

**April 14, 2026**



## **City Council Committee Report**

**To: Mayor and Council**

**From: Janis Pochailo, Director of Planning and Building Services**

**Re: D14-26-01 – Site Specific Zoning By-law Amendment**

**Location: 612 Ninth Street North, 608 Ninth Street North, and 9 Mellick Avenue, Kenora, Ontario**

**Owner: 8815216 Canada Inc.**

### **Recommendation:**

That Council hereby approves a Zoning By-law Amendment for the properties municipally known as 612 Ninth Street North, 608 Ninth Street North, and 9 Mellick Avenue (the "Subject property") to:

1. Add "Automobile Gas Bar" and "Car Wash" as site-specific permitted uses within the LC – Local Commercial Zone; and
2. Introduce site-specific setbacks, buffers, and queuing requirements to facilitate the proposed development, including:
  - a) Reduced exterior side yard (east) to 3 metres;
  - b) Reduced rear yard (north) to 3 metres;
  - c) Minimum of 1 queuing space for the car wash (leaving);
  - d) 0 metre landscaped buffer abutting Mellick Avenue, Ninth Street North, and the public lane; and
  - e) Require the installation of fencing along the north and east property lines to mitigate potential impacts on adjacent residential properties;

; and further

That these site-specific provisions be implemented through an amending zoning by-law; and further

That three readings be given to a by-law for this purpose.

### **Background:**

The Subject property is located at the northeast corner of the Ninth Street North and Mellick Avenue intersection and has an approximate area of 0.2 hectares. The lands are comprised of three parcels and are being consolidated into a single parcel through a concurrent Deeming By-law (D25-26-01).

The site is currently developed with a convenience store (Woods N Goods), with the remainder of the property used for parking and traffic circulation. The property has a long history of mixed residential and commercial uses.

The lands are zoned Local Commercial (LC) and proposed uses (i.e. automobile gas bar and car wash) are not currently permitted and therefore require a zoning by-law amendment.

## **Planning Analysis:**

### **Land Use and Zoning Framework**

The Subject property is zoned LC – Local Commercial, which is intended to accommodate small-scale commercial uses serving the surrounding neighbourhood. The proposed amendment seeks to introduce “Automobile Gas Bar” and “Car Wash” as additional site-specific permitted uses. These uses are functionally related to the existing convenience store and represent an expansion of the site’s long-standing commercial role.

The amendment is written as a site-specific exception instead of rezoning the property to a different commercial zone. This keeps the purpose and intent of the Local Commercial zone, while allowing limited new uses. Overall, the amendment provides some flexibility for redevelopment while still ensuring the use is compatible with nearby properties.

### **Site-Specific Provisions**

These changes relate to yard setbacks, landscaped areas, and car wash queuing.

The reduced interior side yard and rear yard setbacks reflect both the size of the site and the design of the proposed development, allowing the development to function on the property. To address potential impacts on neighbouring properties, a fence will be required along the north and east property lines, along with additional landscaping, through the Site Plan Control process.

Removing the landscaped buffer along the street is consistent with how buildings are typically located along this section of Ninth Street North, as the properties to the east and west along Ninth Street North have little or no landscaped buffer.

For the car wash, the reduced number of required queuing spaces reflects the limits of the site while still allowing safe vehicle movement. Based on the size of the car wash, one exit space is considered sufficient and is not expected to cause traffic to back up onto nearby streets or properties.

### **Compatibility with Surrounding Area**

The surrounding area is characterized primarily by residential uses, with some commercial development along Ninth Street North. The former pulp and paper mill site, currently going through redevelopment, is located immediately to the south. The subject property has historically functioned as a commercial property.

The proposed gas bar and car wash represent an intensification of use but remain consistent with the neighbourhood-serving commercial function of the Local Commercial Zone. Gas bars introduce additional considerations related to air emissions, including volatile organic compounds (VOCs) such as benzene, which have been identified in literature as a potential health concern for residents in close proximity.

In larger urban centres, Stage I vapour recovery systems, which include both on-site infrastructure and compatible delivery vehicles, are required to capture fuel vapours during bulk fuel transfer. Although modern facilities in Northern Ontario are equipped with vapour recovery infrastructure, the absence of compatible delivery vehicles means that vapours are not fully captured during fuel delivery. Instead, emissions are minimized through sealed ‘dry break’ connections. As a result, the effectiveness of vapour recovery in reducing emissions is lower in

practice in Northern Ontario compared to jurisdictions where full systems are operational.

Potential impacts related to air quality, as well as noise, lighting, and circulation, can be addressed through detailed design and mitigation measures at the Site Plan Control stage. These include maximizing separation between fuel dispensing areas and adjacent residential properties, appropriate placement of venting infrastructure, and site layout that minimizes idling and queuing near residential interfaces.

The subject property is located at a transition between residential and commercial uses along Ninth Street North. The anticipated redevelopment of the former Abitibi Mill lands further supports a shift toward a more mixed-use environment. In this context, the proposed use is considered compatible, provided that appropriate site-specific mitigation measures to minimize impacts on neighbouring residential properties are implemented.

### **Servicing Considerations**

The subject property is fully serviced by municipal water and sewer infrastructure and is located on roads that are maintained year-round. Recent upgrades to the Ninth Street North infrastructure adjacent to the subject lands during the 2025 construction season ensured that there are adequate water and sewer services for the proposed development.

Stormwater management will be an important consideration in the redevelopment of the site. There is known stormwater storage on the northern, undeveloped portion of the subject property, and an existing pipe at the northeast corner of the property conveys drainage into the municipal stormwater system. As part of the Site Plan Control process, the Applicant will be required to prepare a stormwater management plan to ensure that the development meets the stormwater management requirements under the City's Environmental Compliance Approval.

A Traffic Impact Study is being completed and will be reviewed through the Site Plan Control process to ensure that access, circulation, and traffic impacts are appropriately addressed.

### **Provincial Planning Statement, 2024**

The subject property is located within a settlement area and is therefore subject to the policies of the Provincial Planning Statement, 2024. These policies direct growth and development to settlement areas and promote land use patterns that support a mix of uses and the efficient use of existing infrastructure.

The proposed amendment is consistent with these policies, as it facilitates the intensification of an existing commercial site, enhances the range of services available within the community, and makes efficient use of established municipal services.

**Budget:** There are no direct budget implications arising from this zoning by-law amendment. All costs associated with the proposed redevelopment, including any required service upgrades, are the responsibility of the Applicant.

**Communication Plan/Notice By-law Requirements:** Notice of the public meeting regarding the proposed Zoning By-law Amendment has been given in accordance with Section 34(12) of the Planning Act, R.S.O. 1990, c. P.13, and O. Reg. 545/06. Notice has been given by mail to every owner of land within 120 metres of the Subject property and by posting a notice sign on the Subject property.

**Public Comments:**

The City received written comments from nearby residents regarding the proposed zoning by-law amendment. Key concerns and responses are summarized below.

**Traffic and Access**

Concerns-Residents raised concerns about increased traffic volumes, turning movements at the intersection of Ninth Street North and Mellick Avenue, and potential use of the rear lane as an access route.

Response-Traffic circulation and access will be reviewed through the Site Plan Control process to ensure safe entry and exit movements. Internal site design will be required to function without reliance on the rear lane for primary access. Any required improvements to access, circulation, or safety will be addressed at that stage.

**Privacy and Proximity to Adjacent Residential Uses**

Concerns – Residents raised concerns regarding reduced setbacks, loss of existing vegetation, and direct visibility into adjacent residential properties.

Response - To mitigate these impacts, it is recommended that fencing be required along the north and east property lines to help maintain privacy and reduce visual impacts on neighbouring properties.

**Hours of Operation, Lighting, and Noise**

Concerns - Residents expressed concern about potential 24-hour operation, lighting impacts, and noise associated with car wash equipment and traffic.

Response - Lighting design and noise mitigation measures are addressed through the Site Plan Control process and applicable municipal by-laws. Lighting will be required to be directed and controlled to minimize impacts on adjacent properties, and any operational concerns can be managed through site design and regulatory controls.

**Environmental and Health Concerns (Gas Bar)**

Concerns - Residents raised concerns regarding air quality, fuel emissions, and potential health impacts associated with a gas bar in a residential area.

Response - Given the small scale of the proposed gas bar and the proposed site layout shown, an air dispersion modelling study is not considered necessary as a requirement for the rezoning application. However, because the site is in proximity to existing residential uses and because full vapour recovery during fuel delivery may not be operational in practice, additional mitigation should be secured through Site Plan Control. Such mitigation should include maximizing separation between the fueling area and nearby residential properties, confirming the location and design of venting infrastructure, and requiring fencing and/or landscaping as buffering measures. If Council determines that additional

technical evidence is needed to address public concern, an air dispersion modelling study could be required prior to final approval.

**Car Wash Wastewater and Water Servicing**

Concerns - Residents expressed concern about wastewater impacts on the environment and the capacity of municipal water and sewer infrastructure.

Response - Car wash operations are subject to municipal servicing requirements and provincial environmental standards. Wastewater will be directed to the municipal sanitary system and must meet applicable discharge requirements. Servicing capacity and connections will be reviewed through the Site Plan Control and building permit processes to ensure no negative impact on municipal infrastructure.