



Committee Agenda

**Committee Meeting of Council
December 19, 2011
at 7:00 p.m.**

MEETINGS

**FOR THE WEEK OF
DECEMBER 19TH, 2011**

Monday, December 19, 2011

12:00 p.m.

General Government Business
Unit Budget Review
5th Floor Boardroom
City Hall

5:00 p.m.

Community Services Business
Unit Budget Review
5th Floor Boardroom
City Hall

6:00 p.m.

Special Meeting of Council
Council Chambers, 2nd Floor
City Hall

7:00 p.m.

Committee Meeting of Council
Council Chambers, 2nd Floor
City Hall

MEETINGS

**HELD UNDER THE
*PLANNING ACT***

Monday, December 19, 2011

7:00 p.m.

Rezoning application
2277111 Ontario Inc.
489 McIntyre Street West

Official Plan Amendment and
Rezoning application
Belisle Investments
1781 Cassells Street

GENERAL GOVERNMENT COMMITTEE

Monday, December 19, 2011

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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).
- GG-2011-18 Report from D.G. Linkie dated August 31, 2011 re Power assisted bicycles (T00/2011/TRANS/GENERAL).
- GG-2011-21 Report from R. Mimee / M. Karpenko dated November 23, 2011 re 2012 recommended Operating Budget (F05/2012/OPEBU/GENERAL).

COMMUNITY SERVICES COMMITTEE

Monday, December 19, 2011

Page 1

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-2011-20 Rezoning application by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. - 489 McIntyre Street West (D14/2011/22771/ 489MCINW).**
- **CS-2011-21 Official Plan Amendment and Rezoning applications by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. - 1781 Cassells Street (D09/D14/2011/BELIS/CASSELLS).**
- CS-2011-22 Report from E. Acs dated November 15, 2011 re 2011 Update - Municipal Accessibility Advisory Committee Annual Report (C01/2011/MAAC/GENERAL).
- CS-2011-23 Report from I.G. Kilgour dated November 22, 2011 re Sport Field User Fees (C01/2011/BYLAW/USERFEES).
- CS-2011-24 Report from P. Carello dated November 25, 2011 re 2011 Municipal Heritage Committee Annual Report (R01/2011/NBMHC/GENERAL).

CS-2011-20

Draft recommendation.

- “That
- a) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. for the property legally described as Plan 13, North Part Lot 104, known locally as 489 McIntyre Street West in the City of North Bay (former PEP Place), be approved; and
 - b) 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 management, drainage, ingress, egress, and fencing as required.”

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: November 17, 2011

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, October 26th, 2011:

Resolution No. 3

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

1. That the Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. for the property legally described as Plan 13, North Part Lot 104, known locally as 489 McIntyre Street West in the City of North Bay (former PEP Place building), 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, ingress and egress and fencing as required."



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

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 2277111 Ontario Inc. for the property legally described as Registered Plan No. 13, N. Pt. Lot 104, PIN #49162-0416(LT), 489 McIntyre Street West in the City of North Bay.
Date: July 29, 2011

Recommendation

- 1) That the proposed Zoning By-law Amendment from a "Residential Multiple First Density (RM1)" zone to a "General Commercial Outer Core (C2)" zone by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. for the property legally described as Registered Plan No. 13, N. Pt. Lot 104, PIN #49162-0416(LT), known locally as 489 McIntyre Street West in the City of North Bay 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 building massing, parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

Site

The subject property is situated at 489 McIntyre Street West, as shown on Schedules "A" and "B" attached hereto. The property has a frontage of approximately 20.26 metres (66.5 feet) along McIntyre Street West and a total area of approximately 0.06 hectares (0.14 acres). It has secondary road access via Plouffe Street.

The property is designated "Central Area" in the City of North Bay's Official Plan and is zoned "Residential Multiple First Density (RM1)" under the City of North Bay's Zoning By-law No. 28-80. The area is a mixed use neighbourhood, including commercial and institutional uses, public and private parking areas, and low to medium density residential uses.

Proposal

The subject property is developed with a two and a half storey brick building. The existing administrative office building was previously operated by the People for Equal Partnership in Mental Health (PEP) board.

The use of the building by PEP was permitted under Section 3.3 of Zoning By-law No. 28-80 which reads: "*The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality, local board, school board, public utility, department of the Government of Canada or the Province of Ontario, any Crown Corporation or the public infrastructure of a telecommunications company regulated by the CRTC and Industry Canada...*"

PEP has now relocated to a building on Main Street and the land and buildings have been sold to the applicant (2277111 Ontario Inc.) who intends to use the building as professional office space, but requires a change in zoning as the building will no longer be occupied under the provisions of Section 3.3 of Zoning By-law No. 28-80. The property owners are requesting a Zoning By-law amendment to change the "Residential Multiple First Density (RM1)" zone designation to a "General Commercial Outer Core (C2)" zone designation in order to permit the use of the land and buildings as a privately owned professional office building.

Provincial Policy

This proposal has been reviewed in the context of the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005). These policies provide direction on matters of Provincial interest related to land use planning and development.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011, and all planning applications must now be evaluated to consider this plan. The GPNO 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 application has been reviewed in accordance with the Growth Plan for Northern Ontario (2011) and has been found to be in compliance with its policies.

This application has further been reviewed in the context of the Provincial Policy Statement (PPS 2005). Section 1.0 of the PPS 2005, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns.

Section 1.1.3.3 states that: *"Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs"*.

Section 1.3.1 states that: *"Planning authorities shall promote economic development and competitiveness by: (a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; (b) providing opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; (c) planning for, protecting and preserving employment areas for currently and future uses; and (d) ensuring the necessary infrastructure is provided to support current and projected needs."*

The proposed Zoning By-law Amendment will permit an office use in the existing building, which will provide ongoing economic development and employment opportunities. The subject property has an existing building on full municipal services, resulting in economic activity without the requirement for the extension of municipal services.

In reviewing the proposed Zoning By-law amendment, it is my professional opinion all pertinent policies of the Provincial Policy Statement (PPS 2005) have been applied in their entirety and the end use is consistent with Provincial Policy as set out in the Provincial Policy Statement (PPS 2005).

Official Plan

The subject property is designated "Central Area" in the City of North Bay's Official Plan.

Section 2.3.2 of the Official Plan (Central Area Planned Function) outlines the general intent of the Central Area, stating that: *"The Central Area of North Bay includes the existing Central Area, as well as adjacent lands subject to future development in coordination with Central Area uses. North Bay's Central Area has historically acted as the focal point for finance, administration, services, culture and entertainment within the city. The importance of a strong, vibrant and economically viable Central Area to the health of North Bay is recognized, and it is a key objective of this Official Plan that the health and economic viability of the Central Area be maintained and enhanced in the context of all new land use decisions within the city. The planned function for the Central Area is to act as the city's primary area for government, finance, arts, culture, recreation and entertainment."*

Section 2.3.1 further states that one of the Central Area objectives shall be to “*encourage, whenever possible, new offices to locate within, and existing offices to remain within, the Central Area wherever possible.*”

The intent of this policy is to focus office development in buildings in the City's Central Area, thereby creating a strong central core. The property has already operated as an administrative office building for a number of years. The proposed Zoning By-law amendment will enable the new property owner to continue to operate the building as a professional or administrative office, thereby strengthening the City's Central Area.

In my professional opinion, the Applicants' proposal to rezone subject lands to a “General Commercial Outer Core (C2)” zone is in conformity with the general intent of the Official Plan policies for the Central Area.

Zoning By-law No. 28-80

The subject property is currently zoned “Residential Multiple First Density (RM1)” by the City of North Bay's Zoning By-law No. 28-80, which permits the following uses:

- Duplex dwelling
- Semi-detached dwelling
- Triplex
- Double duplex
- Group home type 1
- Group home type 2
- Multiple dwellings
- Accessory home based businesses
- Parks, playgrounds & non-profit uses
- Day nurseries
- Institutional uses

The Applicant is proposing to rezone the subject lands to a “General Commercial Outer Core (C2)” zone. The permitted uses for the proposed “General Commercial Outer Core (C2)” zone will be limited to the following:

- Animal Hospitals
- Apartment dwellings
- Automobile Sales, Service & Leasing Establishments
- Automobile service stations and Gas bars
- Banks
- Boarding and Rooming House
- Broadcast Studios or Newsrooms
- Business Offices
- Bus Stations
- Clubs
- Converted dwellings
- Data processing firm
- Day nursery
- Double duplex dwellings
- Duplex dwellings
- Dwelling groups
- Farmer's market
- Financial Institutions
- Flea market
- Food stores
- Funeral homes
- Group home type 2

- Homes for the aged
- Hotels, Motels
- Liquor, Beer or Wine Store
- Local Retail stores
- Maisonette dwellings
- Multiple dwellings
- Nursing homes
- Personal Services Establishments
- Pet Daycare Facility
- Places of entertainment
- Professional Offices
- Public and Private parks
- Public and Private parking areas
- Recreational Vehicle Sales, Service & Leasing
- Repair garage (Body shop)
- Retirement homes/residences
- Restaurants and Taverns
- Retail stores
- Townhouse dwellings
- Semi-detached dwellings
- Single detached dwellings
- Service Establishments that are not obnoxious
- Triplex dwellings
- Wholesale Uses
- Institutional uses:
 - o Places of Worship
 - o Public Hospitals or Private Hospitals
 - o Private schools

The subject property will meet all other provisions and regulations of Zoning By-law No. 28-80.

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 other external agencies that may have an interest in this matter.

In terms of the correspondence received North Bay Hydro, the North Bay-Mattawa Conservation Authority, the Chief Fire Prevention Officer, the Ministry of Transportation, the Mayor's Office of Economic Development, the Building Department and the Director of Parks, Recreation and Leisure Services offered no objections to the proposal. The Chief Building Official further offered that a building permit will be required in the event the Applicant moves forward with any planned renovations or a change of use/occupancy. This comment is provided for information purposes and has been relayed to the Applicant's agent. There are no physical changes proposed to the building or property at this time.

A letter was received from a circulated property owner at commenting on the proposed rezoning. The only concern expressed by this owner was that the parking for the facility was contained on their own property holdings and that it would not use or interfere with their own parking area.

The Applicant's agent has confirmed that all required parking can be accommodated on site and, if necessary, on adjoining vacant lands under the same ownership or in a nearby municipally-owned parking lot. All other provisions and regulations of Zoning By-law No. 28-80 will be met.

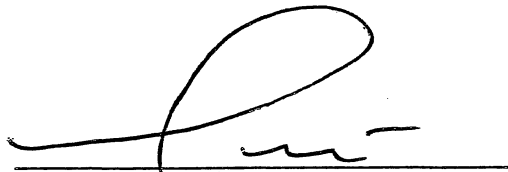
No comments or objections were received from any of the other circulated property owners.

Summary

The building has been occupied for several years by the People for Equal Partnership in Mental Health (PEP) administration offices. Although the operational is institutional in nature, it operates in the same manner that a commercial office building would operate. The present and proposed use is compatible with the mixed use nature of the existing neighbourhood.

At this time, the present "Residential Multiple First Density (RM1)" zoning designation would limit the use of the property to residential and non-profit/institutional uses. The Applicant is seeking to rezone the property to a "General Commercial Outer Core (C2)" zone designation in order to provide for a range of potential commercial uses, including business/professional office space. If approved, the property will be subject to Site Plan Control in order to regulate parking, lighting, landscaping, storm water management, ingress/egress and fencing as required.

It is my professional opinion the proposed Zoning By-law amendment maintains the general intent of the City of North Bay's Official Plan and the end use is consistent with Provincial Policy as outlined in the Northern Growth Plan (GPNO) and the Provincial Policy Statement (PPS 2005).



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

SM/dlb

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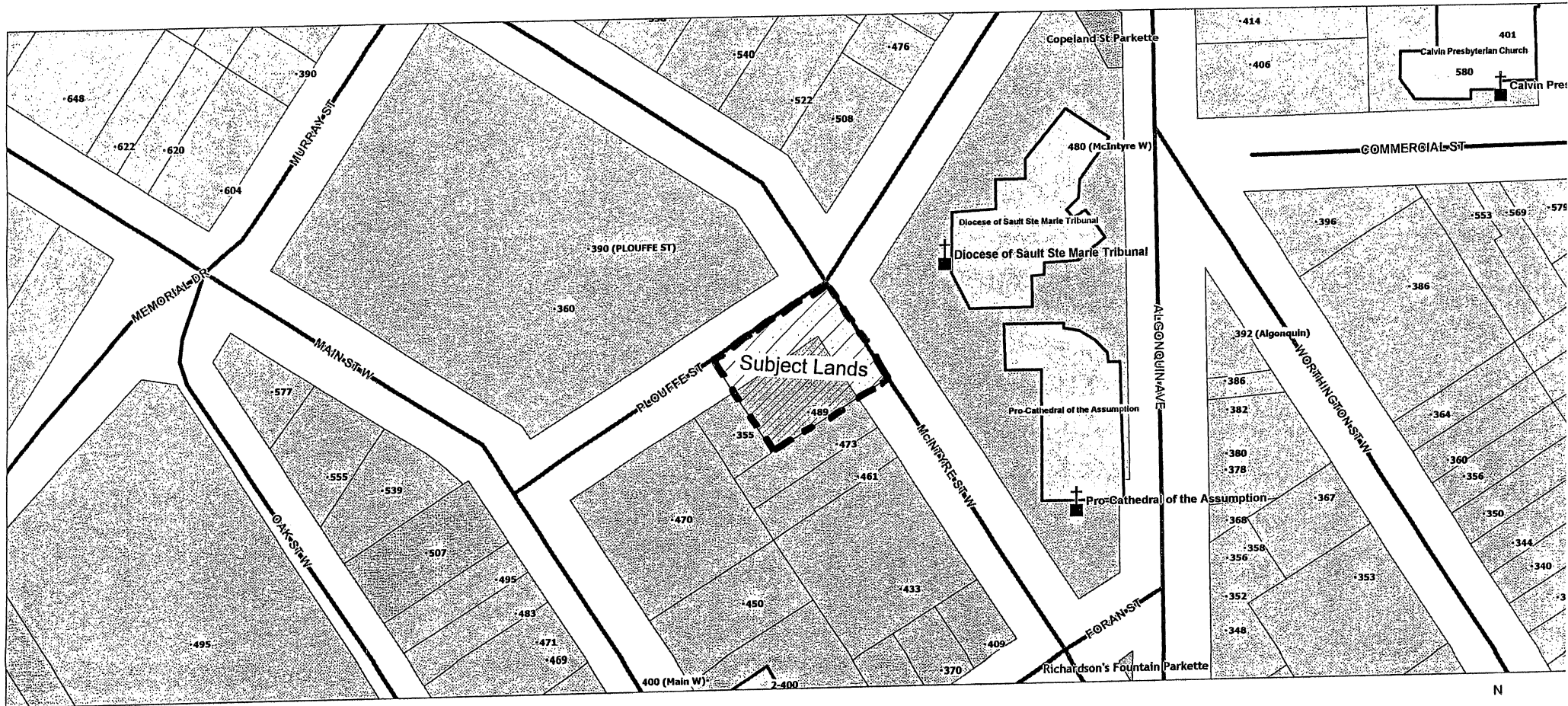
attach.

I concur with the recommendations contained in this report.

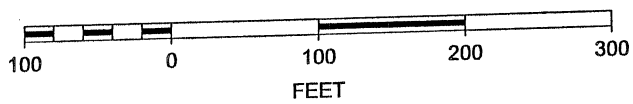


Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 1,585



Proposed Zoning By-law Amendment
From: "Residential Multiple First Density (RM1)"
To: "General Commercial Outer Core (C2)"



PLOUFFE STREET

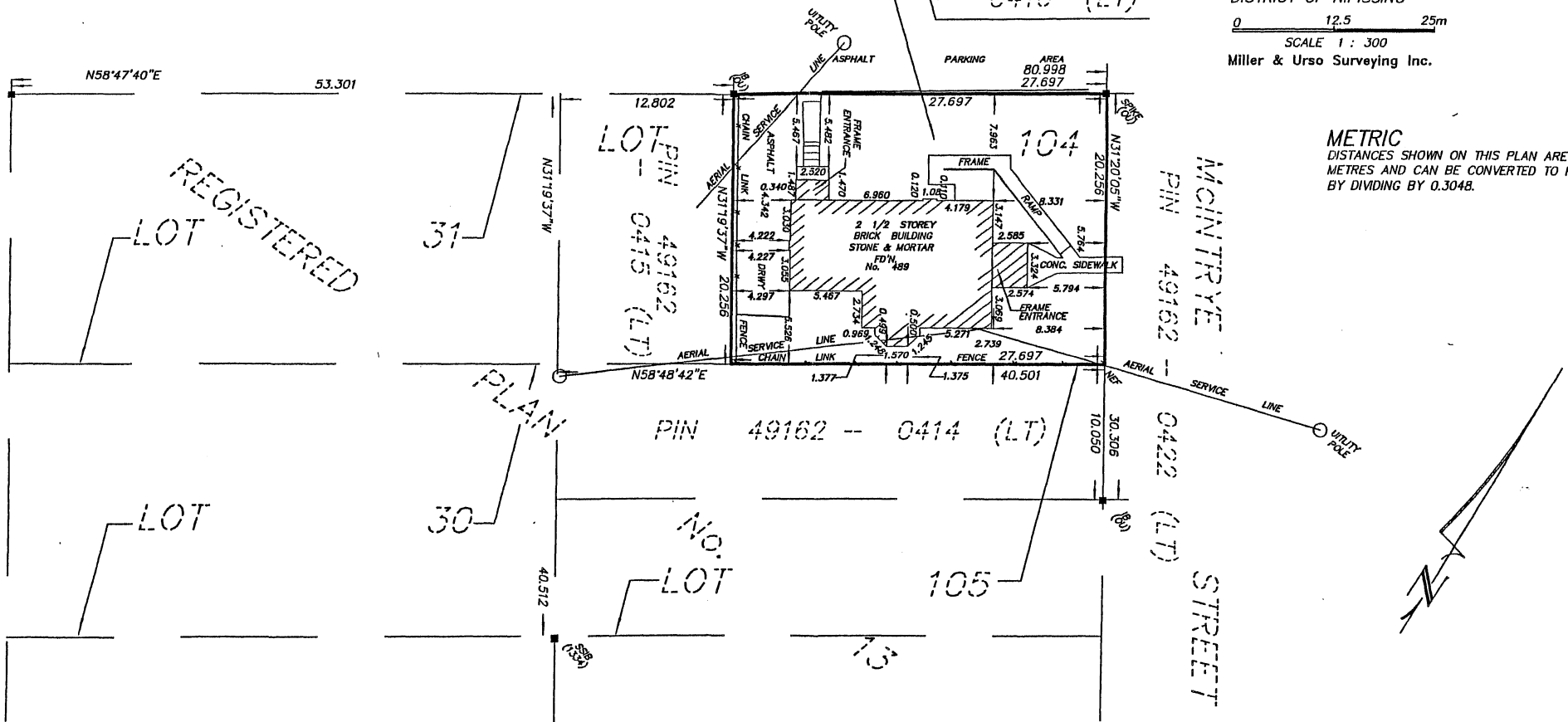
PIN 49162 -- 0441 (LT)

PIN 49162 -- 0416 (LT)

SITE PLAN OF
PART OF LOT 104
REGISTERED PLAN No. 13
CITY OF NORTH BAY
DISTRICT OF NIPISSING

0 12.5 25m
SCALE 1 : 300
Miller & Urso Surveying Inc.

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



LOT COVERAGE

AREA OF PROPERTY = 561.0 m²
AREA OF 2 1/2 STOREY DWELLING = 144.9 m²

PRESENT LOT COVERAGE = 25.83 %

LEGEND

- DENOTES PLANTED MONUMENT
- DENOTES FOUND MONUMENT
- M DENOTES MEASURED
- S DENOTES SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- NEF DENOTES NO EVIDENCE FOUND

© COPYRIGHT 2011, Miller & Urso Surveying Inc.

Miller & Urso Surveying Inc.
Ontario Land Surveyors Canada Land Surveyors
Planning Consultants

1501 SEYMOUR STREET TEL: (705) 474-1210
NORTH BAY ONT, P1B 8G4 FAX: (705) 474-1783

DRAWN BY: R.A.S. K.M., S.D., J.L. W.O. # 3663


SCHEDULE B

North Bay Planning Advisory Committee

Resolution No. 3

Date: October 26, 2011

Moved By:



Seconded By:

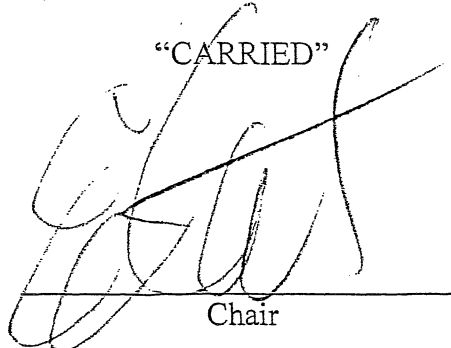


“That the Planning Advisory Committee recommend the following to City Council:

1. That the Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 2277111 Ontario Inc. for the property legally described as Plan 13, North Part Lot 104, known locally as 489 McIntyre Street West in the City of North Bay (former PEP Place building), 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, ingress and egress and fencing as required.”

Amendments:

“CARRIED”


Chair

CS-2011-21

Draft recommendation:

- "That
- a) the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the designation on the subject lands from "Residential" to "District Commercial" for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-007.(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, be approved;
 - b) the proposed Zoning By-Law Amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the zoning designation from a "Residential Second Density (R2)" zone and a "Residential Multiple Second Density (RM2)" zone to a "District Commercial Special Zone No. 80 (C4 Sp.80)" for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-007.(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, be approved
 - c) 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 building massing, parking, lighting, landscaping, stormwater management, servicing, drainage, ingress, egress and fencing as required."

INTER OFFICE

*City of North Bay
Planning Services*

MEMO

To: Cathy Conrad, City Clerk
From: Steve McArthur - Senior Planner, Current Operations
Subject: Resolution No. 4 - Planning Advisory Committee
Date: November 17, 2011

Quoted below is Resolution No. 4 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, November 16th, 2011:

Resolution No. 4

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

- 1) That the proposed Official Plan amendment to change the designation on the subject lands from "Residential" to "District Commercial" for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-0073(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, BE APPROVED; and
- 2) That the proposed Zoning By-law amendment to change the zoning designation from a "Residential Second Density (R2)" zone and a "Residential Multiple Second Density (RM2)" zone to a "District Commercial Special Zone No. 80 (C4 Sp.80)" for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-0073(LT), BE APPROVED; and
- 3) 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 building massing, parking, lighting, landscaping, storm water management, servicing, drainage, ingress, egress and fencing as required.



Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

To: Chair and Members, Planning Advisory Committee

From: Steve McArthur - Senior Planner, Current Operations

Subject: Proposed Official Plan and Zoning By-Law Amendment by Miller & Urso Surveying Inc. o/b Belisle Investments Ltd. – 1781 Cassells Street (former Corpus Christi Church)

Date: November 15, 2011

Recommendation

- 1) That the proposed Official Plan amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the designation on the subject lands from “Residential” to “District Commercial” for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, being PIN #49151-0073(LT), known locally as the former site of Corpus Christi Church at 1781 Cassells Street in the City of North Bay, BE APPROVED; and
- 2) That the proposed Zoning By-law amendment by Miller & Urso Surveying Inc. on behalf of Belisle Investments Ltd. to change the zoning designation from a “Residential Second Density (R2)” zone and a “Residential Multiple Second Density (RM2)” zone to a “District Commercial Special Zone No. 80 (C4 Sp.80)” for the property legally described as Registered Plan No. 57, Lots 454, 455 and 456, and Part of Lane, Reference Plan 36R-5315, Parts 1 & 2, PIN #49151-0073(LT), BE APPROVED; and
- 3) 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 building massing, parking, lighting, landscaping, storm water management, servicing, drainage, ingress, egress and fencing as required.

Site

The subject lands are located on the south side of Cassells Street, in the block bounded by Olive Street, Fraser Street and Chippewa Creek. The site has frontage of 40.25 metres (132 feet) on Cassells Street and an area of 0.27 hectares (0.66 acres) as shown on Schedule “A” attached hereto.

The Cassells Street area east of Chippewa Creek has been one of transition over the past few decades. The area is a mixed use neighbourhood with a number of established commercial businesses, low, medium and high density residential uses, and institutional uses such as the North Bay Crisis Centre and Cassellholme - Home for the Aged.

Proposal

The subject lands are currently designated ‘Residential’ in the City of North Bay’s Official Plan. The applicant proposes to re-designate the lands ‘District Commercial’.

A concurrent application has been submitted to rezone the subject lands from a ‘Residential Second Density (R2)’ zone and a ‘Residential Multiple Second Density (RM2)’ zone to a “District Commercial Special Zone No. 80 (C4 Sp.80)” in order to permit the conversion of the building on the subject lands (former Corpus Christi Church) into professional office space.

Provincial Policy

This proposal has been reviewed in the context of the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005). These policies provide direction on matters of Provincial interest related to land use planning and development.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011, and all planning applications must now be evaluated to consider this plan. The GPNO 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 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 Provincial government or incorporated into the Official Plan.

In a general context, the proposed development is abutting an existing commercial node, is located on an arterial street, and has access to full Municipal services, including public transit. In my professional opinion, in reviewing the Growth Plan for Northern Ontario, all applicable policies have been considered and the proposed conversion conforms to the GPNO 2011.

This application has been reviewed in the context of the Provincial Policy Statement (PPS 2005). Section 1.0 of the PPS 2005, Building Strong Communities, provides for a wide variety of policies relating to wisely managing change and promoting efficient land use and development patterns.

Section 1.1.3.3 states that: *“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.*

Section 1.3.1 states that: *“Planning authorities shall promote economic development by: (a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; (b) providing opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; (c) planning for, protecting and preserving employment areas for current and future uses; and (d) ensuring the necessary infrastructure is provided to support current and projected needs.”*

Section 1.6.4.2 states that: *“Municipal sewage services and Municipal water services are the preferred form of servicing for Settlement Areas. Intensification and redevelopment within Settlement Areas on existing Municipal sewage services and Municipal water services should be promoted wherever feasible.”*

The proposed Official Plan and Zoning By-law amendments will permit an office use in the existing building, which will provide for on-going economic development and employment opportunities. The subject lands feature an existing building on full municipal services, resulting in economic activity without the requirement for the extension of municipal services, as is encouraged by the PPS 2005.

Through the development of the City of North Bay's new Official Plan (pending Ministerial approval), the City undertook a Commercial Strategy Study completed by Malone Given Parsons Ltd. in June 2009. The study identified that the City of North Bay could accommodate approximately 27,000 square feet of additional “Bank/Trust/Credit Union and other Professional Offices” between 2008 and 2011. There have been no significant changes to existing commercially designated lands or new office construction during this period. The proposed conversion represents approximately 10,000 sq. ft. and will likely be used to accommodate one large office tenant.

In reviewing the proposed Official Plan and Zoning By-law amendments, it is my professional opinion that all pertinent policies of the Provincial Policy Statement (PPS 2005) have been applied in their entirety and the end use is consistent with Provincial Policy as set out in the Provincial Policy Statement (PPS 2005) and in the Growth Plan for Northern Ontario (GPNO 2010).

Official Plan

The subject lands are currently designated 'Residential' in the City of North Bay's Official Plan. The applicant proposes to re-designate the lands 'District Commercial'.

The City's Official Plan sets out a wide variety of policies related to new commercial development. The Applicant has requested to amend the City's Official Plan to permit the conversion of a former church to a professional office building (Residential to District Commercial).

The Central Area policies of the Official Plan identifies a main objective: *"to encourage, wherever possible, new offices to locate within, and existing office users to remain within, the Central Area wherever possible."* In addition, the Central Area planned function includes it to be *"the largest and most significant centre of specialized retail opportunities and experience/recreation-based shopping and services..."*

Although the proposed designation is not Central Area, it is important to look at the proposed new commercial designation in the context of other objectives and policies of the Plan. Planning and Economic Development staff continually promote and encourage commercial development within the downtown core. The proposed new office space would accommodate approximately 10,000 square feet of office space, likely for one (1) large office tenant. Economic Development has not expressed any concerns related to the existing office developments within the community.

As discussed further in this report, the Applicant has removed a number of permitted uses from the District Commercial zone to address concerns from surrounding property owners and to limit the opportunity to develop the property into a large scale retail development.

Section 2.5 of the Official Plan sets out specific policies related to new District Commercial space within the community. The intent of these policies are to control and limit the growth of suburban shopping centres and to promote the continued economic well-being of the central business district.

Section 2.5.2 of the Official Plan sets out that the District Commercial designations on Schedule "B" (Official Plan Land Use Plan) set out the "general areas within which such centres should be located, provided that:

- a) *the major permitted uses shall be retail trade and personal service uses, offices, hotels, motels, places of entertainment or recreation, and dwellings associated with these uses, provided they are located above or at the rear of business premises;*
- b) *new district commercial centres shall have a total enclosed floor space of 7,432 square metres maximum;*
- c) *existing district commercial centres should not be expanded beyond the limits of the land zoned for this purpose at the date of the adoption of this Plan;*
- d) *they are located on arterial or collector roads, and preferably at the junction of these;*
- e) *they conform with the other policies of this Plan.*

The City shall ensure compact District Commercial concentrations by zoning for District Commercial use those district centres indicated on Schedule "B" that already exist."

Finally, Section 2.5.8 adds that: *“Additional shopping centres beyond those designated on Schedule “B” will only be permitted by an amendment to the Official Plan. Such an amendment will only be considered if it has been adequately demonstrated by the developer of the proposed centre and to the satisfaction of the City that:*

- a) the need for an additional shopping centre is justified;*
- b) it is not feasible to locate in designated commercial areas;*
- c) no undue adverse economic effect shall be experienced by existing commercial enterprises in the City.*

The City shall also be satisfied that no undue transportation or servicing difficulties would ensue from the establishment of the proposed centre and that all other requirements of this Plan have been met.”

The proposal by the Applicant is not to establish a new District Commercial Shopping Centre. The Applicant has acquired a former church property that lends itself well to a conversion for professional office purposes. The Cassells Street area east of Chippewa Creek is a mixed use neighbourhood with a number of established commercial businesses adjacent to the subject lands on the east side of Olive Street. These lands are currently designated District Commercial in the Official Plan. The proposed amendment would result in an expansion of this node to include the subject property.

The expansion to this node is relatively minor, representing approximately 10,000 square feet of institutional (church) use converting to professional office use. The Commercial Strategy Study completed for the new Official Plan identified a need of approximately 27,000 square feet of new “bank/trust/credit union/and other professional office space” by 2011. There have not been any major office developments within the community between 2008 and 2011. The applicant has indicated the office space would likely accommodate one (1) large office tenant. According to our Economic Development department there is a need for larger office space for single tenants in the community.

Section 2.1.5.1 of the Official Plan states that *“Site Plan Control will be used to ensure that any new development or redevelopment project is developed based on sound planning and design principles, with particular emphasis on ensuring that such developments integrate harmoniously with the surrounding area. Site Plan Control will be used in relation to medium and high density residential developments, commercial developments, industrial developments, and institutional developments.”*

The building and property will be subject to Site Plan Control in order to regulate building massing, parking, lighting, landscaping, storm water management, servicing, drainage, ingress, egress and fencing.

The subject property is abutting an existing established District Commercial area and fronts on an Arterial Road (Cassells Street).

Given the policies that encourage infill and redevelopment on existing Municipal services (water, sewer, public transit) and the location of the property adjacent to an existing commercial node, it is appropriate to consider expanding the commercial node to include this property.

It is important to note that the property does abut residential uses. In order to provide for a transition of uses from residential to commercial and to address the concerns of the neighbourhood, Planning Staff have recommended the removal of a wide variety of permitted uses normally present in a District Commercial zone.

Section 11 of the Official Plan, Interpretation, states that *“This Official Plan is a policy guide for the long-range planning of the North Bay Planning Area, but the intent of the Plan shall in all cases be considered flexible and no strict interpretation of any boundary line or any figure is intended.”*

Although Section 2.5.2(c) of the Official Plan speaks to not expanding existing district commercial centres, Policy 2.5.8 outlines the requirement for such amendments.

In my professional opinion, based on background studies completed for the new Official Plan and the infill and redevelopment opportunity presented by an underutilized site, there should be no undue adverse economic effect on existing commercial centres. The proposed amendment is appropriate for the land and is in character with the surrounding mixed use neighbourhood.

In light of the above considerations, it is my professional opinion the proposed amendment maintains the general intent and purpose of the Official Plan.

Zoning By-law No. 28-80

The subject lands are currently zoned 'Residential Second Density (R2)' and 'Residential Multiple Second Density (RM2)' by the City of North Bay's Zoning By-law No. 28-80. The Applicant is proposing to rezone the property to a 'District Commercial Special Zone No. 80 (C4 Sp.80)' to permit the establishment of a professional office.

The 'Residential Second Density (R2)' zone permits the following uses:

- Single Detached Dwelling Unit (minimum frontage of 15m)
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-profit Uses
- Institutional Uses

The 'Residential Multiple Second Density (RM2)' zone permits the following uses:

- Duplex Dwelling
- Semi-Detached Dwelling
- Triplex
- Double Duplex
- Maisonette Dwelling
- Townhouses
- Boarding or Rooming House or Group Home Type 1
- Multiple Dwellings
- Accessory Home Based Businesses
- Parks, Playgrounds & Non-profit Uses
- Institutional Uses

The Applicant is proposing to rezone the subject lands to a 'District Commercial Special Zone No. 80 (C4 Sp.80)' which would permit the following uses:

- Business Offices
- Data Processing Firms
- Places of Worship
- Public and Private Parking Areas
- Professional Offices
- Dwelling Units connected to and forming an integral part of the commercial building, provided that access to the dwelling units separate from the access to the commercial portion of the building, and no dwelling units will be permitted on the ground floor.

The special provisions requested as part of this rezoning application are as follows:

- To recognize an existing deficiency in the rear yard setback from the required 10.5m to the existing 1.23m; and
- To recognize an existing deficiency in the front yard setback from the required 7.6m to the existing 5.01m.

The special provisions also recognize an amended list of permitted uses. The Applicant has agreed to remove a number of uses, however, Planning Services staff are recommending that the list of permitted uses be limited to office uses, data processing firms, places of worship, parking areas and, potentially, accessory residential uses. This will aide in providing a transition from the abutting residential uses to the adjacent commercially-designated lands.

The Applicant is proposing to rezone the subject lands and building in order to permit its conversion into a commercial building providing professional office space.

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 other agencies that may have an interest in this matter.

In terms of the correspondence received, the Engineering Department, the Ministry of Transportation, the North Bay-Mattawa Conservation Authority, the Chief Fire Prevention Officer, the Secretary-Treasurer of the Municipal Heritage Committee, the Mayor's Office of Economic Development and the Director of Parks, Recreation, and Leisure Services offered no objections to the proposal.

The Chief Building Official advised that: *"the property is under an Order to Comply pursuant to the Building Code Act. YES Employment Services is currently in the building, however, the change of use that has occurred without a building permit cannot be further extended to another tenant. We understand that YES will soon vacate the building and relocate to their new location on Main Street. Prior to the vacated building being reoccupied, we would ask that the Owner consult with an Architect to have the necessary drawings, etc. prepared and submitted along with an application for Change of Use / Building Permit."*

At the public meeting of the Planning Advisory Committee which was held on July 14th, 2011 a number of presenters voiced their concerns regarding the proposed Official Plan and Zoning By-law amendments. Some correspondence was received from circulated property owners. The President of the Board of the abutting Corpus Christi Court apartments presented a letter on behalf of the occupants. They voiced concerns about possible uses on the property. Although they are not opposed to the application, they submitted a letter outlining their concerns about the added traffic in the area representing a safety issue for the tenants. The residents are also concerned with the added noise potential as they currently enjoy the park-like setting of their home.

A neighbour from 1778 Cassells Street, asked that her objection be noted and read into the record. She expressed concerns about further altering the character of the neighbourhood, safety, and the potential increase in noise, traffic and parking. She would like to see a very limited list of permitted uses as part of any approved rezoning.

A petition was submitted, signed by forty-two (42) area residents that read as follows: *"We the undersigned citizens of North bay affirm that we are concerned over future uses which could be made of the property and the effect on the surrounding areas and citizens. A change to Commercial zoning, with no restrictions, would allow uses that would significantly affect all citizens in the surrounding area negatively, impacting the safety, the quiet atmosphere, increasing the level of congestion on streets and sidewalks. While Cassells Street is a relatively busy street, residents on both sides of Cassells Street, many of whom are senior citizens, have enjoyed for many years a quiet residential area with trees and gardens, a park, Mattawa Conservation green area and a creek. Therefore, your petitioners request that the Corporation of the City of North Bay ensure that any future use of the property benefit the citizens in the immediate area and not alter the character of the neighbourhood, safety of the residents, or negatively impact noise levels or air quality. We request that if the Commercial zoning is granted that it would be restricted to Professional Offices and/or Business offices ONLY, eliminating all other uses. We also request that the City ensure the parking for the use is adequate and completely within the parameters of the property."*

In response to the neighbourhood concerns, the Applicant has agreed to remove the following from the list of uses currently permitted in a 'District Commercial (C4)' zone:

- Automobile Service Stations & Gas Bars
- Banks
- Bus Stations
- Hotels, Motels
- Food Stores
- Liquor, Beer or Wine Stores
- Places of Entertainment
- Recreational Vehicle Sales, Service and Leasing
- Repair Garage (Body Shop)
- Restaurants and Taverns

Planning Services staff is further recommending that the list of permitted uses be limited to business offices, professional offices, data processing firms, places of worship, private or public parking areas and, potentially, accessory residential uses.

The parking calculation for the subject buildings is as follows:

Building Gross Floor Area = +/- 960 sq.m. (10,334 sq. ft.)

Less 20% for stairwells, hallways, etc. = 768 sq.m.

Divided by 28 sq.m. (pursuant to the parking requirement in Section 3.26 (c)) = 27 parking spaces required.

The required parking to operate a professional office building in this location can be accommodated on site and on an adjacent lot owned by the Applicant (1809 Cassells Street). In addition, the subject lands will be placed under Site Plan Control in order to regulate building massing, parking, lighting, landscaping, storm water management, servicing, drainage, ingress, egress and fencing as required.

A concerned citizen presented on behalf of some of the former parishioners of the now closed Corpus Christi Church. He informed the Planning Advisory Committee that they have appealed the decision to sell the property to the Vatican and argued that, in his opinion, the City does not have the authority to process the application, nor to issue a building permit, while the appeal is unresolved.

He gave a thorough history of the sale process and offered that the decision was unjust and accused the bishop of the diocese of lying to the group and of making false promises. He further stated that he has reviewed Canon Law and other applicable law that, in his opinion, applied to the subject application and noted that the parishioners did not give their consent to the sale, which in his opinion, was required. He concluded his presentation and comments by suggesting that if the City was to grant its approval to the application, then they could find themselves in court as part of a challenge.

The members of the Planning Advisory Committee asked for an interpretation of these claims and procedures from the City Solicitor's office. The City Solicitor has thoroughly researched and reviewed the matter. A full report providing background information has been reviewed and the opinion of the City Solicitor is summarized as follows:

"Canon law is a body of laws and regulations made or adopted by ecclesiastical authority, for the government of the Christian organizations and its members. The Code of Canon Law is a private system of ecclesiastical laws, rules and procedures for the doctrine, discipline, and the faith and practice of its members. Pursuant to Can. 11 "Merely ecclesiastical laws bind those who were baptized in the Catholic Church or received into it, and who have a sufficient use of reason and, unless the law expressly provides otherwise, who have completed their seventh year of age."

The rules have no binding effect on The Corporation of the City of North Bay's authority to govern according to the powers conferred upon it by the Province according to the Constitution. The parishioners' appeal to the Vatican does not prevent the City from receiving, reviewing and approving the application presented by Belisle Investments Ltd.

The Council cannot delay making a decision until canonical recourse is complete. Section 34 (11) of the Planning Act provides that if Council refuses or neglects to make a decision on an application for an amendment to a by-law within 120 days after the receipt of the application the applicant may file a notice of appeal to the OMB. It should be noted that Belisle Investments Ltd., is proposing to rezone the property to a District Commercial Special Zone No. 80 (C4 Sp.80) which permits among its uses, a place of worship."

Summary

The proposed conversion of the former church into an office building is in character with the mixed use nature of the surrounding neighbourhood. Neighboring commercial, residential and institutional properties have existed harmoniously in the area for many decades.

The proposed Official Plan and Zoning By-law Amendments will permit an office use in the existing building, which will provide for on-going economic development and employment opportunities. The subject lands feature an existing building on full municipal services, resulting in economic activity without the requirement for the extension of municipal services, as is encouraged by the PPS 2005. The Cassells Street area east of Chippewa Creek has been one of transition over the past few decades. The area is a mixed use neighbourhood with a number of established commercial businesses, low, medium and high density residential uses, and institutional uses such as the North Bay Crisis Centre and Cassellholme - Home for the Aged.

The proposal is to convert the surplus church property into an office use. An issue arises when institutional uses such as hospitals, schools and places of worship are declared surplus and abandoned. These facilities were allowed to locate in residentially-designated areas under the public use provisions of both the Official Plan and Zoning By-law. Once the institutional use ceases to exist, the City is charged with the responsibility of ensuring that their future occupancy and use is compatible and desirable. City Council has within the recent past dealt with similar applications and in each case Staff and Council have considered the surrounding neighbourhood and adjacent land uses when recommending or approving a proposed Zoning By-law amendment.

The Agent on behalf of the Applicant has previously stated that the subject building does not lend itself to conversion into a residential use. Planning Staff discussed other proposed uses for the facility prior to its sale with interested parties, including its use as a banquet hall and as a warehouse. No potential purchaser discussed its possible conversion into dwelling units. The proposed use as a professional office building is considerably less intrusive to the established neighbourhood than some of these other proposed uses.

The required parking to operate a professional office building in this location can be accommodated on site and on an adjacent lot owned by the Applicant (1809 Cassells Street). In addition, the subject lands will be placed under Site Plan Control in order to regulate building massing, parking, lighting, landscaping, storm water management, servicing, drainage, ingress, egress and fencing as required.

In response to the neighbourhood concerns, the Applicant has agreed to remove a number of permitted uses currently permitted in a 'District Commercial (C4)' zone. Planning Services staff recommend limiting the permitted uses to only office uses, data processing firms, places of worship, parking areas and, potentially, accessory residential uses. This will aid in providing a transition from the abutting residential uses to the adjacent commercially-designated lands.

Planning Staff is satisfied with the information provided by the City Solicitor with regards to the challenge regarding Canon Law and the sale of the church and have no further concerns with this objection.

In summary, the proposal to designate the subject lands "District Commercial" in the City's Official Plan and the proposed rezoning to a "District Commercial Special Zone No. 80 (C4 Sp.80)" to allow the property and building to be used as an office building is compatible with the existing uses in the surrounding area. In reviewing the proposal it is my professional opinion that the general intent of the Official Plan is being maintained and that the end use is consistent with the Provincial Policy as set out in the Provincial Policy Statement (PPS 2005) and within the Growth Plan for Northern Ontario (GPNO).

Respectfully submitted,

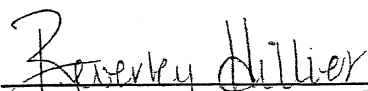


Steve McArthur, MCIP, RPP
Senior Planner, Current Operations

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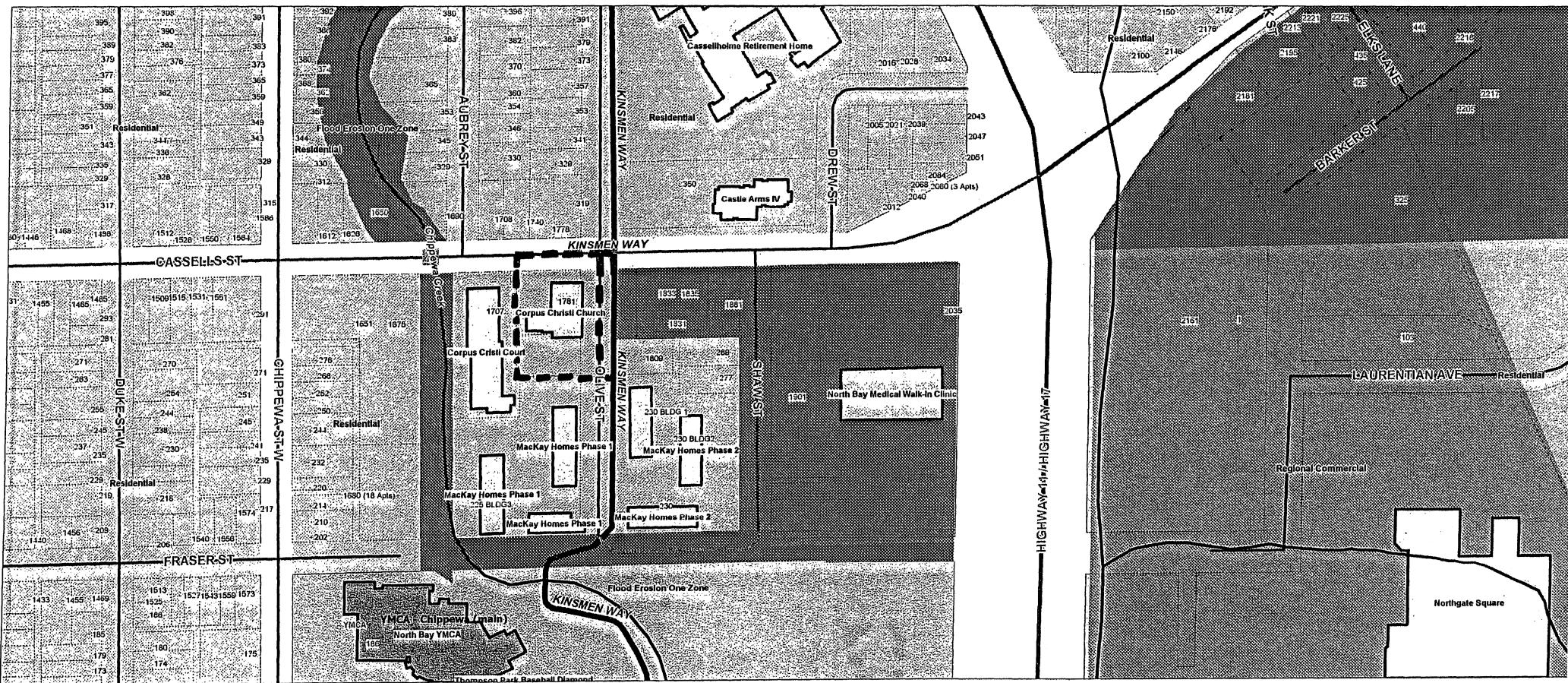
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I concur with the recommendations contained in this report.

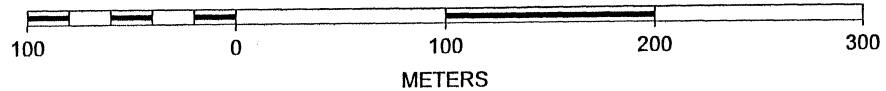



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A



SCALE 1 : 3,665



 Proposed Zoning By-law Amendment
 From: "Residential Second Density (R2)" &
 "Residential Multiple Second Density"
 To: "District Commercial Special
 Zone No. 80 (C4 Sp.80)"



SCHEDULE D

SITEPLAN OF
ALL OF LOTS 454, 455 AND 456
PART OF LANE
REGISTERED PLAN No. 57

CITY OF NORTH BAY
DISTRICT OF NIPISSING



SCALE 1 : 200

MILLER & URSO SURVEYING

LOT COVERAGE

AREA OF PROPERTY = 2676.0 m²
AREA OF EXISTING BUILDING = 773.1 m²
AREA OF FRAME SHED = 10.9 m²
AREA OF METAL SHED = 4.0 m²
PRESENT LOT COVERAGE = 29.44 %

METRIC

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

LEGEND

- DENOTES FOUND MONUMENT
- SIB DENOTES STANDARD IRON BAR
- IB DENOTES IRON BAR
- 15B5 DENOTES CLARKE, DORLAND, MILLER LTD.
- 1104 DENOTES P.A. BLACKBURN LTD.
- OU DENOTES ORIGIN UNKNOWN
- NEF DENOTES NO EVIDENCE FOUND
- AS DENOTES ASPHALT SHOT
- OG DENOTES ORIGINAL GROUND
- RW DENOTES RETAINING WALL
- GR DENOTES STEEL GUARD RAIL
- x DENOTES SPOT ELEVATION

ELEVATION NOTE

ELEVATIONS ARE CITY OF NORTH BAY ORIGIN AND ARE REFERRED TO FIRE HYDRANT No. 257 ON OLIVE STREET, HAVING AN ELEVATION OF 308.751.

BEARING NOTE

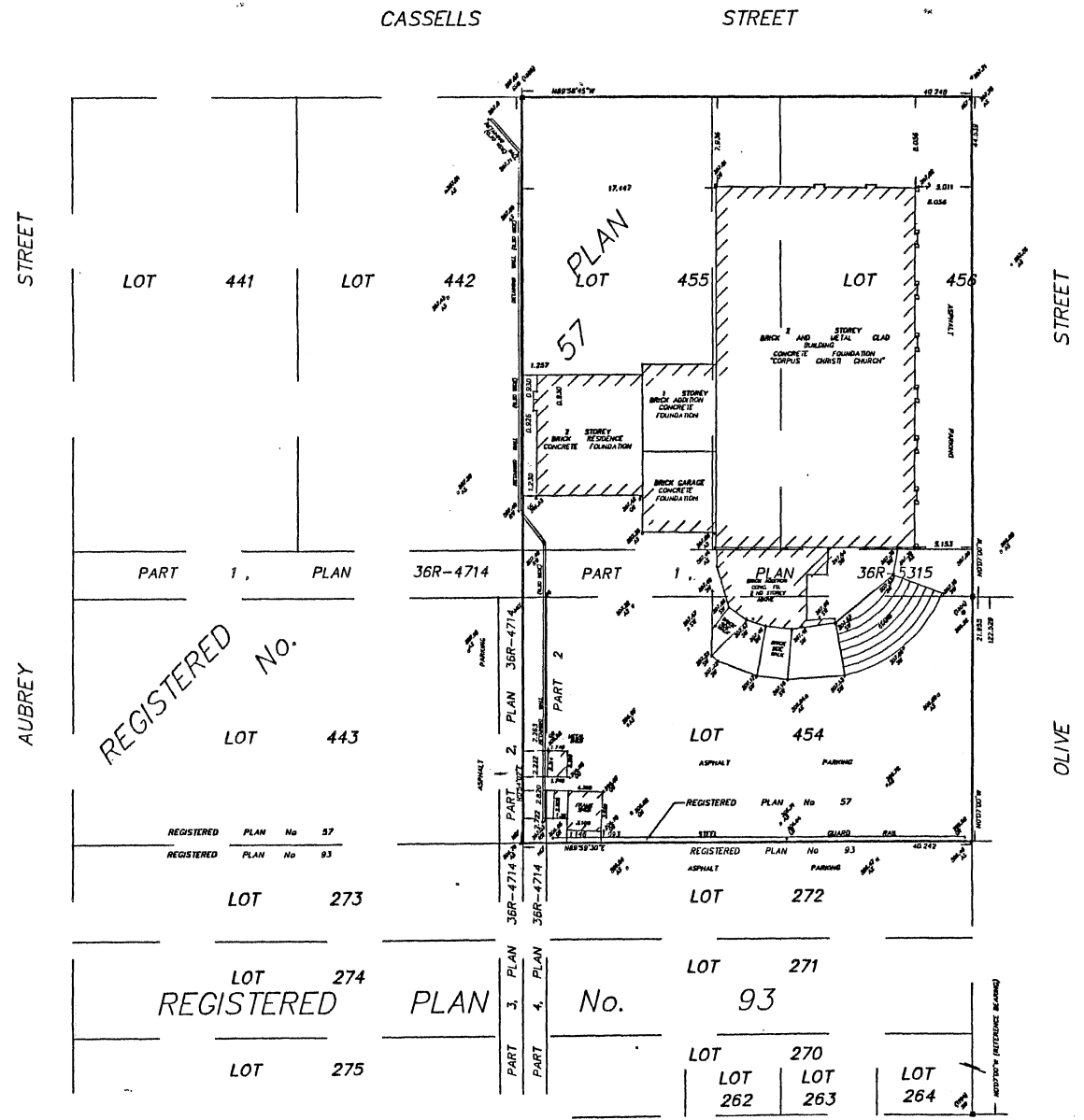
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO WEST LIMIT OF OLIVE STREET AS SHOWN ON DEPOSITED PLAN 36R-4714, HAVING A BEARING OF N0°07'W.

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Miller & Urso Surveying Inc.
Ontario Land Surveyors Canada Land Surveyors
Planning Consultants

1501 SEYMOUR STREET, NORTH BAY, ON. P1B 8G4
TEL: (705) 474-1210
FAX: (705) 474-1783

DRAWN BY : R.A.S.	FIELD : D.B. M.B.	WORK ORDER : 3020
CHECKED BY : R.D.M.		



REGISTERED No.

REGISTERED PLAN No. 57
REGISTERED PLAN No. 93

REGISTERED PLAN No. 93

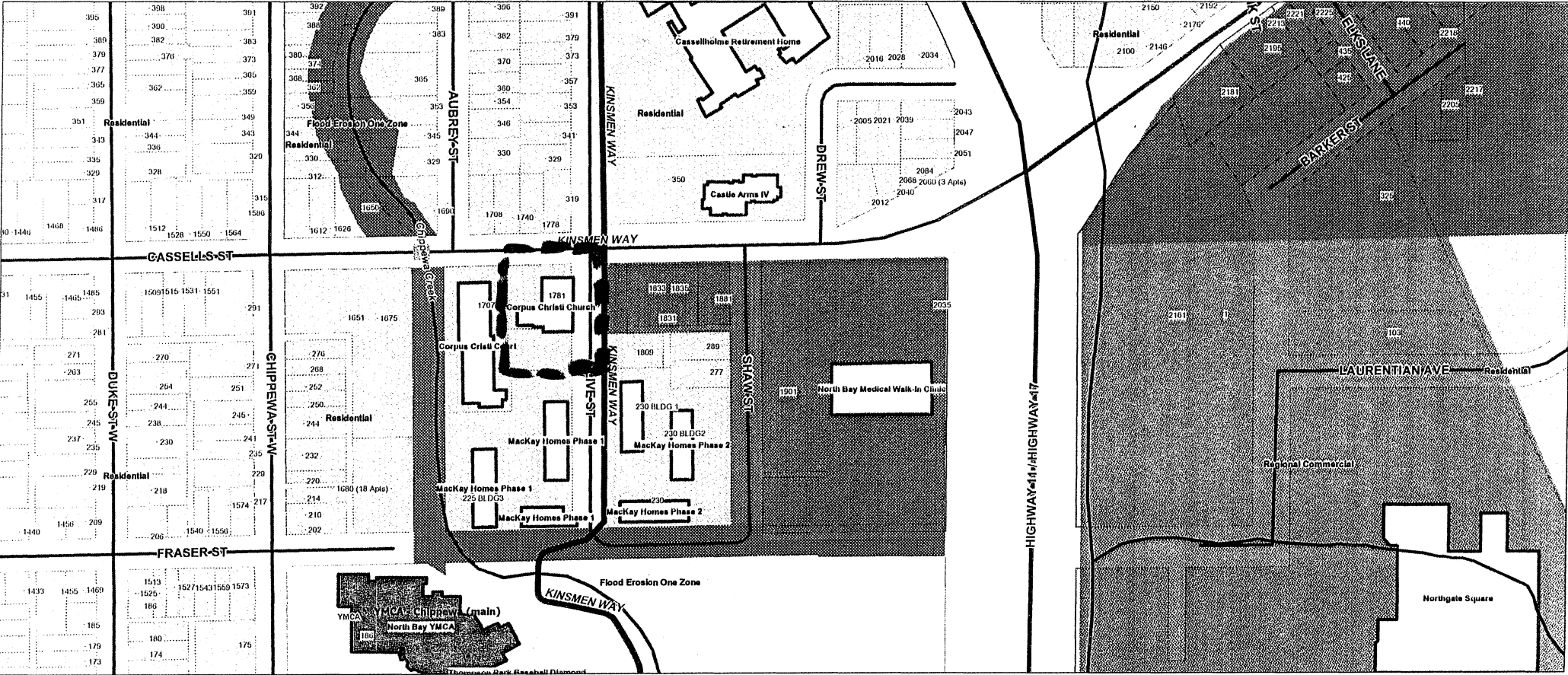
REGISTERED PLAN No. 57

REGISTERED PLAN No. 93

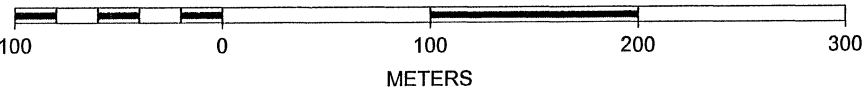
REGISTERED PLAN No. 93

LOT 270
LOT 262 LOT 263 LOT 264

SCHEDULE C



SCALE 1 : 3,665



← PROPOSED OFFICIAL PLAN AMENDMENT FROM 'RESIDENTIAL' TO 'DISTRICT COMMERCIAL'



ENGINEERING & WORKS COMMITTEE

Monday, December 19, 2011

Page 1

Chairperson: Councillor Vrebosch-Merry

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-2011-05 Memo to A. Tomek dated October 26, 2011 re Curbside collection of recyclables for ICI Sector (E07/2011/BLUE/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) .
April 28, 2008	Ways to assist the hospitals with making further appeals to the Province for financial assistance with the infrastructure cost increases.
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.
June 28, 2010	On completion of Tender 2010-74 (Lakeshore Drive Outdoor Sports Complex Phase V - Completion of fields and associated appurtenances), a summary of the total cost of the project and funding sources.
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) .