



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-19-02 Area of 543 Lakeview Drive)
Tuesday, March 12, 2018
12:00 p.m.

1. (Chair)

This public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

2. (Chair)

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan.

The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

If anyone has a cell phone please either turn it off or use the vibrate option only. Thank you.

3. (Chair)

The applicant (or representative) will present their application.

4. (Chair)

City Planner, Devon McCloskey, please describe the details of this zoning amendment application.

5. (Chair)

Any person may express his or her views of the amendment and a record will be kept of all comments.

6. (Chair)

Is there anyone who wishes to speak in favour of the amendment?

7. (Chair)

Is there anyone who wishes to speak in opposition of the amendment?

8. (Chair)

Are there any questions?

9. (Chair)

As there are no (further) questions, I declare this public meeting CLOSED at _____ p.m.



March 5, 2019

Staff Report

To: Mayor & Council

Fr: Devon McCloskey, City Planner

File No.: D14-19-02

Re: Application for Zoning By-law Amendment

Location: Area of 543 Lakeview Drive, the former "Anchor Inn"

Owner: TCG Lake Ventures Corp.

Agent: Sasa Radulovic (5468796 Architecture Inc.)

1. Introduction

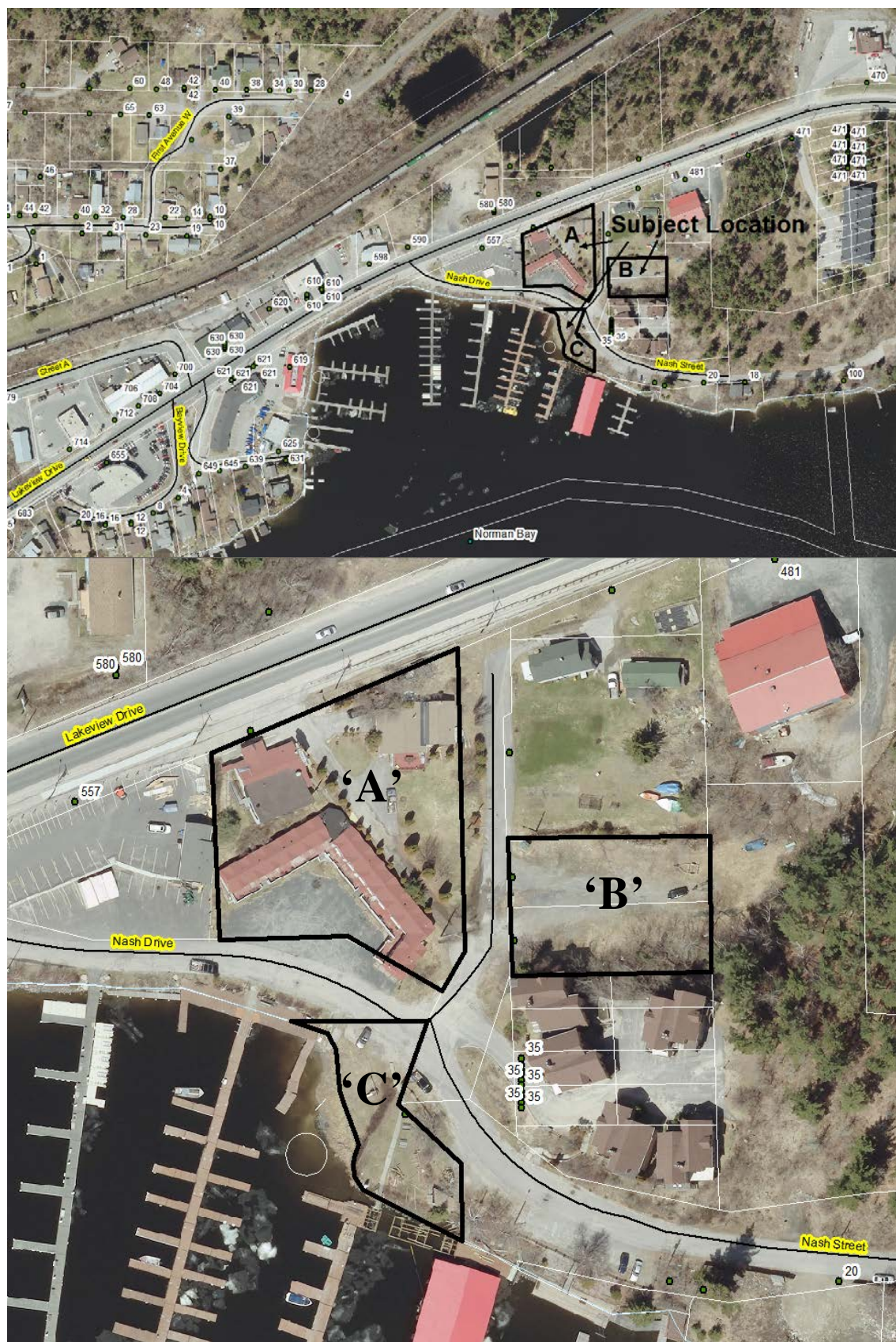
An application has been received to change the zoning of the subject property from Highway Commercial (HC) to a site specific form of Tourist Recreational (TR) to allow for development of uses permitted within the TR zone, including a Resort.

The application is also requesting relief, from the Zone Regulations of Section 4.8.6, as follows:

- Area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback 4.5 m to 2.4 m, reduce the front yard setback 8 m to 6 m, reduce the rear yard 8 m to 4.5 m, increase the building height 10 m to 15 m;
- Area 'C', to allow for a Club House, Administration Office, and two (2) second floor guest units, per Section 3.30 b) i., ii. to reduce the setback from water 15 m to 6 m, to reduce the rear setback 8 m to 4.5 m;
- To increase the lot coverage for the overall development 40% to 44%.

Refer to Figures 1 and 2 for location imagery and corresponding areas "A", "B" and "C"

Figure 1 - Aerial sketch displaying the subject location, 2014 aerial imagery



2. Description of Proposal

To change the zoning of the subject property and obtain relief from zoning mechanisms in order to allow for the demolition of the existing Anchor Inn, and redevelopment of the property for the creation 33 resort units upon Area A, associated parking within Area B, the development of a clubhouse, administration office, and two (2) second floor resort units upon Area C. If approval is given, the property would be prescribed with a site specific zoning, or exemption such as TR[42].

Other Planning approvals are required including a Merger Agreement to establish all of the subject property as one cohesive unit; Site Plan Control in accordance with Section 41 of the Planning Act, an application for Draft Plan Approval of a Condominium to establish 35 resort units, and an application to exchange property ownership with the City.

The Resort Units will be marketed as accommodation within Kenora, a prime year round tourism destination. Ownership will be based on a financial model, called "fractional ownership" where each unit will be sold in 1/10 ownership shares, this translates into 350 owners, along with their families, guests, and renters.

35 private docking spaces will also be provided for the resort.

Another component of the development, will be accommodation of the Grace Anne Yacht. Guests of the yacht would use the location to park their vehicle and board for their trip.

Building renderings showing views from the highway were provided by the applicant for the purpose of demonstrating massing, however they are highly conceptual and may be changed prior to the submission of a Site Plan Application.

Figure 2 – Southeast rendering



Figure 3 – West rendering



3. Existing Conditions

The property consists of an existing legal non-complying hotel being the Anchor Inn, which included a restaurant, with commercial retail space, and a Marina. It was built in 1938 and names the Kenricia Kabin Kourt.

The main development site is situated adjacent to Nash Drive, and Norman Bay of Lake of the Woods. It is approximately 0.3 hectares, and uniquely positioned with a sloping elevation and views to the lake. The applicant describes the topography as providing for a natural amphitheatre setting for resort units facing the lake. Property on the south side of the road provides water access for docking. There are approximately 60 stalls, including some which are protected under an overhead canopy.

4. Site Visit

On February 1st, 2019, I attended the subject location to view existing conditions. The photos herein are intended to provide a visual of the subject property despite its existing development.

Photo 1 – View of the primary building location with south exposure and views to the lake, photo taken from Hwy 17 East



Photo 2 – Perspective northwest of the primary building location, showing Nash Drive



Photo 3 – Perspective east with views of the adjacent properties and existing development



Photo 4 – View of Area B, which is the proposed parking area for the development



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2014

The applicant describes that the proposal is consistent with policies of the PPS including the following:

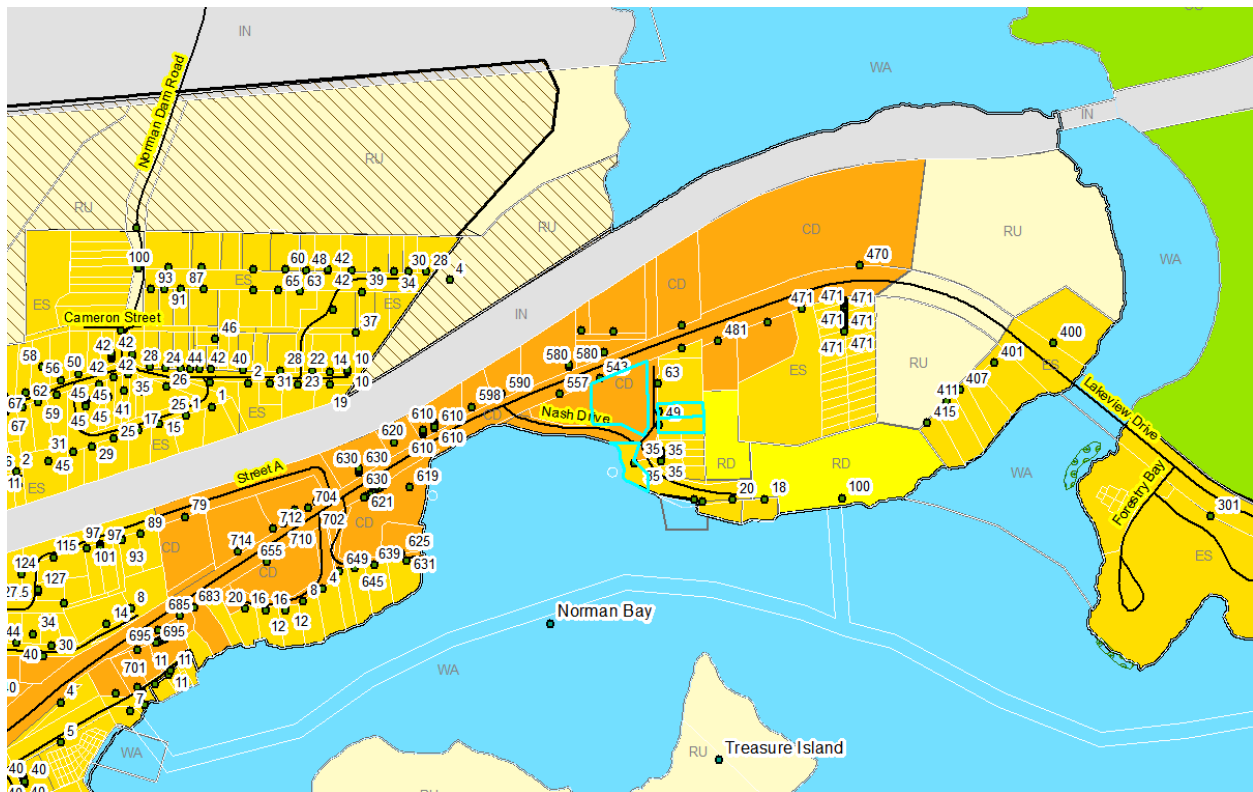
Policy 1.7.1 which promote opportunities for economic development and community investment. The proposed development will support tourism, encourage a sense of place, and promote well-designed built form.

b) City of Kenora Official Plan (2015)

The Official Plan designation of the subject development property is Commercial Development (Area A) and Established Area (Areas B & C).

Refer to Figure 2 below for mapping of the subject area designations.

Figure 4 - OP Mapping



Section 4.4.1 of the Commercial Development (CD) designation includes tourist establishments as a permitted use:

4.4.1 Permitted Uses

a) Permitted uses in the Commercial Development Area land use designation shall primarily serve vehicular traffic. Permitted uses include, but are not limited to, automobile service stations and sales agencies, car washes, building supply outlets, motels, hotels, restaurants, landscaping services, horticultural nurseries, garden centres, tourist establishments, shopping centres and accessory uses.

Furthermore, the OP directs that commercial development shall be appropriately setback and buffered to protect adjacent sensitive use, and that onsite parking shall be provided.

4.4.2 Commercial Development Area Policies

a) The Zoning By-law shall ensure that developments in the Commercial development Area are appropriately set back from roadways and provincial highways, including outdoor storage and loading areas. They shall be buffered to protect adjacent residential, institutional and open space uses. Adequate on-site parking shall be provided.

Section 3.13.3 of the OP provides policy on docks and shoreline development. Item c) within the policy states that *"commercial uses on the shoreline shall be designed to be compatible with surrounding uses. Developments which contribute to the tourism industry shall be encouraged."*

Item e) provides direction for development adjacent to shorelines as follows, and this policy can be implemented with review of a site plan control application:

e) Where new development occurs adjacent to any navigable waterway within the City of Kenora, a 5 m natural vegetation area will be required and a 10 m natural vegetation buffer will be strongly encouraged adjacent to the shoreline to minimize the impact of development on water quality in the water body.

The application is requesting relief from the zoning mechanisms of the TR zone, being those setback requirements, and limitations on height, etc.

Policy 3.15.5 of the OP provides compatibility criteria to guide the evaluation of new developments. Item a) provides direction for evaluation of height and massing, directing that *"new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable."*

Item b) provides direction for the pattern of surrounding community, *"proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design"*.

Item d) refers to shadowing, directing that *"shadowing on adjacent properties must be minimized, particularly on outdoor amenity areas."*

The application deliberates on the above items, refer to Section 5 of the attached Planning Rationale to the application.

Between 2007 and 2009 the City commissioned a Planning consulting firm to prepare *Waterfront Development Guidelines*. This document was used to inform policies of the Official Plan, and to inform the implementing zoning mechanisms of the Zoning By-law, height regulations in particular.

The objective of the guidelines was to provide direction for maximum building heights, preserving critical views to and from the water, and ensuring built form does not dominate the waterfront. The plan focuses on the Harbourfront area of the Kenora

townsite, but also provides direction for the waterfront of townsites in Keewatin and Norman.

Section 11 provides special considerations for the Norman Waterfront, stating that: *"all noted design guidelines apply to lands on the waterfront within the limits of Norman. Except for objective 5 "Building Height" – which for the Norman area will read:*

10.5 OBJECTIVE #5 – Building Height – NORMAN

Development along the waters edge in Norman should be built so that the maximum height of The building does not negatively effect the quality of the viewscape, public access, building dominance and is in scale with the existing community.

BACKGROUND

The Norman Waterfront is primarily a residential area with lower density than the downtown. A lower maximum height is appropriate for this area and should be established.

GUIDELINE

Four stories (11M) shall be the maximum height in the Norman waterfront area.



The guidelines provide the same maximum building height for the Keewatin townsite, but the maximum building height given in the downtown waterfront area is 16.5 metres. Where tall buildings are proposed, the plan directs that a balance is struck using landscaping to soften their appearance.

The Plan assumes that such tall buildings would be constructed with zero lot line setbacks and that the full height of the building would be situated up against the side walk or street. The creation of prominent visual and physical connections through the site, with peaks and dormers to create interest were also noted.

Section 7 of the guidelines remark on the character of the views from water, certain buildings are highlighted as offering interest and character, and others are

described as having a lower quality design, and are even suggested for replacement.

Figure 5 – Extract from page 17 of the Waterfront Guidelines

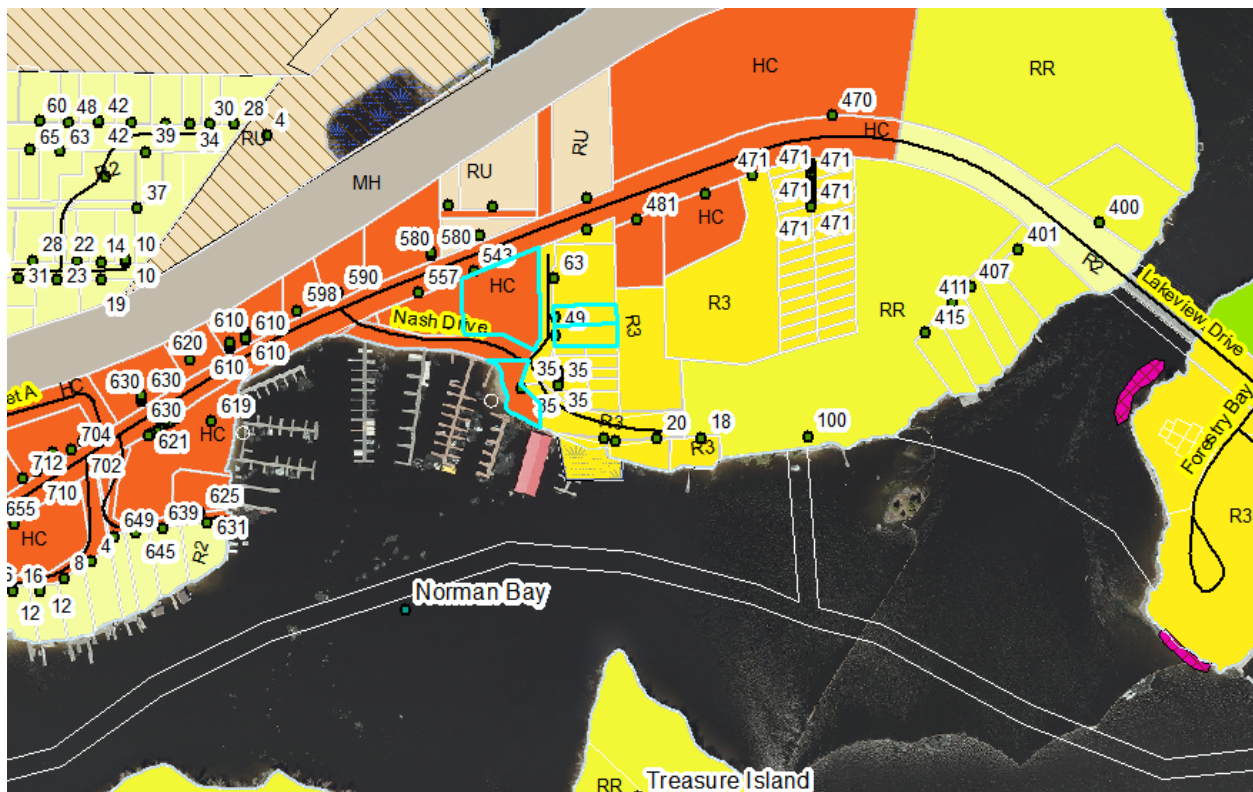


Some buildings should be considered for replacement with higher quality designed and built structures.

c) Zoning By-law No. 101-2015

Zoning of the primary development property (Area A) and waterfront (Area C) is Highway Commercial (HC), Area B is zoned Residential Density 3 (R3). Refer to Figure 4 below for zone mapping of the subject area and adjacent properties.

Figure 6 - Zoning By-law Mapping




Permitted uses of the Highway Commercial (HC) Zone are limited to those that serve the travelling public and often requires large land areas for development. Examples of permitted uses include Automobile service stations, Commercial Storage facilities, Light industrial uses, and Hotels, some of which are particularly undesirable given the topography of the subject property, its proximity to water, and view shed of the lake.

The Tourist Recreational (TR) Zone, allows for a variety of accommodations to be established for recreational and tourism purposes; which include a Marina, Motel, Recreation Facilities, and Resort.

For the most part, the zoning mechanisms of the TR zone are more restrictive since a larger lot area is required, as well as larger building setbacks.

6. Results of Interdepartmental and Agency Circulation

<p>Operations Department</p>	<p>My only concern with the intended plan is the easterly access point (for the proposed new parking) appears to be at a "cliff". Unless I am reading their proposed plan incorrectly, I see significant issues with creating an access point here and the overhead utilities. I think from an access perspective (and safety perspective) we would be better having them access the property and parking off Nash and only using the one entrance point currently existing at the bottom of the hill.</p>  <p>- January 18, 2019</p>
<p>Engineering Department</p>	<p>Seeing this is a planning process approval, the technical engineering review would be conducted upon the availability of detail drawings and plans at the site plan/development agreement stage of the project.</p> <p>With the limited detail provided as part of the application there is no concern on the rezoning from Highway Commercial to Tourist Recreational. However there are a few general comments</p>

I have on the proposed development with application and documentation as provided:

(Questions and Applicant's answers are provided below)

Q1: With regard to the proposed height of the building, would you be able to provide any renderings of the front side which faces the Hwy? It would also be helpful to know what design elements are proposed. Section 3.15.5 of the Official Plan provides some criteria for compatibility including height and massing, and pattern of the surrounding community. I am anticipating that further questions will arise with regard to the requested height, and we will need to speak to these policies – please see below:

A1: As discussed over the phone, we are going to bring a schematic model that will show the height, massing and articulation of the building facing HWY#17. The model will address some if not all policies outlined below.

3.15.5 Compatibility Criteria

Compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing.

Compatibility of new developments shall be assessed based on the following criteria:

a) **Height and massing:** new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition is desirable.

b) **Pattern of surrounding community:** proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;

Q2: It is uncertain if the diagonal parking proposed along Lakeview Drive is achievable. A portion of the stalls appear to encroach into the building, the drive aisle appears to be narrow. It is also uncertain as to what is being proposed in reference to the "Proposed Guard Fence" between the diagonal parking stalls and the sidewalk and if the stalls are nose in or back in? Consideration should also be taken into account on the City has an existing retaining wall and guiderail that would need to be dealt with for the easterly portion of the diagonal parking stalls along Lakeview Drive.

A2: Diagonal parking is intended to serve the highway commercial use. If this use is not deemed necessary the requirements for parking in the area might be reduced or eliminated. It is the intention for the development to include a parking platform in line with Highway that would permit egress from the parking area on the east side of the property. The drive isle is kept to a minimum of 12 feet which is a standard for 45° parking one way traffic [west - to - east] - all stalls are intended to be back in. This dimension can be increased if requested / required by the CoK. The southernmost portion of each stall shown are to be under the building - which is why they were shown 'encroaching'.

Guard fence is to be a decorative fence that would prevent the vehicles from exiting highway in an uncontrolled manner, and limit the curb cuts to ingress and egress locations only. The detail design for the fence is not determined at the moment, however it is envisioned that it would be a series of bollards that would allow pedestrians to move freely while limiting vehicular access.

Q3: The north wall fronting Lakeview Drive appears to be to ranging between 9.5 m (30 ft) to 12 m (40 ft) in height in relation to the elevation of Lakeview Drive. This would mean that this north wall could be higher than the top of the hydro poles that are located along Lakeview Drive that are adjacent to the property. This height may cause concern to the public and or adjacent property owners. It is also unknown as to the architectural finish of the tall wall so no further comment can be provided as the aesthetics of the tall wall. The same can be said for the east wall that would parallel Nash St.

A3: Please refer to A1 for our response. We are not clear how to interpret expressed concern about the Hydro poles in terms of height - please advise as this is not an uncommon condition as long as distance from the hydro poles and wires meets the regulations?

Q4: There is a City storm pipe that is located in the shoreline property. It is uncertain at this time if there is a conflict with this storm pipe and the proposed Club House/Administration building.

A4: The design team are aware of the pipe. As we develop the design further, we will take this particular concern into account. As the proposed structure on the Shoreline Property is required to be above the Regulated Water Level, it will be constructed / elevated on posts. This type of construction should permit the

	<p>pipe to remain undisturbed while permitting the structure [as long as adequate clearances from the pipe are maintained]. In the case that this solution is not deemed acceptable by CoK, we will either design / construct the building in a way that it does not affect access to the pipe, or work with the CoK to relocate the pipe to facilitate the construction of the Clubhouse.</p> <p>Q5: There is question as to why there is land being suggest to turn over to the City, specifically being located at the south west corner of the main property fronting Lakeview Drive. In looking at the property survey overlaid on the aerial photo, there is no road encroachment, and if the lands for transfer to the City as depicted on drawing 2. Development Lots With Proposed Setbacks, this offered land to the City terminates into the adjoining private property to the west. Therefore, with the details provided at this time, there may be no benefit in the City obtaining this land unless there are other issues that are not apparent with the application documentation.</p> <p>A5: This sliver of land was offered to the city to establish a desired ROW width of 66 feet, measured from approximate centre line of the existing road. Ultimately we expect that this decision is to be made by the CoK.</p> <p>Q6: The width of the proposed land for the City to provide to the development located on the west side of Nash Street should be better determined as there is City sewer and water mains that are located on the west side of Nash Street and adequate distance between the east wall of the building and the sewer and water should be maintained so as any future excavation on the sewer and water will not affect the proposed building.</p> <p>A6: This concern was brought to our attention in the first meeting we had with the CoK. Please advise what that distance is and we will accommodate in the next step of the design process.</p> <p>- January 24, 2019</p>
Roads Department	<p>Roads Division has no concerns with the Application.</p> <p>- January 25, 2019</p>
Building Department	<p>From a Building Code perspective there is no comment at this time.</p> <p>Other comments include;</p> <ul style="list-style-type: none"> - Is the parking along Hwy 17 E feasible? - Ref. plan page 2 – for the purpose of lot coverage are the 3 properties treated as 1 or 3 separate?

	<ul style="list-style-type: none"> - Are there conceptual drawing available for the HWY 17 and Nash St Elevations? 15 M of exposed wall face! - January 25, 2019
Kenora Fire	<p>I have no issues with the rezoning and adjustment to the set back. In review of the written description of the building, the topography of the site and the terraced design. The architect must take into account the Section 3.2.5.6 Fire Dept Access Design of the 2012 Building Code. Specifically the maximum gradient change of 1:12.5 over at least 15 metres to prevent larger trucks from dragging its rear end or mid-section. This will all be dependent on the final building location.</p> <p>There are two hydrants in this location one located on the north portion of the property, with poor access, on Nash Street. It is recommended that a turnaround be constructed in this area to accommodate fire apparatus. If Nash Street exceeds 90 metres a turnaround it will have to be constructed.</p> <ul style="list-style-type: none"> - February 22, 2019
Water and Waste Water Department	<p>Water/wastewater division has no issues other than an existing nearby sewage pumping station at the intersection of Nash Drive and Lakeview Drive on the west. Though we have no odor issues with this station, it's our duty to make Developer aware on its location.</p> <ul style="list-style-type: none"> - January 22, 2019
Synergy North	<p>Sorry we were unable to comment before the deadline. It wasn't clear in the supplied drawings if any of the property boundaries where changing. IE Surplus and conveyance of Nash St. If that's the case, we'd ask for easements for our infrastructure or contribution towards the relocation.</p> <p>Currently, there are a number of services to various buildings on each of the three identified properties which will need to be consolidated as new services are requested. Per our Conditions of Service we allow 1 service per property. The 2012 Ontario building code have clarified that no buildings are to be permitted within 5m (horizontal distance) of overhead energized wires. Please contact John Oriecua 807-343-1168 for servicing and infrastructure relocation options.</p> <ul style="list-style-type: none"> - February 7, 2019
Environmental Services	No comments
Ministry of Natural Resources (MNR)	The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. The proposed commercial docking will require occupational authority by Crown Lease and resolution of the long-standing encroachment across the projection of the west property line.

	<p>The proposed amendment poses a low risk to fish and wildlife features, therefore the Ministry of Natural Resources and Forestry has no concerns with this application at this time.</p> <ul style="list-style-type: none"> - February 13, 2019 <p>As per the memorandum of understanding between MNRF and the Boating Ontario Association, water lots for large scale commercial marinas (more than 500 linear feet of dock space) are to be authorized by Crown Lease. The owner of the Anchor Inn is aware of this but we are waiting for the encroachment to be resolved before proceeding.</p> <ul style="list-style-type: none"> - February 2, 2019
<p>Lake of the Woods Control Board</p>	<p>Provided the structure is resilient to flooding up to the hazard contour, the LWCB would not have concerns with it. I would appreciate seeing design details that show this to be the case.</p> <ul style="list-style-type: none"> - February 20, 2019, 8:25 a.m. <p>Are you able to provide me with the datum used for the contour in the drawing you provided? In the official plan, the datum used to define the hazard contour is Canadian Geodetic Vertical Datum 1928 (CGVD28). If the contours on the drawing are relative to that datum, the proposed Area 'C' building is nearly entirely on hazard land (lands below 324.6 m elevation).</p> <p>For the Primary Development site, there contour of 324.6 m ends abruptly at the development site. Depending upon where this contour extends, and what the grading plan is for the primary development, portions of it might also be within hazard land.</p> <p>I'd appreciate any more detailed drawings of the site plans including grading plans.</p> <ul style="list-style-type: none"> - February 20, 2019, 7:55 a.m. <p>The Lake of the Woods Control Board today received the Notice of Complete Application and Public Meeting for the subject file, the bylaw amendment related to the Anchorage Inn Project.</p> <p>I am writing to see if you are able to provide more information on the planned construction of the clubhouse/administration office described for Area C. If I understand the application correctly, it appears to be very close to the water's edge:</p>



The Lake of the Woods Control Board provided input to the City of Kenora for its Official Plan, including recommendations on hazard land definitions relative to Lake of the Woods water levels. Based on the materials in the notice, I am concerned that the proposed amendment would permit construction of a building within the hazard area, and therefore be subject to period inundation from high Lake of the Woods water levels beyond the control of the LWCB.

I'd appreciate any materials you can provide that would describe the contour of the building envelope relative to the hazard land level as well as any information on the proposed structure for Area C that would make it safe from inundation if it is indeed within the hazard area. If the proposed construction is indeed within the hazard area and not designed to withstand periodic inundation, the LWCB will submit input opposing the amendment.

- February 19, 2019

7. Public Comments

A public meeting is scheduled to be held by Council on March 12th, 2019. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on February 7th, 2019 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on February 7th, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

On February 21st, 2019, the notice was republished in the paper for the purpose of correcting the file number on the notice which was erroneously published as D14-19-01 in the first publication. The reference to the location and all other information was correct, so that there was no need to restart the notification period.

As of the date of this report (March 5th, 2019), three (3) submissions have been received from neighbouring property owners east of the subject location, including a resident of the Kenora Condominiums, a legal representative of the Kenora Condominium Corporation Number 2, and the owner of large vacant lands at the end of Nash Street. Letters of comment received to date are attached this report.

The foremost concern identified within the comments is for Area C, which is the part of the property located closest to the water, and is requesting relief from the zoning by-law to allow for a 2 storey building to be developed for an administration office and clubhouse, with two (2) guest suites on the second floor. Concerns include a negative impact to their view of the lake and marina, as well as safety concern about increased vehicle and pedestrian traffic along Nash Drive, and concern that future development along Nash Street will be disallowed. There is also concern about loading of boats, and unsafe area for unloading cars and people to docks.

Further concerns include an impact to sight lines of drivers as a result of the proposed setback reduction of the building proposed in Area C, as well as diminished greenspace, increased congestion, and flooding concerns. The height of the building is also a concern, and the writer suggests that the uses can be accommodated within Area A instead.

Comments were also submitted in regard to the proposed exchange of land ownership with lot additions. Since the City refused to sell the Condominium Corporation shoreline property for a parking lot, which was submitted in an application to purchase dated 2015, the Corporation feels a precedent was set and that this application should be refused also.

8. Planning Advisory Committee

The Statutory Notice also stated that on February 26th, 2019, the Planning Advisory Committee (PAC) would have the opportunity to consider a recommendation of the application to Council. The PAC's resolution and draft meeting minutes are attached.

The agent for the application presented the proposal to the Committee, which included a power point presentation with displays of the 16 layout options considered early in the process, building renderings, topography contours and elevations, as well as details of the business model and fractional ownership concept.

The PAC asked questions and discussed the application. A major concern was brought forward by a PAC member with regard to the dimensions of Area C, noting that the site plan did not accurately display the property boundary, and that lands to the west are filled lands and not part of the applicant's ownership. The applicant understood the rationale for the concern and said that he would double check with the surveyor

as well as the Ministry of the Natural Resources (MNR) who is the owner of the bed of the lake.

The full set of draft minutes is attached to this report for Council's information. The PAC passed a motion to recommend the application's approval to Council. Refer to Figure 7.

Figure 7 – PAC Resolution



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: Ray Pearson

SECONDED BY: Bev Richards

DATE: February 26, 2019

RESOLVED THAT the **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} single storey Club House and Administration Office, 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%



two resort units, not to exceed 7m in height.

The Committee has made an evaluation of the application upon its merits against the Official pPlan, Zoning By-law, and the Provincial Policy, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

DIVISION OF RECORDED VOTE				CARRIED <input checked="" type="checkbox"/>	DEFEATED
Division of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS	 CHAIR	
*	Chaze, Graham				
	Bev, Richards				
	Gauld, Wayne				
	Kitowski, Robert				
	Pearson, Ray				
	Barr, John				
	McDougall, John				
	Koch, Andrew				
	McIntosh, Tanis				

9. Evaluation

The proposed Zoning By-law Amendment will allow for development of a resort, which is historically very similar to the use that existed for many years in its capacity as the Anchor Inn.

The proposed development has strategically taken into consideration each of the greatest assets of the location, which include the view, access to the lake, access to the Hwy, and even the topography which by virtue of its slope, is able to take advantage of a terraced building design.

At the outset of the project, the applicant described the various methods that would be incorporated to ensure that the proposed development would be suitable for the area, despite the various reliefs that are being requested. For example, the effect of building height which is proposed to exceed the maximum height prescribed by the Zoning By-law, as well as the waterfront guidelines, would be minimized by incorporating design features that would lessen the impact, such as to limit the height of the front wall to 2 stories, so that it would not appear stark from the Hwy.

The reliefs requested to reduce the building setbacks, are discussed within page 7 of the planning rationale. Building setbacks are intended to allow for access to other parts of the building, to provide for parking, amenity space, privacy, a margin of safety and distance from roadways, snow removal, etc.

For the primary development site (Area A), the applicant describes that the existing building is closer to the front lot line than 6 metres, and that if the setback can be reduced from 10 metres to 6 metres, it would enable better access to the front of the building since there is a slope. Other buildings along the hwy are also located closer than permitted by the By-law, so a precedent is already established.

The setbacks along the side property lines are also requested to be reduced. Currently the building is closer than permitted on the westside, and it is not causing any issues. Given the configuration of the lot, a narrowing variance is also requested along the east side lot line which is abutting Nash Street, which is a quiet roadway providing access to just one dwelling, and the proposed resort parking lot. If allowed for, these reliefs would enable a larger amenity space to be provided for within the interior of the resort property.

The rear yard setback on Nash Drive is requested to be reduced to 4.5 metres, which the applicant explains would allow for the optimal balance of the units. The east side of the building is currently positioned less than 0 metres, and actually encroaches onto Nash Street.

Relief is also requested for Area C, to allow for a building on the shoreline to encompass an administration office, a clubhouse, and two resort suites on the second floor. Concerns have been raised with regard to the build height (maximum of 7 m), the reduced setback to the road, and general congestion.

Shoreline development which supports tourism is encouraged, as such use of the shoreline for administration and leisure may be suitable. Without confirmation for the size of the land area, and in the absence of renderings to demonstrate compatibility such as massing, and pattern of the surrounding area, it is extremely difficult to provide a supportive recommendation for the second floor resort suites aspect of the proposal.

Applications for Draft Plan Approval of Condominium, as well as Site Plan Control will be submitted following an approval for the subject Zoning By-law Amendment. Through Site Plan Control, a close review of the various concerns submitted by the City's Operations and Engineering Departments can be undertaken. Facilities associated with drainage, lighting, as well as the location of buildings, parking stalls entrances to the property and so on, would all be considered at that time.

All public comments received to date have been provided to the applicant for their review and the Planning Department is awaiting a response. This includes questions posed by the Lake of the Woods Control Board, and the most recent concerns presented at the PAC meeting with regard to property dimensions of Area C.

Budget: Application fees paid in accordance with the Tariff of Fees By-law.

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with the Planning Act. Notice of meetings held by the Planning Advisory Committee, Committee of a Whole, and Council provided as per the Notice By-law.

Strategic Plan or Other Guiding Document: The Official Plan provides criteria for the evaluation of Applications for Zoning By-law Amendments.

9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion that if the property dimensions of Area C can be confirmed, that the following amendments as proposed for the Application for Zoning By-law Amendment, File No. D14-19-02; be approved, in lieu of public comments that may yet to be received.

To change the zoning of the subject property from Highway Commercial (HC) 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 westside 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 single story Club House and Administration Office, to reduce the setback from water to 6 m, to reduce the rear setback to 4.5 m;
- To increase the lot coverage for the overall development to 44%.



Devon McCloskey, RPP, MCIP

City Planner

Attachments

- Complete Application for Zoning By-law Amendment, including Planning Rationale, and drawings
- Notice of Application and Public Meeting
- Draft Planning Advisory Committee Meeting Minutes – February 26th, 2019
- Public Comments – Received to date (March 3rd, 2019)



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-19-02
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a site specific Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, March 12th, 2019 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application on Tuesday, March 19th, 2019 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who hears applications and considers recommendations to Council, commencing at the following time and location:

**PAC
Public Meeting**

When: Tuesday, February 26th, 2019 at 6:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Purpose and Effect: to change the zoning of the subject property from Highway Commercial (HC) to a site specific form of Tourist Recreational (TR) to allow for development of uses permitted within the TR zone, including a Resort. The application is also requesting relief, from the Zone Regulations of Section 4.8.6; for area 'A', to reduce the eastside yard setback to allow a narrowing from 4.5 m to 1.6 m, reduce the westside yard setback 4.5 m to 2.4 m, reduce the front yard setback 8 m to 6 m, reduce the rear yard 8 m to 4.5 m, increase the building height 10 m to 15 m; for the Area 'C', to allow for a Club House, Administration Office, and two (2) second floor guest units, per Section 3.30 b) i., ii. to reduce the setback from water 15 m to 6 m, to reduce the rear setback 8 m to 4.5 m; to increase the lot coverage for the overall development 40% to 44%.

Location of Property: Area A known as the 'Anchor Inn' at 543 Lakeview Drive, Area B at 49 Nash Drive, and Area C at the southside of Nash Street. Refer to the location sketch on the reverse side of this notice (Page 2).

Other Applications: the property will also be subject to applications for Condominium and Site Plan Approval.

Public Meetings: Input on the proposed amendment is encouraged. You can provide input by speaking at the PAC and/or Statutory Public Meeting, and you are not required to register in advance to speak. You may also provide your comments in writing. If you are the owner of any land that contains seven or more residential units, please post this notice in an area that is visible to all of the residents.

If possible, written submissions are requested to be made before February 18th, 2019 and directed to:

Ms. Devon McCloskey, City Planner
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmccloskey@kenora.ca

Failure To Make Oral Or Written Submission: If a person or public body would otherwise have an ability to appeal the decision of The Council of the Corporation of the City of Kenora to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Corporation of the City of Kenora before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submission at a public meeting, or make written submissions to the Corporation of the City of Kenora before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

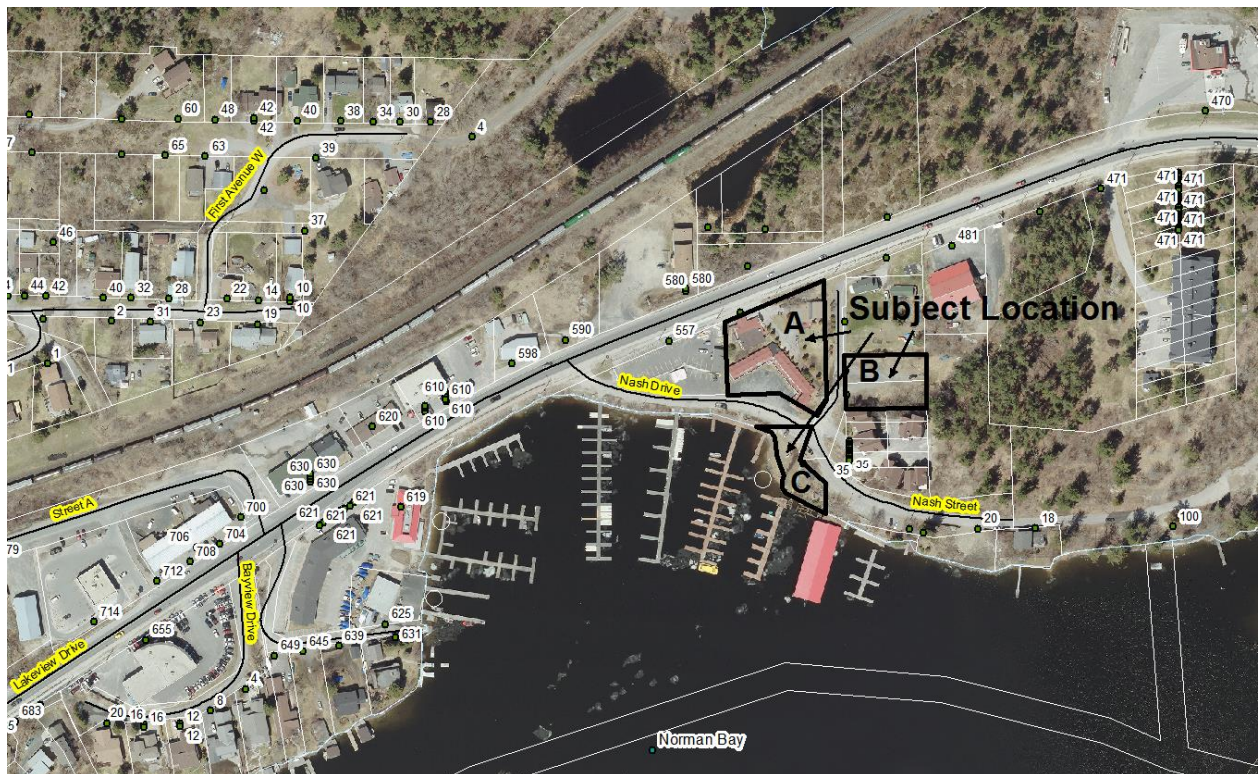
Notice Of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Kasprick, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information about this matter, including information about appeal rights is available during regular office hours at the Operations Centre. Please contact Devon McCloskey, City Planner: Tel: 807-467-2059 or Email: dmccloskey@kenora.ca, to make an appointment.

Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 7th day of February, 2019

Location Sketch (2014 Aerial Imagery)



Large Scale

