



Committee Agenda

**Committee Meeting of Council
June 18, 2012
at 6:00 p.m.**

MEETINGS

**FOR THE WEEK OF
JUNE 18TH, 2012**

Monday, June 18, 2012

5:00 p.m.

Special Closed Meeting of Council
Council will adjourn in-camera
for personnel reasons
5th Floor Boardroom, City Hall

6:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor

7:00 p.m.

Regular Meeting of Council
Council Chambers, 2nd Floor

MEETINGS

**HELD UNDER THE
PLANNING ACT**

Monday, June 18, 2012

6:00 p.m.

Rezoning application
Steve Crea Homes Limited
Perut Place

PRESENTATION

BUSINESS UNIT

Monday, June 18, 2012

6:00 p.m.

Jerry Knox
Community Services

ENGINEERING & WORKS COMMITTEE

Monday, June 18, 2012

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Chairperson: Councillor Vrebosch

Vice-Chair: Councillor Mayne

Member: Councillor Bain

Ex-Officio: Mayor McDonald

- EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/KPWTR/WESTENDR).
- EW-2012-02 Report from A. Cox dated May 10, 2012 re 2012-2014 Commercial Water and Sewage Rates for dispensing of bulk water and septage disposal at the new facility on Patton Road (E00/2012/RATES/PATTONRD).

COMMUNITY SERVICES COMMITTEE

Monday, June 18, 2012

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Chairperson: Councillor Lawlor
Vice-Chair: Councillor Mendicino
Member: Councillor Vaillancourt
Ex-Officio: Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. – Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. - Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) - Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/KENAL/BOOTHRD2).
- **CS-2012-12 Rezoning application by Miller & Urso Surveying Inc. on behalf Steve Crea Homes Limited – Perut Place at Giroux Street - Perut Place, Phase II (D14/2012/PERUT/GIROUXST).**
- CS-2012-13 Report from S. McArthur dated May 29, 2012 re Request for Exemption from the Condominium Approval Process for the property located at 2034 Drew Street (D07/2012/CONDO/DREWST).

CS-2012-12

Recommendation:

- "That 1) the proposed Zoning By-Law Amendment application by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Limited to rezone the property legally described as Plan M-85, Part Lot 38, 39 & 40 and Lots 41 to 50, Part of Giroux, George & Lindsay Streets (Closed), Reference Plan NR-1354, Parts 6 & 7, Reference Plan 36R-9979, Parts 1 & 2, Parcels 18727, 18728, and the Remainder of Parcel 539 in the former Township of Widdifield, from a "District Commercial (C4)" zone to a "Residential Third Density (R3)" zone and to a "Residential Multiple Third Density (RM3)" zone be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended, in order to regulate parking, lighting, landscaping, stormwater, drainage, garbage, play space, ingress, egress and fencing as required."

D14/12/PERUT/GIROUXST/2

INTER OFFICE

City of North Bay
Planning Services

MEMO

To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 3 - Planning Advisory Committee
Date: April 24, 2012

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 28th, 2012:

Resolution No. 3

"That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Limited to rezone the property legally described as Plan M-85, Part Lot 38, 39 & 40 and Lots 41 to 50, Part of Giroux, George & Lindsay Streets (Closed), Reference Plan NR-1354, Parts 6 & 7, Reference Plan 36R-9979, Parts 1 & 2, Parcels 18727, 18728, and the Remainder of Parcel 539 in the former Township of Widdifield, from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

North Bay Planning Advisory Committee

Resolution No. 3

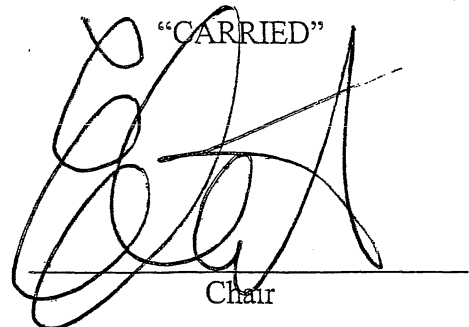
Date: March 28, 2012

Moved By: 

Seconded By: 

“That the Planning Advisory Committee recommend the following to City Council:

1. That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Limited to rezone the property legally described as Plan M-85, Part Lot 38, 39 & 40 and Lots 41 to 50, Part of Giroux, George & Lindsay Streets (Closed), Reference Plan NR-1354, Parts 6 & 7, Reference Plan 36R-9979, Parts 1 & 2, Parcels 18727, 18728, and the Remainder of Parcel 539 in the former Township of Widdifield, from a ‘District Commercial (C4)’ zone to a ‘Residential Third Density (R3)’ zone and to a ‘Residential Multiple Third Density (RM3)’ zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.”

“CARRIED”

Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur – Senior Planner, Current Operations

Subject: Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Ltd., Perut Place at Giroux St., (Perut Place Phase II) in the City of North Bay

Date: March 22, 2012

Recommendations

1. That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of Steve Crea Homes Limited to rezone the property legally described as Plan M-85, Part Lot 38, 39 & 40 and Lots 41 to 50, Part of Giroux, George & Lindsay Streets (Closed), Reference Plan NR-1354, Parts 6 & 7, Reference Plan 36R-9979, Parts 1 & 2, Parcels 18727, 18728, and the Remainder of Parcel 539 in the former Township of Widdifield, from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone, BE APPROVED; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

Site

The subject lands are legally described as Plan M-85, Part Lot 38, 39 & 40 and Lots 41 to 50, Part of Giroux, George & Lindsay Streets (Closed), Reference Plan NR-1354, Parts 6 & 7, Reference Plan 36R-9979, Parts 1 & 2, Parcels 18727, 18728, and the Remainder of Parcel 539 in the former Township of Widdifield and form part of the Draft Approved Perut Place Plan of Subdivision (Phase II).

The surrounding land uses include undeveloped portions of the same Subdivision, other semi-detached dwellings, single family detached dwellings and commercial properties fronting on Trout Lake Road near the intersection with Giroux Street. The subdivision is bounded by the Ontario Northland Railway to the southeast and Trout Lake Road to the north, as shown on Schedules 'A' and 'B' attached hereto.

Proposal

The Applicant is proposing to rezone a portion of the subject property from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone in order to permit the construction of one (1) additional semi-detached dwelling and one (1) small apartment block on the subject lands, as shown on Schedule 'B' attached hereto.

Provincial Policy Statement (PPS 2005)

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2005). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

Section 1.1.1 of the PPS 2005 states that: *“healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”*

The subject lands form part of the Draft Approved Perut Place subdivision, which underwent a full planning process in 2006. The proposed removal of a high traffic, high density Commercial corner for the proposed Residential uses should result in less pedestrian and vehicular traffic and thus improved safety in the area. The development of a semi-detached dwelling and a small apartment block will be done on full municipal services that will be installed as part of the subdivision pre-servicing agreement.

In my professional opinion, the proposed Zoning By-law amendment is consistent with the policies contained in the Provincial Policy Statement (PPS 2005).

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 3.4.3 of the GPNO 2011 states that: *“Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, public open spaces, and easy access to local stores and services.”*

The construction of a semi-detached dwelling and a small apartment block promotes an appropriate mix of housing types as is encouraged by the GPNO 2011. The subject lands are within safe walking distance to local stores and services. The proposed Zoning By-law amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Official Plan

The property is currently designated 'Residential' on Schedule "1" of the City of North Bay's Official Plan. It is the objective of the Official Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses. The Settlement Area is sized to meet current and future land requirements for these uses requiring full municipal services.

Section 2.1, Settlement Areas, states that: *"Infill and intensification developments will be primarily encouraged in the Central Business District (CBD) and surrounding neighbourhoods, where appropriate, and where adequate municipal services, facilities, and transit routes exist. Infilling and intensification will also be promoted in other areas of the City where there is appropriate infrastructure and new development or redevelopment is compatible with surrounding land uses."*

Section 2.1.2 adds: *"Residential developments surrounding commercial nodes shall have a higher density to support increased pedestrian activity and mixed use developments."*

The proposal to rezone a portion of the subject property from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone in order to permit the construction of one (1) additional semi-detached dwelling and one (1) small apartment block on the subject lands is in conformity with the Official Plan.

Zoning By-Law No. 28-80

The subject property is presently zoned "District Commercial (C4)" which permits the following uses:

Permitted Uses, Commercial

- Automobile service station or Gas bar
- Automobile Sales, Service or Leasing Establishments;
- Banks
- Boarding, Lodging or Rooming House
- Business Offices
- Clubs
- Data Processing Firm
- Day nursery
- Financial Institutions
- Funeral homes
- Food stores
- Group Home Type 2
- Group Home Type 3
- Hotels, Motels
- Instructional Services
- Liquor, Beer or Wine Stores
- Local Retail stores
- Personal Service Establishment
- Pet Daycare Facility
- Pharmacy
- Places of worship
- Public and Private parking areas
- Places of entertainment
- Professional Offices

- Repair garages
- Restaurants and Taverns
- Retail stores
- Service Establishments that are not obnoxious
- Veterinary Establishment

Permitted Uses, Accessory Residential Uses

Dwelling units, or any residential use, connected to and forming an integral part of the commercial building shall be permitted, provided that access to the dwelling units or residential use is separate from the access to the commercial portion of the building, and no dwelling units or any other residential uses or part thereof shall be permitted on the ground floor.

The Applicant is proposing to rezone the subject lands to a “Residential Third Density (R3)” zone and to a “Residential Multiple Third Density (RM3)” zone

A “Residential Third Density (R3)” zone permits the following uses:

- Single Detached Dwelling (minimum frontage of 13.7m)
- Duplex Dwelling
- Semi-Detached Dwelling
- Group Home Type 1
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-Profit Uses
- Institutional Uses

A “Residential Multiple Third Density (RM3)” zone permits the following uses:

- Apartment Dwellings
- Boarding, Rooming or Lodging House
- Group Home Type 2
- Parks, Playgrounds and Associated Non-Profit Uses
- Licenced Day Nurseries, Churches, Public Schools Other Than Trade Schools
- Institutional uses
- Accessory Home Based Businesses
- Accessory Non-Residential Use under Subsection 5.3.5

Under the current “District Commercial (C4)” zoning, the Applicant is allowed to construct an Apartment Building, as long as the dwelling units (apartments) are connected to and form an integral part of the commercial building and are not permitted on the ground floor.

The Applicant is proposing to rezone a portion of the subject property from a ‘District Commercial (C4)’ zone to a ‘Residential Third Density (R3)’ zone and to a ‘Residential Multiple Third Density (RM3)’ zone in order to remove the Commercial component of the proposed Apartment Building and to decrease the total land area of the proposed Apartment block. This would permit the construction of one (1) semi-detached dwelling and one (1) small apartment block on the subject lands, as shown on Schedule ‘B’ attached hereto.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application.

In terms of correspondence received, the Engineering Department, the Secretary-Treasurer of the North Bay Municipal Heritage Committee, the North Bay-Mattawa Conservation Authority, the Chief Building Official, the Chief Fire Prevention Officer and the Ministry of Transportation have indicated they have no concerns or objections to this proposal.

A number of area residents attended the public meeting before the Planning Advisory Committee on Wednesday, March 7th and four (4) of the attendees submitted written comments regarding the proposal. Their comments and concerns can be summarized as follows:

- The building and engineering departments have received multiple complaints about the subdivision over the last three (3) years mostly related to drainage and water run off issues that were a problem in Phase I of the development;
- Object to any rezoning for an apartment building as it lowers property values;
- Taxes are too high;
- Trucks, dirt and garbage have been a big problem and traffic has already increased and will increase ten-fold with the opening of the intersection;
- Construction materials have not been picked up and end up clogging the culverts;
- Illegal dumping mires what should otherwise be a clean, new neighbourhood;
- The work trailer that has been left on-site is being vandalized and drug use may be occurring;
- Wants the developer to take responsibility for cleaning up the area;
- Tree removal, dust, snow melt and noise affecting his quality of life;
- The heavy equipment and contractor's yards are dangerous for children on the street; and
- Traffic during construction should come from Trout Lake Road.

The drainage and storm water problems that were present during Phase I have been addressed. A new oversized culvert was installed under the adjacent ONR tracks in 2009 and rear yard swales were built behind lots sold on the north side of Perut Place. In Phase II, the storm water drainage system will be adequately sized to handle the worst case scenario storm event.

A number of residents expressed concern regarding the construction of an apartment building on the subject lands. As noted previously, the current zoning on the property permits the construction of an apartment building provided that it is associated with a commercial use. The proposed rezoning is considered a "down-zoning". The size of the proposed apartment building will be dictated by the total land area available, setbacks and parking requirements in the RM3 zone. The Applicant has suggested that the apartment building would be a small, walk-up style building (no elevator), two to three stories in height. The proposed apartment building will be subject to Site Plan Control, which will regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

The intersection at Perut Place, Giroux Street and Trout Lake Road is into the design phase with construction, funding dependent, scheduled for this summer. Traffic routing, especially during construction of Phase II, is possible if the intersection goes ahead. A Pre-servicing Agreement and subsequent Subdivision Agreement will be required to be entered into prior to any construction on Phase II and appropriate financial security and conditions will be included in these documents. The remainder of the issues raised generally related to property standards complaints and construction activity during Phase 1. As a result of the comments received the Applicant has taken steps to clean up the property. The 'work trailer' referenced above has been removed and City staff have met with the developer regarding expectations for their work environment during future construction phases.

No further correspondence was received with regard to this proposal.

Summary

The Applicant is proposing to rezone a portion of the subject property from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone in order to remove the Commercial component of the proposed Apartment Building and to decrease the total land area of the proposed Apartment block. This would permit the construction of one (1) semi-detached dwelling and one (1) small apartment block on the subject lands.

Throughout the City a number of neighbourhoods feature small apartment blocks mixed in with low density residential uses, especially near arterial or collector routes. The surrounding land uses include undeveloped portions of the same Subdivision, other semi-detached dwellings, single detached dwellings and commercial properties fronting on Trout Lake Road near the intersection with Giroux Street. The proposed use is in character with the mixed use nature of the surrounding neighbourhood.

It is my professional opinion that the proposed Zoning By-law amendment to rezone a portion of the subject property from a 'District Commercial (C4)' zone to a 'Residential Third Density (R3)' zone and to a 'Residential Multiple Third Density (RM3)' zone in order to permit the construction of one (1) additional semi-detached dwelling and one (1) small apartment block on the subject lands is in conformity with the Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Respectfully submitted,




Steve McArthur, MCIP, RPP
Senior Planner – Current Operations

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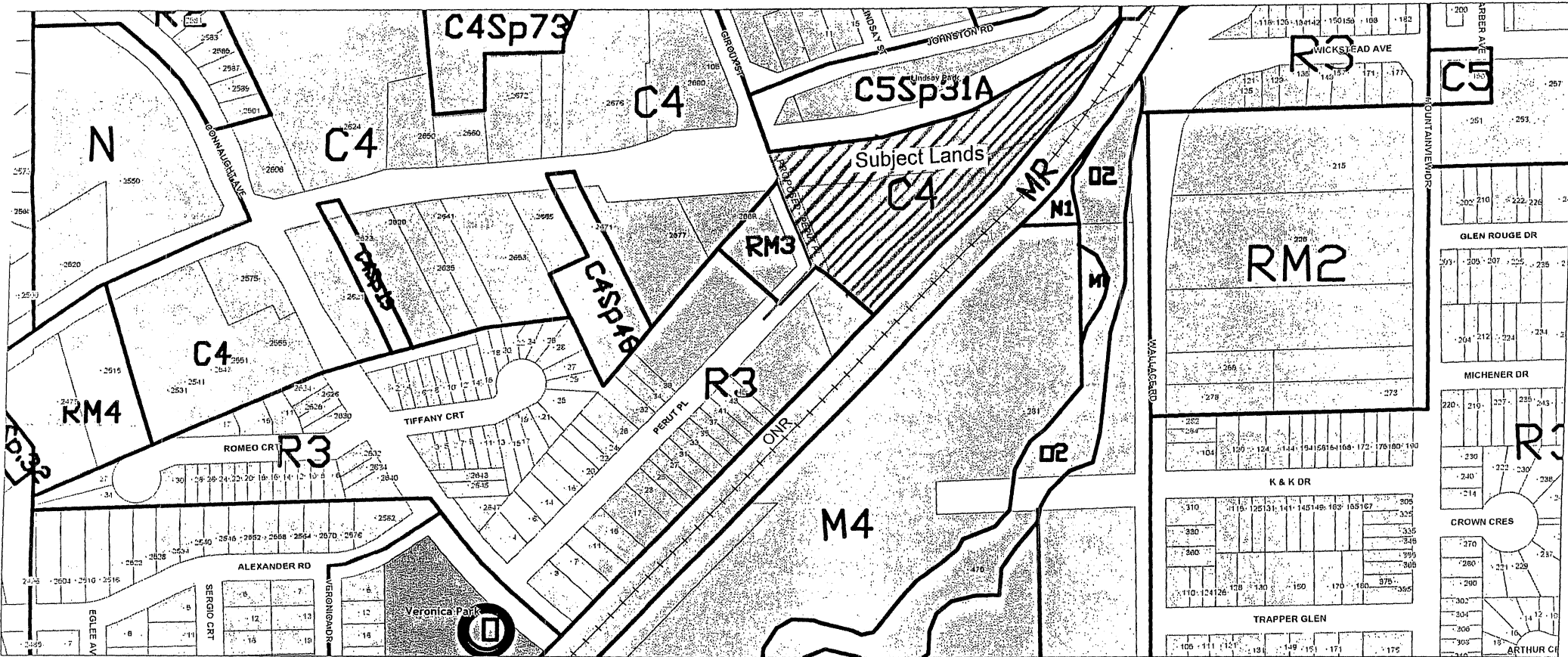
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I concur with the recommendations contained in this report.

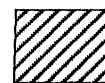
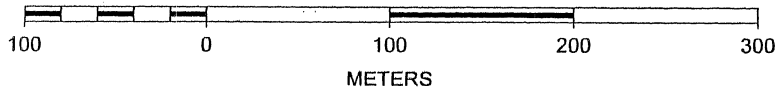


Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 4,138



Proposed Zoning By-law Amendment
 From: "District Commercial (C4)"
 To: "Residential Multiple Third Density (RM3)"
 and "Residential Third Density (R3)"

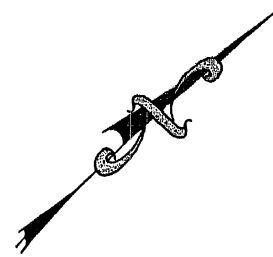




SCHEDULE B

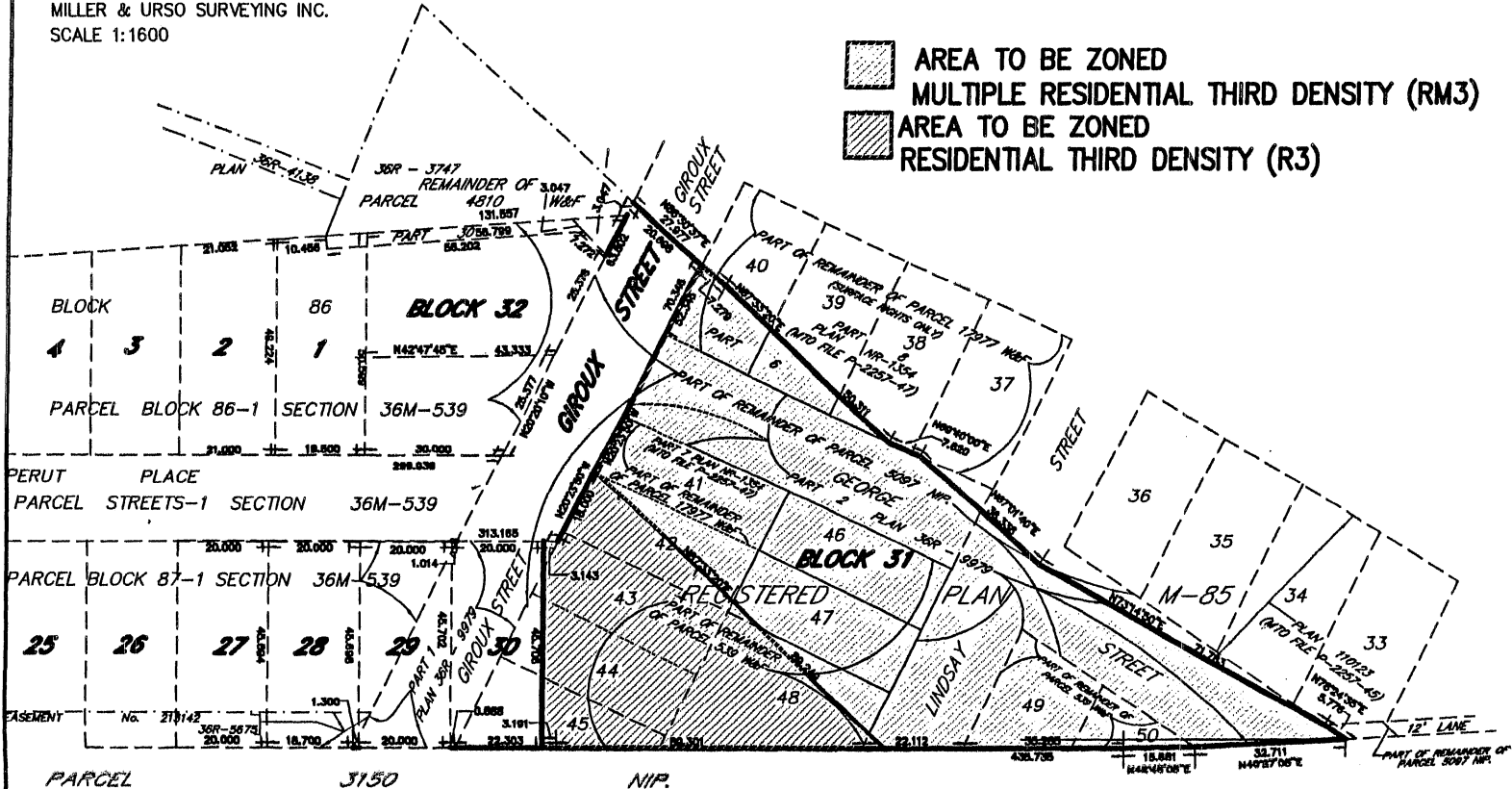
SKETCH FOR A ZONING BY-LAW AMENDMENT
 PART OF PERUT PLACE
 REGISTERED PLAN 36M-539
 ALL OF LOTS 41 TO 50
 AND PART OF LOTS 38, 39 AND 40
 AND PART OF GIROUX STREET, LINDSAY STREET AND GEORGE STREET
 REGISTERED PLAN M-85

CITY OF NORTH BAY
 DISTRICT OF NIPISSING

MILLER & URSO SURVEYING INC.
 SCALE 1:1600



-  AREA TO BE ZONED
MULTIPLE RESIDENTIAL THIRD DENSITY (RM3)
-  AREA TO BE ZONED
RESIDENTIAL THIRD DENSITY (R3)



METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Miller & Urso Surveying Inc.
 Ontario Land Surveyors ♦ Canada Land Surveyors
 Planning Consultants
 TEL: (709) 474-1210
 FAX: (709) 474-1783
 1001 SEMOUR STREET, NORTH BAY, ON. P1B 9B4

GENERAL GOVERNMENT COMMITTEE

Monday, June 18, 2012

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Chairperson: Councillor Chirico
Vice-Chair: Councillor Koziol
Members: Councillors Anthony, Marosis
Ex-Officio: Mayor McDonald

GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).

GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).

ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005) .
September 21, 2009	Review, update and consolidation of Noise By-Law (due June 30, 2010) .
March 8, 2010	Comprehensive Long-Term Financial Plan (due April 30, 2010) .
May 3, 2010	Track the net financial benefits created through increased assessment as a result of the Airport Industrial Community Improvement Plan sites being developed.
December 30, 2010	Quarterly report on progress of WSIB appeal, error corrections and cost projections for 2011.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP (due July 2014) .
August 2, 2011	Review of smoking at City facilities and commercial establishment patios.
August 15, 2011	Effectiveness of the Residential Rental Housing By-Law (due May 2013) .