



City of Kenora
Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

Meeting Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
February 26, 2019
6:00pm

Present:

Wayne Gauld	Chair
Ray Pearson	Member
Graham Chaze	Member
Bev Richards	Member
John Barr	Member
Robert Kitowski	Member
Tanis McIntosh	Member
Andrew Koch	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

Regrets:

John McDougall	Member
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DELEGATION:

(i) Wayne Gauld, Chair, called the meeting to order at 6:00 pm and reviewed the meeting protocol for those in attendance.

(ii) Nominations of Chair and Vice Chair for the Year 2019

With the New Year, the Committee shall hold an election for the position of Chair and Vice Chair which hold these titles for both the Planning Advisory Committee and the Committee of Adjustments, of which this Committee represents.

The Secretary Treasurer asked the Committee members for nominations for the position of Chair.

Bev Richards nominated Wayne Gauld for the position of Chair.

The Secretary Treasurer called for a second and third time for nominations for Chair; there were no further nominations made.

Wayne Gauld accepted the nomination, and the Secretary Treasurer declared that nominations for Chair were closed.

The Secretary Treasurer asked the Committee members for nominations for the position of Vice Chair.

John Barr nominated Ray Pearson for the position of Vice-Chair.

The Secretary Treasurer called for a second and third time for nominations for Vice Chair; there were no further nominations made.

Ray Pearson accepted the nomination and the Secretary Treasurer declared that the nominations for Vice Chair were closed.

The Committee congratulated both Wayne Gauld and Ray Pearson for their roles at Chari and Vice Chair for 2019.

(iii) Additions to agenda - there were none.

(iv) Declaration of interest by a member for this meeting or at a meeting at which a member was not present.

- Andrew Koch declared a direct conflict on file D13-19-04, WNHAC, as it relates to his employment with Gillons Insurance.
- Graham Chaze declared a direct conflict on file D14-19-02, GACC, as it relates to his employment with Cabin Country Realty Ltd.

(v) Adoption of minutes of previous meeting

The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.

- Approved as corrected: January 22nd, 2019 minutes of the regular Kenora Planning Advisory Committee meeting.

(vi) Correspondence relating to the application before the Committee

- The Secretary Treasurer indicated that a letter by the Applicant relating to file D13-19-04 had been circulated earlier that day. Printed copies were made available for Committee members.

(vii) Consideration of applications for minor variance

- D13-19-03, Tesla

Alex Tsopelas, Agent
Tesla Motors
Via Teleconference

Alex Tsopelas, from Tesla Motors, introduced himself as the Agent for the file and thanked the Committee for accommodating himself for participation in the meeting. The Agent explained that Tesla is proposing to install six super charging stations within existing parking stalls at the Canadian Tire Gas Bar, being the rear side of the

gas bar, there are existing natural gas and hydro meters. In order to maintain the proper clearance by code, they have to move the curb out from the building by approximately 1 m, which will reduce the stall length to 5.1 m. It is for this reduction that they are seeking a minor variance to the Zoning By-law.

The Planner presented the planning report file D13-19-03 and explained that six existing parking stalls are proposed to have their lengths reduced so as to accommodate six electric vehicle charging stations and associated equipment. Parking spaces and aisles are shared between the Canadian Tire store and the Gas Bar. The location of the parking spaces subject to this development are surplus and not required for patrons who normally park at the front of the building or at the fuel pumps.

The Planner noted that currently the Zoning By-law does not have a definition for electric vehicle charging; however, she noted that the next comprehensive Zoning By-law review will incorporate refueling for electric vehicles. The application was circulated to the public within 60 m and no comments had been received. There also had been early discussion with the Agent regarding whether vehicles would be towing. It had been explained to the Planning Department that the charging stations are back-in only and there would not be the opportunity to charge if towing a trailer.

It was the Planner's professional opinion that the application should be approved; conditional on removing a stack of steel fencing situated towards the rear of the gas bar. It would have to be removed prior to any construction, anyways. At this time, it is unsightly and unnecessary.

The Agent explained that the metal fencing is not theirs but that they will speak to the property owner to have it removed. The Agent was not sure what it is there for.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application.

For clarification, the Chair asked whether the charging stations are for all makes of vehicles, not just Tesla. The Agent clarified that the charging connectors are for Tesla vehicles only.

Ray Pearson noted that on the site plan, there are eleven spots behind the gas bar. He asked if there are future plans to use the others since this proposal is only requesting relief for six stalls. The Agent stated that they do not have any plans at this time and are leaving the remaining parking spaces unchanged.

Bev Richards asked if there will be an agreement in place between Tesla and Canadian Tire to ensure trailers/boats are not towed when vehicles are charging. She explained that the parking lot gets very busy in the summer and there is also a vendor that typically sells produce at the location, which might be affected. The Agent explained

that he does not believe it is explicitly outlined in the lease that there is a specific location to store trailers/boats for those towing.

John Barr wished to clarify several points. The first, being that Tesla chose this location due to the location of hydro. He asked if there were other site options for the charging stations. The Agent stated that he believes other locations were being looked at; however, that there were several factors that were considered. One, being the proximity to existing hydro connection and a second being the busyness of the parking areas in order to utilize space. They needed a location where they could install additional electrical equipment and somewhere that would avoid taking up parking stalls.

There were no further questions.

The Chair asked the Committee for discussion prior to making a decision.

There was no discussion.

Moved by: Bev Richards

Seconded by: Graham Chaze

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-03, seeking relief from Section 3.23.4 - which requires that 90 degree parking spaces must be 6m in length. Approval of the application minor variance file D13-19-03 will allow six (6) existing parking stalls with 90 degree space dimensions to be reduced to 5.1 m in stall length in order to accommodate the installation of six (6) electric vehicle charging stations and associated equipment; conditional on the removal of the stack of steel fencing on the east side of the gas bar.

Carried.

Andrew Koch left the room at 6:18 p.m.

- D13-19-04, WNHAC

Paul Derouard, Agent
Waasegiizhig Nanaandawe'iywewigamig (WNHAC)

Paul Derouard introduced himself as the Agent for the application. To provide context, he explained that approximately three years ago, an application for parking reduction had come to the Committee. The subject property at the time was fairly constrained and reduced parking was needed. Since then, WNHAC had a land swap with the City which better accommodated their building footprint. However, parking is still a concern, which is why they are looking for a parking reduction to total 16 spaces on site. He noted that 16 is the maximum amount they can fit on the site with the building footprint, adding that it is more than what they originally requested three years ago. They are gaining five parking spaces since the original plans at the previous site.

The Agent further explained that their organization has been serving First Nations communities through outreach services, whereby their staff will travel in vehicles to the neighbouring First Nations. It will be their 25th anniversary in May. This particular project stated in 2010 when the application for the building was submitted to the Ministry of Health.

The Planner presented the planning report file D13-19-04, explaining that the application is specifically to reduce parking spaces from a minimum of 5 to 4 parking spaces per practitioner, totaling 16 spaces on site. As noted, a similar application was proposed but was for a different property just 20 m north of the Kenwood Hotel property. This new location is located within the old Zellers parking lot, which is on the north side of the proposed First Street extension.

The Planner referenced photos from her site visit that had been included in the planning report. The area is fairly flat and there is public parking on the street and in the parkade. She also noted that there is a lot of new development proposed in that area, including the re-alignment of First Street. The look and feel of the area will be changing substantially. She explained that the application is consistent with the Provincial Policy Statement (2014) as it would support health services for vulnerable persons. These persons are generally located off site.

The application was circulated internally. The Engineering Department asked if there was the option to seek additional land from the original purchaser of the property. However, when the Agent was asked, it was explained that they would consider it in the future but the current budget would not allow for it. They also do not feel as though it is needed, pointing out they do own additional land in the area which would accommodate some parking needs. Synergy North commented that they would need an easement but had no concerns over parking.

The application had also been circulated to property owners within 60m. Comments had been received by an abutting property owner with concerns over using free parking spaces at the mall property. A letter had been submitted, which was provided to the Committee. The Planner noted that the department will give them additional information about the proposal and the Agent's response.

The Planner described how the application meets the four tests, noting that off-street parking is available and there wouldn't be as much competition for those spaces compared to those on the harbourfront. She also noted that in the Zoning By-law, parking is only a requirement when there is a new build. If the organization moved into an existing building, they wouldn't need to supply parking if there wasn't any. As an outreach clinic, providing services off-site, the amount of parking is more than adequate.

The Chair asked if there was anyone in the public whom wished to speak in favour of or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application.

John Barr referenced the response letter submitted by the Agent and asked if the parking would be for the organization's fleet. The Agent confirmed that it would be, explaining that there are 8 vehicles in the fleet and that they are typically gone between 7 and 9 am, and return after 4 pm. The parking spaces would be for clients as well.

Bev Richards asked whether the clients stay overnight. The Agent stated that they would only be there during the day.

Ray Pearson asked how many staff members there are. The Agent explained that there is a total of 75 but not all are at the subject location. At this site, there would be approximately 35. Ray asked if each of those 35 are responsible to find parking on their own. The Agent explained that some pay City parking and others access where they can. It hasn't been an issue.

Wayne Gauld referenced the re-alignment of First Street and when the new road will be constructed. He asked when the building will be finished. The Agent stated that they are getting into the more detailed design plans now but the anticipated move in date is 2020 or 2021 of December. It was clarified that the road will be constructed by the time the building is finished.

Robert Kitowski asked what would happen if additional practitioners are hired, considering the approval would be for 4 spaces per 4 practitioner. He expressed concern that any growth would put the organization in violation of the Zoning By-law.

The Agent explained that they would still have an existing location on Fourth Avenue South, where the parking area is never full. They could accommodate three or four more practitioners and does not see it as being an issue. Part of their planning with the Ministry of health is to accommodate expansion.

The Planner noted that if they did expand and require additional parking, the City would have to look at a similar agreement to what exists on Fourth Avenue and their existing location, which would be a registered site plan agreement to supply parking at an offsite location. Or, by then, WNHAC may have acquired property from the mall.

Wayne Gauld asked for clarification whether WNHAC will be monitoring that staff are not using the mall parking lot or using up spaces at other locations. The Agent confirmed that they would be, as well as ensuring that proper signage is posted. They would work with staff to sort any parking-related issues out and help find alternative locations for them.

The Chair asked the Committee for discussion prior to making a decision.

The Committee discussed the concern over future expansion of the clinic. It was noted that if it was an existing building, there wouldn't be the requirement and that there is off-street parking available in the area. Additionally, the Committee had approved the same proposal for a different site in 2016 and now they can fit five

more spots. When asked how many practitioners there are currently, the Agent explained that there is five. The Committee noted that they would be maxed out for parking.

It was determined that the organization will be responsible for monitoring the parking and to ensure that the abutting property owner is not upset with staff using their parking spaces.

There was no further discussion.

Moved by: Ray Pearson

Seconded by: John Barr

That the Kenora Planning Advisory Committee approves application for minor variance file no. D13-19-04, seeking relief from Section 3.23 (Table 4) – which requires that there be a minimum of five (5) parking spaces per practitioner for a “Clinic” use. Approval of the application minor variance file D13-19-04 will allow reduced parking of four (4) parking spaces per practitioner for an Outreach Clinic, totaling sixteen (16) parking spaces on site.

Carried.

(viii) Consideration of applications for consent

Andrew Koch returned to the meeting at 6:46 p.m.

Graham Chaze left the meeting at 6:47 p.m.

(ix) New Business

- Recommendation(s), Application for an Amendment to the Zoning By-law:
 - i. D14-19-02, GACC

Sasa Radulovic, Agent
5468796 Architecture

Sasa Radulovic introduced himself as the Agent for the application, indicating that he has been working with the Planner for 4 to 5 months. Their architecture firm had joined the project in August and were asked to navigate the initial planning stages and thereby are also tasked with seeing how this first step of re-zoning proceeds. If approved, the project will proceed.

The Agent explained that the team behind the project consists of Inn Ventures, Scatliff Miller Murray, and Pratta Design Group. The ownership group runs the Grace Anne boat in town.

The Agent had a presentation prepared and showed the Committee some of the slides from public relations documents. He noted that the team had looked at sixteen or eighteen different options at the site and have narrowed things down to two. The natural drop on the site of approximately 6m creates a natural amphitheatre, which

means that development can showcase a view of the lake to residents without buildings getting too high.

The Agent further explained that there are three separate parts to the site. The principal development site will house the resort with 33 resort units. A clubhouse is proposed to be on the water lot, with the Grace Anne Administration and two second floor resort units, parking is located adjacent to the resort. Water amenities would include 70+ docking slips. They are also proposing to maintain the sidewalk abutting the highway and two curb cuts in order to help safety and ensure that parking would not have an effect on traffic. Parking will be in compliance with the Zoning By-law at 64 stalls.

The Agent explained the various setbacks they are requesting relief for. On the west side, it was justified because they are similar to what had been existing before with the Anchor Inn. He noted that the street and road are not parallel on the east side so they are asking for a setback to make the two aligned. The Agent also explained that while they are requesting a maximum height of 15 m from the required 10 m restriction, only 12 m will be visible from the highway. On the lake front at the eastern section they would be looking at a 15 m height. 40% of development is below the maximum height and 60% is above the minimum requirement.

The Agent noted that the clients have secured partnership with Registry Collection, which is the largest timeshare collection network. This will open the resort to the world for visitation and further promote Kenora has a four season tourist destination.

The Planner presented the planning report file D14-19-02, highlighting that the Zoning By-law amendment would be the first approval of many. She explained that the City has been working with the Agent in order to determine the best way to approach the proposal. Subsequent approvals will be required for condominium and site plan.

The intent of this application is to change the HC-Highway Commercial zone to TR-Tourist Recreational to allow for the use of a resort and fractional ownership, which is currently not a permitted use in the HC zone. She noted that it could be argued that the Anchor Inn had a similar use, which sets some precedence for the subject property. The site currently consists of legal non-complying hotel with recreation space and marina.

As noted, other planning approvals are required, including a merger agreement to consider each of the three parcels as one unit. A condominium approval would establish 350 ownership shares, private docking of the resort and the accommodation of the Grace Anne yacht.

The Planner explained how the application is consistent with the Provincial Policy Statement (2014), noting that this development will promote economic development and community investment. She noted that there is a lot of policy regarding development on the shoreline and these would be addressed in site plan if the

application for Zoning By-Law Amendment is approved. This application has regard for massing and height, noting the terraced design of the buildings.

Waterfront Guidelines also apply in this case, which had been produced between 2007 and 2009, and were used to guide the Official Plan. The purpose of the guidelines were to preserve critical views to and from water, with special considerations for the Norman area. Height was required to be considerably less in the area compared to in the Harbourtown center, as there was not a lot of opportunity for infill and most use was residential. The Planner doubted that they would have anticipated this type of development at this location during the time that the guidelines were produced.

Many comments were received via internal circulation from City departments. The Operations Department noted that there is a large drop from the property and that there is hydro infrastructure close to the road. Engineering provided comments early on, which have been addressed by the Agent. The Building Department had questions that also have been addressed. Kenora Fire had some concern regarding fire truck access and noted the two existing hydrants in the location. They were curious if a turnaround was proposed, which would be looked at during the site plan stage of approval. Water and Wastewater division didn't have concerns and noted that there may be the potential for odour issues, although there has not been any issues in the past. Synergy North commented that they do have infrastructure in the area and may be requiring easements. Some of the existing wires may not be required as the building would be demolished. The Ministry of Natural Resources and Forestry did not have concerns from a natural heritage perspective but did note that there would be occupational for crown lease. The Lake of the Woods Control Board did have concerns over development on hazard land, as 'Area C' is below the 324 elevation. The Planner did inform them how development at that location would proceed, which includes the proposed building being constructed on pills above the land. The Board was interested in the designs and were happy that those concerns would be addressed.

Comments from the public were also received. Most concerns were limited to 'Area C' and the proposed two storey building and the potential to have their view to the lake negatively impacted in addition to pedestrian traffic concerns with the unloading of cars to docks. Further concerns included the impact of the drivers and setback reduction of the building to the road; diminished green space; flooding; and congestion. The height of the building seemed to be the largest concern and had been noted in another public comment. The Planner believed that there are so many concerns because of the uncertainty for how development will look.

The Agent had prepared a 3D model of the development relative to the existing condos and showed the Committee members and the public.

The Planner continued presenting the report. She explained that overall the proposed development is incorporating design features that would lessen the impact of the proposed height. She commented that setbacks are established to allow people to move through the property. In this case, the property fronts on two roadways, (and exterior side yard on Nash Street) which makes the access component less of a concern. Other buildings in the area are also located closer than what is permitted so

precedent has already been established. A narrowing variance is also requested on the east side lot line that abuts Nash Street and provides access to one dwelling. These reliefs would enable a larger amenity space in the interior of the property. The Planner noted that it is extremely difficult to make recommendations for 'Area C' and that a close review of the concerns submitted by the Operations and Engineering Departments can be undertaken during a site plan approval.

Comments had also been received from a Committee member under the opinion that the submitted survey may have erroneously misrepresented the size of the property of 'Area C'. It will likely be discussed later in this meeting. The Planner noted that it was recommended in the report that the reduced setbacks for 'Area C' and increased lot coverage are approved but not to include the second floor.

The Agent also highlighted that they are looking to trade land with the City in order to clear ownership of Nash Drive along the waterway, which is also why they were requesting some of the setback reliefs. The Agent stated that they did not believe that the height of the proposed two storey building would be too high, and why they produced the 3D model. The two storey is important to the client and they hope to work out a compromise with the City (i.e. green roof). They highlighted that it is not their intent to overcrowd the project.

The Chair asked if there was anyone in the public whom wished to speak in favour of the application. He requested to save any public questions once the Committee has asked theirs. No one spoke in favour of the application.

The Chair asked if there was anyone in the public whom wished to speak against the application.

Linda Delamere
35 Nash Street Condo 5, Kenora ON

Linda Delamere wished to question the necessity of developing 'Area C' and if it could accommodate the development, in general. She stated that it is a lovely area with ducks and does not agree that a building should be located there as it may have environmental impacts.

Wendy and Clive Paddock
35 Nash Street Condo 3, Kenora ON

Wendy Paddock expressed concern over the traffic, noting that it gets very busy in the summer on weekends. The road is extremely narrow and two vehicles can barely pass. She explained that it is almost impossible to turn off of Nash Street on summer Market Days. She also noted that there are three residences at the end of the street – not just one and did not think that constructing a turnaround is feasible from Nash Street to the Highway. People also park off the street overnight on the weekend, despite getting multiple tickets and the "do not park" sign.

The Agent clarified that they won't be conducting any work, such as a curb cut, on Nash Street as it is a public right of way. They would be creating a new right hand access and noted that their development will likely clear up some of the current issues because docking will be reserved for the resort.

Bruce Krawicki
Bruce Krawicki Limited, Kenora ON

As the abutting property owner, Mr. Krawicki asked to have clarification on the property exchange between the City and the Applicant. He did not have concerns as it was explained to him by both the Agent and the City Planner.

The Chair asked the Committee if they had questions pertaining to the application.

Bev Richards referenced copies of the surveys that had been produced for Committee members. She had concern over the ownership of 'Area C', which is identified as Lot 32 on M37 and did not agree with the boundaries of the Rugged Geomatics survey. She explained that she had gone to Land Titles to get various documents to support why she believes this.

Bev Richards further explained the difference between the recent survey and the older surveys that have been registered on Title. The old surveys show that Lot 32 fell under part of Lot 25 and Lot 26. In the current survey that was submitted as part of this application, the survey shows that Lot 32 is sitting below Lot 27; there is a difference of approximately 62 ft. She disagreed that they are the owners of the entire parcel of land.

Bev Richards suggested that the Applicants get the land re-surveyed to know exactly what they own. She believes that approximately 62 ft is considered Crown land.

Bev Richards, the Agent and the Planner further discussed the discrepancy between the surveys.

The Chair asked the Agent if this would be something they would talk to the surveyor about. The Agent clarified that they have; however, it is not something that the Committee seems to agree with.

The Planner clarified further by explaining that the Agent submitted a reply from the surveyor, indicating that a survey wouldn't be required since land is not being created. However, new descriptions would be required when the land transfer takes place; this would be where this issue gets resolved.

Bev Richards noted that the Applicants could apply to the Ministry of Natural Resources and Forestry (MNR) to assume ownership since it is not on an M plan; or they could lease it. Bev explained that she was a Deputy Registrar at Land Titles for 30 years, which is why she has this level of knowledge on surveys and land descriptions.

The Chair stated that the Committee will move on with questions and come back to this topic during discussion.

Ray Pearson referenced the slides that show docking in the presentation and noted that there hasn't been a lot of discussion on development of the water. It appeared to him that there is a large pier shown as being developed existing past the existing structure with the building on top.

The Agent clarified that they are renewing the lease on the water lot. For this particular application, the visuals are schematic. Nothing has been finalized and what was shown as part of the presentation to the Committee has been used for promotional material and it is not certain. The Agent stated that if it were to be developed as such then it would be subject to approval. Ray Pearson asked who would approve it. The Planner stated that both the City and the MNRF would have to give approvals.

The Agent explained that the visuals correspond to the proposed plans to a certain extent. They are intending to create reception services away from the highway and on the proposed building on 'Area C'. People coming for the Grace Anne would be going there. The resort, although sandwiched between the highway and the shore does not have direct access to the shore. The multipurpose room would service the guests and how big the dock was shown was purely schematic as it has to be negotiated. The size would not affect the location of the club house.

Ray Pearson commented that he appreciated the scaled model that was provided, as it gives a better perspective on how the site is terraced.

Andrew Koch asked whether there would be space in the primary site for a commercial tenant and if so, whether they considered moving Part C to Part A. The Agent explained that they had looked at that; however, that the clients do not see it as being beneficial for the Grace Anne.

Andrew Koch then referenced the boat launch shown on the survey submitted by Rugged Geomatics, which a line may be encroaching into it. He asked if there would be plans to move it in order to have access to it. The Agent stated that they would likely not remove it; rather, to enhance it.

John Barr asked if they will be housing the Grace Anne and if so, whether it will be during winter and summer. The Agent stated that yes they would be, in both summer and winter months. When asked whether they will be re-fueling the Grace Anne, the Agent said that he didn't think that would be taking place on-site. John also asked how high the building would be if he walked on the sidewalk by the highway. The Agent answered by saying it would look to be 12 m on the highway side but if you are walking by, it would be about 9 m because the top floor of the building is set back. The perception from that angle would be 2.5 floors.

The Agent clarified again the proposed setback reliefs. He indicated that there may have been eighteen or nineteen units in the old Anchor Inn.

Linda Delamere clarified that there were ten and the house, making eleven units total.

Andrew Koch asked whether trailer parking for the boat launch area has been considered. The Agent stated that they were told that the owners have property off site for trailer parking.

Tanis McIntosh asked for general clarification why Nash Street has never been connected to the Highway. It was explained that the elevation is very steep.

Robert Kitowski referenced parking requirements and asked whether there would be any handicap parking and whether they are obligated to have them. The Planner clarified that those spots would be encompassed with the general parking provisions. The Agent also stated that there is plenty of parking spots, they have just not been specified on the site plan.

Robert Kitowski also asked to clarify that the Committee is just looking at changing the zoning and not the setbacks. He asked if we could roll it into one. The Planner clarified that any time there is an application for site specific Zoning By-law amendment, either a site specific use or building provisions are being formulated. She noted that arguably, some of the requested setback reliefs in this application are not "minor" so a minor variance application would not be coming forth afterwards.

It was also clarified that while a recommendation on a decision is being made this meeting, there is still a process for site plan that would be addressing lighting, paving, landscaping, etc.

The Chair asked the Committee for discussion prior to making a decision.

Wayne Gauld asked Bruce Krawicki, the abutting property owner, whether he is okay with the proposed side yard setbacks. Mr. Krawicki stated that it sounds like they are straightening the docks and if they are not doing the property exchange then he would have an issue. Otherwise, he was content with the application.

The Planner further explained by saying that there would be an application that would go to the City to acquire the property that the City owns. What the Applicants own is also very similar in size so there may not be money involved, just a swap of land. Property owners within 60m would be circulated notice of any application for comments.

Linda Delamere, from the audience, also wished to clarify what the land swap entailed. She indicated that there had been an application to purchase City road allowance in 2015 but it had been refused. The Planner showed Ms. Delamere the survey that outlines what is owned by the City and what isn't. It was clarified that this land swap is a different request than what had been brought forward in 2015. The Planner stated that it would become a 20 m road right of way.

Wendy Paddock, from the audience, referring to the Grace Anne, stated that she is quite surprised that a boat that size can dock in a residential area. She asked if there are any regulations applicable to that. The Planner stated that they do have regulations and today the size of the covered area for that large of a boat would not be permitted; however, the structure that currently exists is considered legal non-complying. There is the ability to maintain the footprint of the structure and if there are any changes to increase the size then applications would be brought forward.

Ray Pearson asked whether the Grace Anne yacht could fit within the structure.

It was clarified that as long as the legally non-complying boat port is maintained, they can use the structure.

The Chair asked the Committee to continue the discussion around 'Area C'.

Bev Richards explained that the Committee needs to know what Lot 32 is and per the recent survey, the boundary has grown. She expressed concern over them building structures on the infilled land and it not be owned by them. The Committee discussed whether having a solicitor become involved is necessary.

The Agent explained that the comments from the surveyor say that case law states that natural features govern over distances. The Agent stated that he does not think that they are disputing that the size has changed but whether they follow the premise that natural features govern over distances.

Robert Kitowski indicated that he does not see how this will affect the particular application as they are requesting setback reductions and overall lot coverage. If they don't end up owning all the land that they think they do, they would be bound to build on whatever they do own, given any approved setbacks etc.

The Planner stated that a component of the recommendation to approve is to know the viability of the proposal.

To clarify, the Planner also explained that the recent survey is describing the property based on exemption; it is an assumption of property lines. A registered plan would need to verify the land being accepted is shown correctly.

The Chair highlighted that the Planner's recommendation is for a single storey building. The Planner explained that a two storey building is not characteristic of the neighbourhood as the City does not allow a second floor dwelling unit above a boathouse and it would potentially impact the property owners in the condos. She noted that it is difficult to make a recommendation without a rendering of what the building will look like.

The Agent stated that they are aware about the uncertainty and asked if they could make an agreement to compromise, such as having a green roof to restrict public use of the flat roof. The Agent further explained that the proposed development on 'Area C' is critical to the development in order to accommodate the 35 resort units.

They will also be contacting the Province about the infill land and discrepancy over ownership.

The Committee further discussed the uncertainty over land ownership of 'Area C' and how it may affect the development if the application is approved.

When recommended that the Agent removes 'Area C' from the application, the Agent stated that the project is not attainable without it. For them to proceed, they need to know what 100% of the project constitutes. If this piece gets removed, they will be setback by approximately 2 months. They would like to get the proposal approved, generally, and then figure out the design to satisfy the concerns later.

The Planner clarified that Council cannot approve a Zoning By-law Amendment application "subject to" (i.e. place conditions on the approval).

The Agent also highlighted that the proposed building on 'Area C' is on land and would not constitute a "boathouse". The height is planned to be within 7m, which is currently permitted for accessory structures.

The Chair asked the Committee to confirm that the meeting will proceed past 9 pm.

The Committee agreed.

The Committee discussed the proposed two storey building and how it may affect views to the lake. They discussed the possibility of deferring the application until the Agent can gather more information regarding the survey and ownership.

The Agent clarified that if they are to look from the condos down into the harbor, residents will see the building; however, if they are looking out to the lake they would not see it. The view of the lake would not be impeded based on existing elevation of where the condos are situated.

The Secretary Treasurer read the drafted recommendation to the Committee.

The Planner explained why the building would be considered an accessory building and confirmed that 7 m height is an as of right within the Zoning By-law. What is not in compliance is having the dwelling units above it. Her concern was the density of the use on a small piece of land.

The Committee took a break from the meeting at 9:16 p.m.

The meeting commenced at 9:21 p.m.

Ray Pearson indicated that he would be willing to make a recommendation as it is currently written, per the Planning Report. Bev Richards seconded Ray's motion.

The Committee discussed whether they could recommend the application based on a single story building on 'Area C' and then recommend the two storey once they have

more information. The Agent stated that development will not proceed if the second storey building on 'Area C' is not approved.

It was discussed whether they could make a recommendation pending that more information is brought forward. It was clarified that Council cannot conditionally approve this type of application as a Zoning By-law Amendment. It was also discussed that while Council looks to the Planning Advisory Committee for recommendations, they could theoretically approve the application as is, which includes a two storey.

Ray Pearson wished to amend his original motion.

Moved by: Ray Pearson

Seconded by: Bev Richards

Resolved that the Kenora Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-19-02, , subject properties located at 543 Lakeview Drive, 49 Nash Drive, and the south side area of Nash Street; areas known as the 'Anchor Inn' site, to change the zoning of the subject property from Highway Commercial (HC), and Residential Third Density (R3) to a site specific form of Tourist Recreational (TR) to allow for development of uses permitted within the TR zone, including a Resort.

- Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the west side yard setback to 2.4 m, reduce the front yard setback to 6 m, reduce the rear yard to 4.5 m , increase building height to enable a variable terraced design to 15 m;
- Area 'C' to allow for a two storey Club House and Administration Office with two resort units, not to exceed 7m in height, to reduce the setback from water to 6 m, to reduce the rear setback to 4.5m;
- To increase the lot coverage for the overall development to 44%

Carried.

- Discussion with regard to creating a new zone for reduced minimum lot area & building size

The Planner introduced the discussion item by explaining that the City has received a lot of comments regarding the infill of lands and building smaller dwellings on smaller lots. The frontage would not be reduced but reducing minimum gross floor area would be evaluated. The Planner explained that currently the Zoning By-law restricts gross floor area to be a minimum of approximately 820 ft² and they would be looking at having that changed to allow a minimum of approximately 700 ft² in a new zone. Creating a new zone would be an alternative to amending an existing zone, such as the R1-Residential First Density zone. A new zone would also have reduced parking to correspond with the smaller lot and minimum building size.

Bev Richards asked if there is a subdivision application coming forward for this type of use. The Planner confirmed that it is being discussed and a location has not yet

been finalized. She stated that a developer would use this type of zone when creating new lots. Servicing costs would be reduced and it would promote infill.

(x) Old Business

The Chair referenced the upcoming hearing for the Local Appeal Tribunal and asked if it was open to the public. He recommended that members attend. The Planner confirmed that it is open to the public to observe and the hearing will be held at 11 a.m. on April 8th. It is currently scheduled to be held at City Hall but that may change.

(xi) Adjourn

Moved by: John Barr

That the February 26, 2019 Planning Advisory Committee meeting be adjourned at 9:58 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday February 26, 2019, are approved this 19th day of March, 2019.


Wayne Gauld, Chair


Kylie Hissa, Secretary-Treasurer