kenora upon receipt of the notice of hearing. In instances where the municipality and applicant share a solicitor, the City of Kenora will fund fifty percent of the total expenses with an upset limit of \$5,000. The applicant will be responsible for any expenses above and beyond this point.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone call or other means as directed by the Board.

Dated at City of Kenora this _____ day of _____, _____

Where the City of Kenora refuses the application for Consent,

Name of Applicant: _____

Hereby undertakes to pay, in accordance with the Ontario Municipal Board cost recovery policy of the City of Kenora, upon receipt of invoice from the City, any and all legal costs, including all disbursements of the City, in respect of preparation for and attendance at an Ontario Municipal Board hearing, until the matter is finally resolved by the said Board. The estimated cost for the City of Kenora for a one day Ontario Municipal Board Hearing is approximately \$10,000.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone call or other means as directed by the Board.

Dated at City of Kenora this _____ day of _____, _____

Please complete 1 or 2**1. For Applicants and Individuals**

Signature of Applicant

Tara Letwinuk
(Please print name)

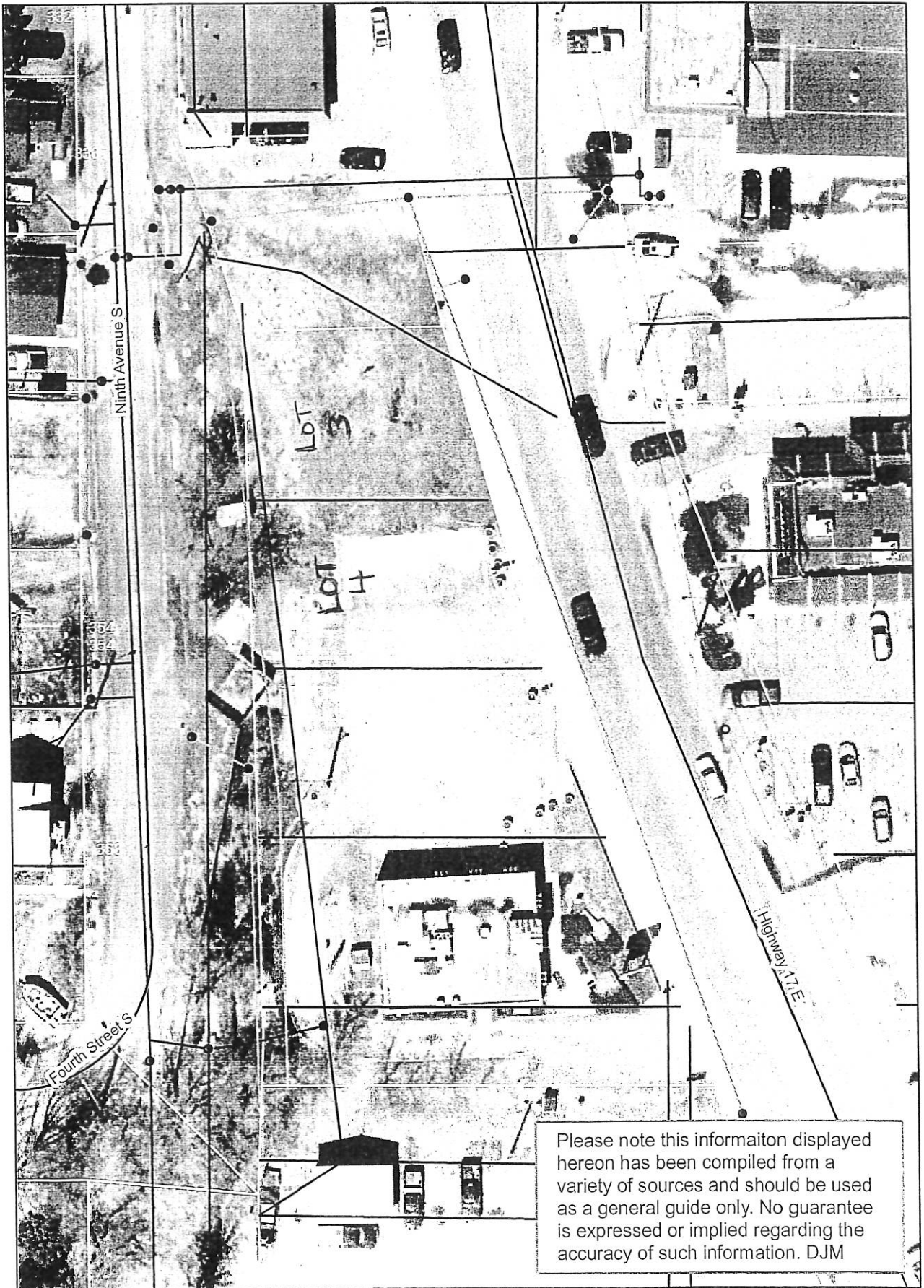
Signature of Witness

TERENCE DOUGLAS
(Please print Name)**2. For Corporations and Companies**

Corporate name (if applicable)

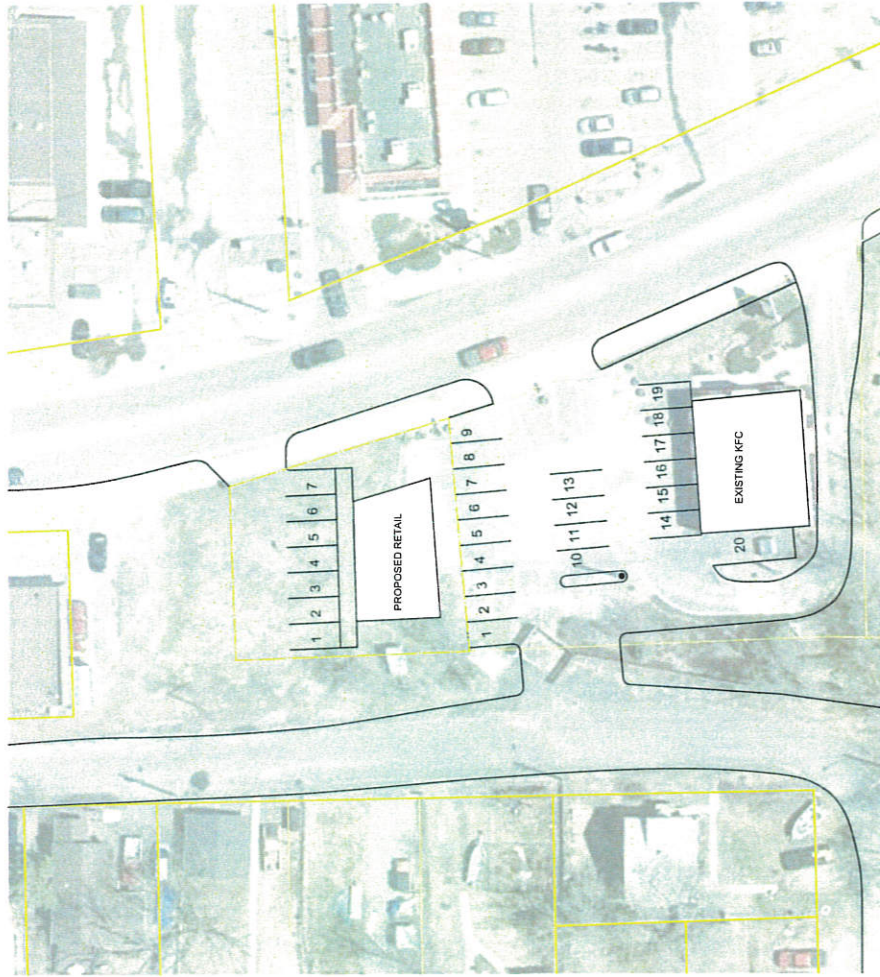
(Authorized Signature) I have the authority to bind the Corporation

(Please print Name and Title)



Please note this information displayed hereon has been compiled from a variety of sources and should be used as a general guide only. No guarantee is expressed or implied regarding the accuracy of such information. DJM

0 5 10 20
Meters



Proposal option 1

Required setbacks:

Front: 6m

Rear: 4m

Side: 3m

Building Height: 10m

Proposed lot size: 645.38m sq. Note* (within current property line)

Maximum allowable lot coverage: 50% (322.69m sq.)

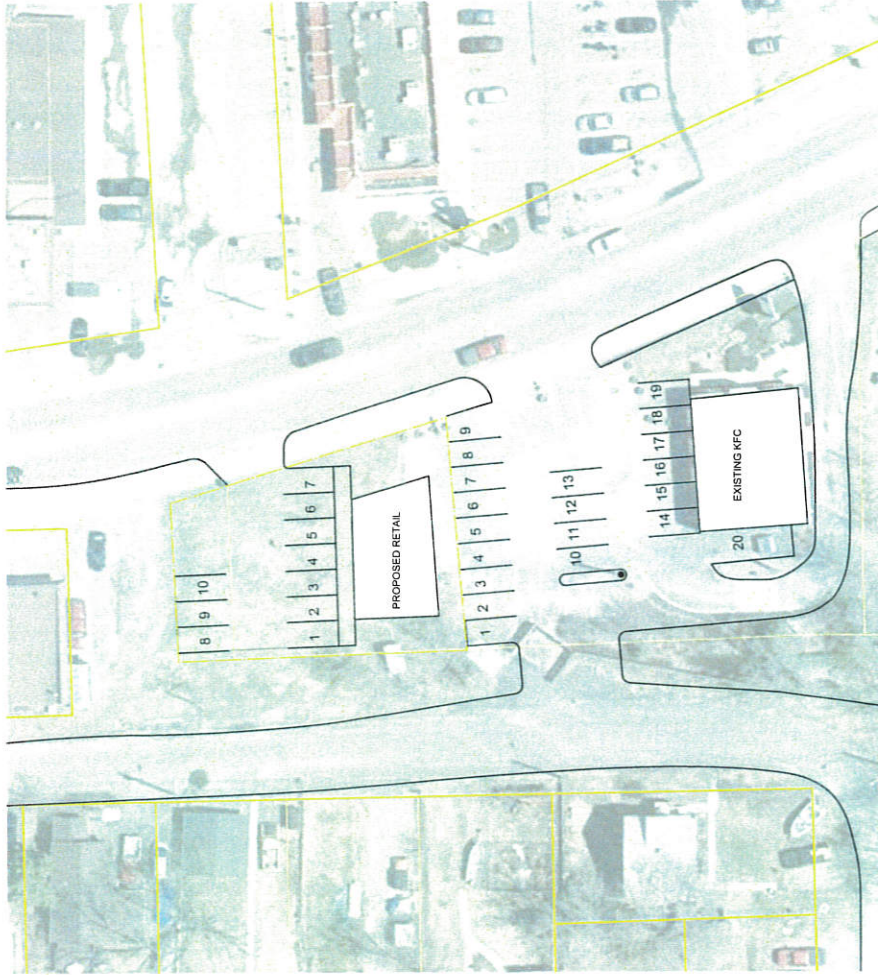
Proposed building area: 144.05 m sq.

Required amount of parking stalls:

Retail (3.4 per 100m sq. of gross leasable floor area)
= 5 stalls, no barrier free parking stall required

Proposed number of parking spaces: 7

Other site conditions: 1 new entry/exits are required



Proposal option 2 - 2 Storey

Required setbacks:

Front: 6m

Rear: 4m

Side: 3m

Building Height: 10m

Proposed lot size: 645.38m sq. Note* (using 6 meters of north easement)

Maximum allowable lot coverage: 50% (322.69m sq.)

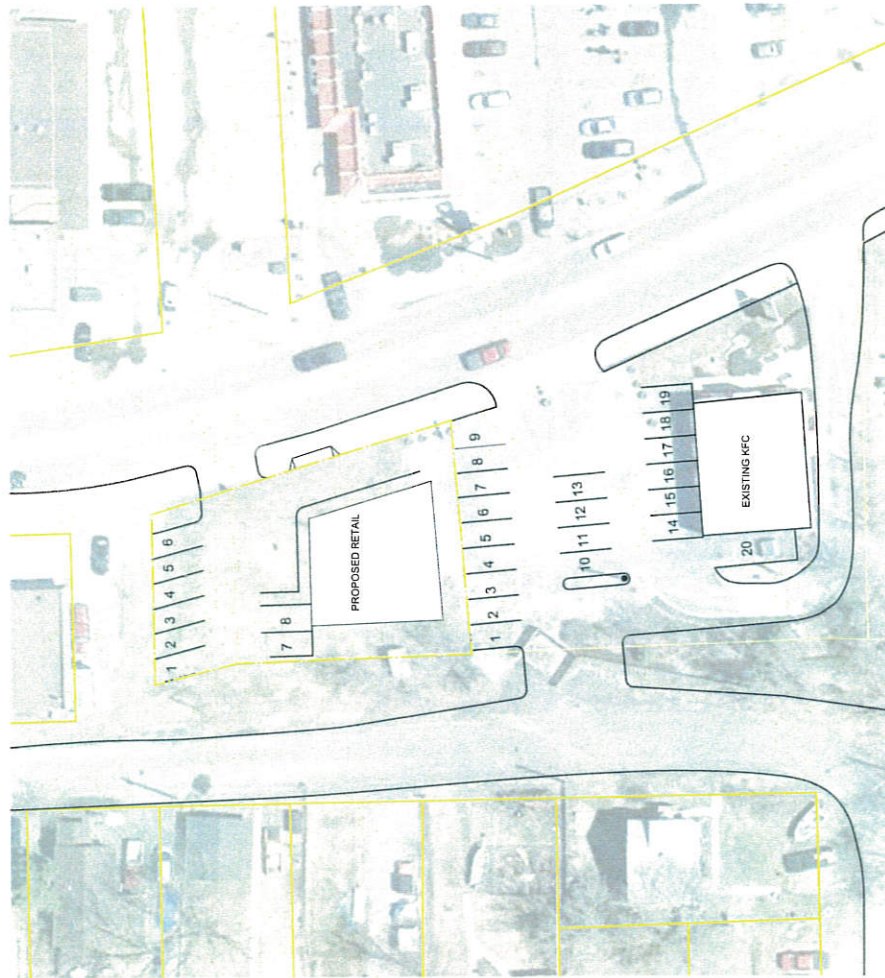
Proposed building area: 144.05 m sq.

Required amount of parking stalls:

Retail (3.4 per 100m sq. of gross leasable floor area)
= 10 stalls, no barrier free parking stall required

Proposed number of parking spaces: 10

Other site conditions: 1 new entry/exits are required



Proposal option 3

Required setbacks:

Front: 6m

Rear: 4m

Side: 3m

Building Height: 10m

Proposed lot size: 838.11m sq. Note* (uses 9.68 meters of north easement)

Maximum allowable lot coverage: 50% (419.05m sq.)

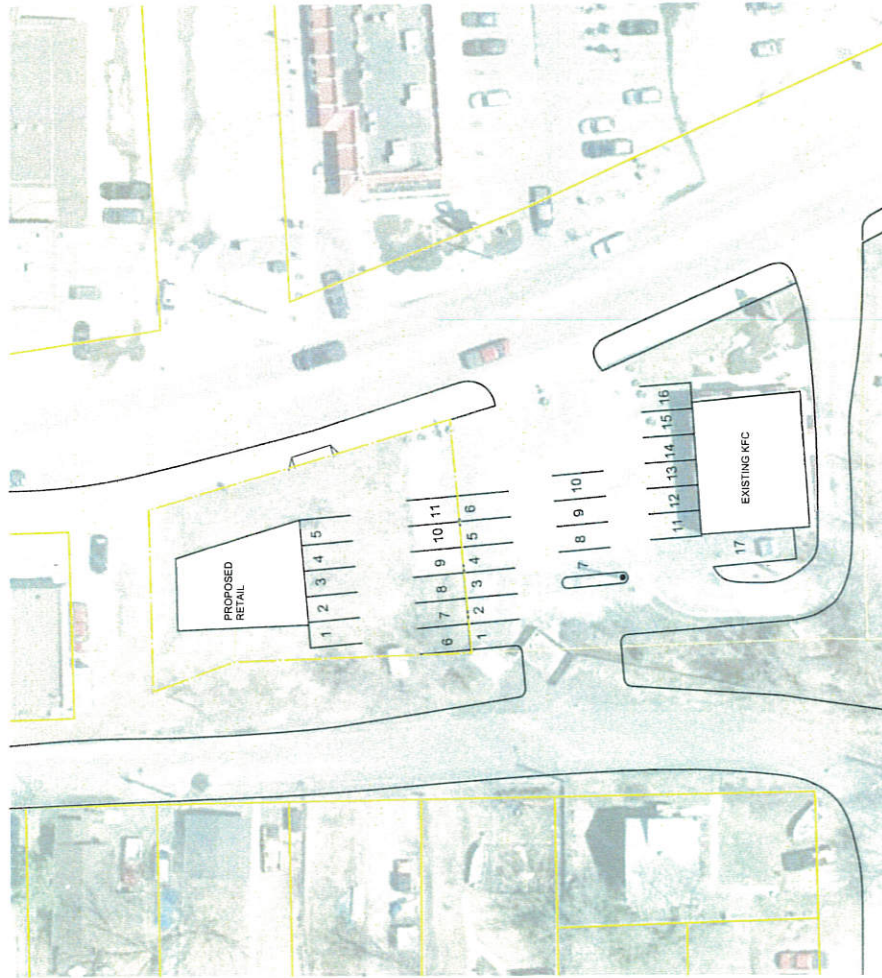
Proposed building area: 215.63 m sq.

Required amount of parking stalls:

Retail (3.4 per 100m sq. of gross leasable floor area)
= 7 stalls, no barrier free parking required

Proposed number of parking spaces: 8

Other site conditions: Requires 1 new entry/exit points into the property



Proposal option 4

Required setbacks:

Front: 6m

Rear: 4m

Side: 3m

Building Height: 10m

Proposed lot size: 851.72m sq. Note* (uses 9.58 meters of north easement)

Maximum allowable lot

coverage: 50% (435.80m sq.)

Proposed building area: 156.40 m sq.

Required amount of parking stalls:

Retail (3.4 per 100m sq. of gross leasable floor area)
= 6 stalls, no barrier free parking required

Proposed number of parking spaces: 11

Other site conditions: Parking requirements met for both buildings using shared parking.

Terence Douglas Professional Corporation
Barristers & Solicitors

1217 St. Clair Street, Keewatin ON P0X 1C0

Phone 807.464.2278 Fax 807.789-1663

Devon McClosky
City Planner
City of Kenora
60 Fourteenth Street N, 2nd Fl
Kenora On
P9N 4M9
807-467-2059

June 9, 2017

Re: 923 Highway 17E, Kenora ON P9N 1L9 ("the Property")

Dear Ms. McClosky:

We have been retained by 1927044 Ontario Inc. ("the Owner") to submit the enclosed application for lot severance and merging of the below property near KFC.

As you are aware my clients are the current Owner of the above property for which the legal descriptions are:

PIN 42168-0485 PCL 20649 SEC DKF; **PT LT 3 PL M35; PT LT 4 PL M35; PT LT 5 PL M35, MT LT PL M35** lying Westerly of the Kings Highway Crossing said lots: a plan of which highway is filed in the registry office at Kenora, Ontario as Plan 199; Subject to an easement in gross over PT 1 23R11929 as KN44044.

PIN 42168-0483 PCL 40144 SEC DKF; PT LT 7 PL M35; PT LT 16 PL M35; PT Lane PL M35 lying east of LT 7 PL M35, Part 1-3 23R8943; Kenora subject to an easement in gross over PT 2 23R11929 as in KN44044.

It is the intent of the Owner's to sever and merge lots 3 and 4 at the north end of the property. It is their aim to then list that newly created property for sale so that it can be developed commercially. They have no intent to commercially develop that site themselves.

It is their further aim to acquire all or at least half of the adjacent lot known as Spence Street through purchase, lease or right of way. Our client has made a separate Application to Acquire dated June 9, 2017.

Although the severance and merging of the Lots 3 & 4 are not contingent on the acquisition/leasing of that Spence property, being able to utilize ½ of the Spence street property for a parking pad to would increase the overall viability, functionality and potential of the newly created property for commercial development by allowing more parking and therefore a larger commercial building to be constructed. This makes the newly created property more attractive to potential developers as it increases the commercial uses to which that property could be developed substantially.

The Owner's objectives are in accordance with the stated goals and objectives of the Official City Plan. As stated in that plan *"Growth and development should be directed to locations where it makes financial sense by using existing and planned infrastructure. New development should be designed to use land efficiently, be responsible to the natural environment and be compatible with existing land uses."* (section 2)

Further, section 2.2.1 Principle 1 one of the City Plan states the objective of sustainable development in Kenora is *"To promote compact development by using land and existing infrastructure efficiently."* And that a diversified economy in Kenora means we *"seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities..."*

The Owner's proposal to increase the commercial development of that business section of our city will efficiently use existing infrastructure, promote compact development, increase the commercial density and create employment opportunities for our community.

Property Description

The Property is located on the west side of Highway 17E and is subject to an easement in favour of the Corporation of the City of Kenora over the west portion of the site that is approximately 24 feet at its widest point. The purpose of the easement is to give the City of Kenora the right to enter on and to construct, maintain, repair, replace and renew and make additions to storm drainage sewer. A copy of that easement instrument is attached.

Adjacent properties or properties across Highway 17E to the north and south include MacDonald's, Travel Lodge, Days Inn and a strip mall housing Chow Time Pets and Tim's Paint, and Dingwall Ford. The west of the Property is a single-family residential area. With frontage on Highway 17E there is good exposure from the north and the south, with a constant but well regulated flow of traffic and well established access and egress for the property.

The Property is irregular in shape with an assessed area of 30,597 sq. ft and an assessed frontage on highway 17E of 299 feet. The assessment office has indicated the area is 30,597 sq. ft.; a copy of current survey dated 2011/01/25 is enclosed.

The property is zoned HC – Highway commercial under the City of Kenora zoning by-law. The property fronts on to highway 17 and has two curb cuts for access/ egress and as access to restaurant, parking and the drive-thru and the other as an egress for the drive-thru only. Public services available to the site include natural gas, telephone, city services such as hydroelectric power and water and sewer, cable, street lighting, all weather roads and sidewalks.

The KFC restaurant is a 2,142 sq ft building with 1,076 sq. ft or 99.96 sq. meters of gross floor area and occupies lots 5, 6 and part lot 7. Lots 3 and 4 at the north end of the property, comprising approximately 8250 sq. ft have not been used by the restaurant, have been and currently are vacant with no structural improvements.

Lot 3 and the majority of Lot 4 are vacant and have been vacant for so long as my client's have owned them. The balance of Lot 4 is currently comprised of six (6) parking stalls that are considered excess parking. It is their intention to sever lots 3 and 4, merging them into one lot and to sell them as one parcel. They anticipate that commercial development of that newly severed property will attract new business(es) and create jobs, thereby further developing our local economy in keeping the Official Plan of the City of Kenora.

Please note that only Proposal Option 1 does not required the purchase or use of part or all of the Spence street property. Options 2 & 3 & 4 would require purchase or use of half of that Spence street property. In each of the 3 options that half of Spence Street lot is utilized only to either provide access to the newly severed lot, and / or to provide a park pad for the newly severed lot. It is suggested that both of those uses would not ultimately interfere with the ability of the City of Kenora to access infrastructure should that need arrive.

We further note that parking on lots that may be situated over existing infrastructure is currently allowed in numerous areas across the city, including Main Street for example, and also is allowed currently on this Spence street lot on both sides of the highway.

Issues of Potential Concern

To issues that may be of concern to the City, as identified in the 3 pre-consultation meetings held with the Planning department, regarding this application are:

- 1) Access and egress for the newly severed property,
- 2) That any proposed new structure for the severed property can provide the parking as required in accordance with the By-laws, and

2) That the KFC restaurant continues to provided adequate parking in keeping with the City bylaws.

1) Access and egress for the newly severed property: It is proposed by the Owner's that the newly severed lot will, by easement or leasehold agreement share the current access/egress curb cut for access/egress to the restaurant, parking and drive-thru. Please see Proposal Options 3 and 4 for a visual representation of this Option. This existing curb cut is positioned on to the east of the building and therefore is in proximity and adjacent to the newly severed lot. Alternatively, the Owner's propose a new curb cut be developed specifically to create a separate access/egress point for the new severed lot. Please see Proposal Options 1, 2, 5 and 6 for visual representations of this Option.

2) Adequate Parking for potential use/structure on severed lot: The Architect engaged for the purposes of this proposal has developed 6 options of likely and best use and parking options for the new site. Given the size, zoning and location of the severed lot the likely and best use for it would be to develop it for retail or commercial office space. The attached 6 Proposal options clearly demonstrates that this property can support a commercial structural built with a foot print of 1646 sq. ft or up to a 5452 sq foot two storey structure and be able to provide the required amount of parking stalls in accordance with the By-Law.

3) Parking for KFC restaurant: KFC has always maintained 18 parking spaces for the restaurant and will maintain that number even after the lot severance by reconfiguring the current parking grid in order to accommodate a total of 19 parking stalls onto Lots 5 and 6. Please see the attached 4 Proposal Options for a as developed by an architect for the purposes of this application.

The purpose of this application is to sever lots 3 and 4 from lots 5,6 and part lot 7 and to merge those lots into one and sell them as commercially viable property to be developed. They will preserve the current number of parking spaces by reconfiguring the parking stall grid onto lot 5. Safe access and egress to the new lot will be guaranteed by utilizing the current curb cut situated on lot 5 or by developing a new curb cut directly on the newly severed lot. This is a long established commercial zone with safely regulated vehicular traffic. It is the owner's position that the development of this new severed lot will not overburden that major transportation route or cause any unsafe congestion.

The Owner respectfully submits that granting this application and allowing the severance of this lot will allow for further commercial development in that area thereby enhancing the local economy and increasing employment in a manner that is consist with the stated goals and objectives of the Official City Plan and existing planning laws, by-laws and regulations.

We would welcome appreciate the opportunity to present this proposal to the Planning Committee should that be required.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tara', with a long, sweeping horizontal line extending to the right.

Tara Letwiniuk, LLB, LLM
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