

**NORTH BAY**<sup>®</sup>

O N T A R I O • C A N A D A

*Just North Enough to be PERFECT*

**Committee**

**Agenda**

**Committee Meeting of Council**

**July 2, 2013**

**at 6:00 p.m.**

# MEETINGS

**FOR THE WEEK OF  
JULY 2<sup>ND</sup>, 2013**

Tuesday, July 2, 2013

5:00 p.m.

Special Closed Meeting of Council  
Council will adjourn in-camera  
for training and educational  
purposes  
5<sup>th</sup> Floor Boardroom

6:00 p.m.

Committee Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor,  
City Hall

7:00 p.m.

Regular Meeting of Council  
Council Chambers, 2<sup>nd</sup> Floor,  
City Hall

# MEETINGS

**HELD UNDER THE  
PLANNING ACT**

Tuesday, July 2, 2013

6:00 p.m.

Rezoning application  
1794504 Ontario Inc.  
2 Sunset Boulevard

Rezoning application  
2190372 Ontario Inc. &  
1340791 Ontario Ltd.  
Johnston Road

**ENGINEERING & WORKS COMMITTEE**

Tuesday, July 2, 2013

Page 1

**Chairperson: Councillor Vrebosch**  
**Vice-Chair: Councillor Koziol**  
**Member: Councillor Campbell**  
**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).

**GENERAL GOVERNMENT COMMITTEE**

Tuesday, July 2, 2013

Page 1

**Chairperson: Councillor Lawlor**  
**Vice-Chair: Councillor Anthony**  
**Members: Councillors Bain, Maroosis**  
**Ex-Officio: Mayor McDonald**

- GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).
- GG-2013-03 Report from Christina Murphy dated January 7, 2013 re *Provincial Offences Act* – Conflict of Interest Policy (P16/2013/POA/COIPOLCY).
- GG-2013-06 Report from Christina Murphy dated March 8, 2013 re Smoking By-Law, Restaurant and Bar Patio Amendment (C00/2013/BYLAW/SMOKING).
- GG-2013-07 Report from Paul Valenti dated May 10, 2013 re Purchasing By-Law (C00/2013/BYLAW/PURCHASE).

## COMMUNITY SERVICES COMMITTEE

Tuesday, July 2, 2013

Page 1

**Chairperson:** Councillor Mendicino  
**Vice-Chair:** Councillor Mayne  
**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-2013-12 Report from Peter Carello dated April 8, 2013 re Rezoning application by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. – 2 Sunset Blvd. (D14/2013/17945/2SUNSETB).**
- ▶**CS-2013-15 Report from Peter Carello dated May 8, 2013 re Rezoning application by Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. & 1340791 Ontario Ltd. – Johnston Road (D14/2013/21903/JOHNSTRD).**
- CS-2013-18 Motion presented by Councillor Maroosis and Councillor Mendicino on June 4, 2013 re Age Friendly Community (D00/2013/GENER/GENERAL)
- CS-2013-19 Report from Peter Carello dated June 5, 2013 re Rezoning application by Ron Tambeau on behalf of Greenwood Avenue Baptist Church – 312 Greenwood Avenue (D14/2013/GABC/312GREEN).
- CS-2013-20 Report from Peter Carello dated June 6, 2013 re Rezoning application by Celia Teale on behalf of 1866409 Ontario Limited – 750 Scollard Street (D14/2013/18664/750SCOLL).

# CS-2013-12

Draft Recommendation:

- "That 1) the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a "Tourist Commercial (C7)" zone 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."

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INTER OFFICE

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MEMO

*City of North Bay  
Planning Services*

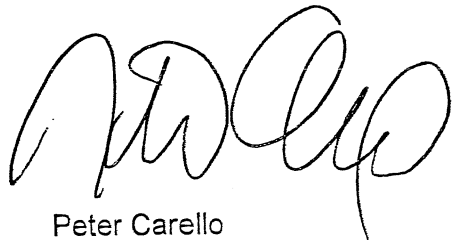
To: Cathy Conrad, City Clerk  
From: Peter Carello - Senior Planner, Current Operations  
Subject: Resolution No. 3 - Planning Advisory Committee  
Date: April 8, 2013

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday April 3, 2013:

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 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a 'Tourist Commercial (C7)' zone 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."



Peter Carello  
Senior Planner, Current Operations  
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

Resolution No. 3

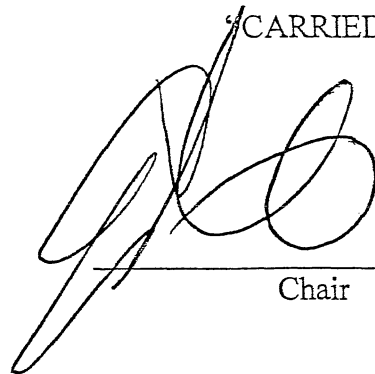
Date: April 3, 2013

Moved By: JARVIS W Seconded By: Paul  
Dave Paul

"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 1794504 Ontario Inc. to rezone lands at 2 Sunset Boulevard from a 'Tourist Commercial (C7)' zone 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."

"CARRIED"

  
Chair



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INTER OFFICE

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*City of North Bay*  
**PLANNING SERVICES**

MEMO

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc., 2 Sunset Boulevard in the City of North Bay

**Date:** March 30, 2013

**Recommendations**

1. That the proposed Zoning By-law Amendment application by Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc., 2 Sunset Boulevard in the City of North Bay to rezone the property legally described as Registered Plan No. M-203, Lots 88-94 & 101-107, PINs #49175-0308 (LT), 49175-0307 (LT) and 49175-0306 (LT), from a "Tourist Commercial (C7)" zone to a "Residential Multiple Third Density (RM3)", 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**

**Site Information**

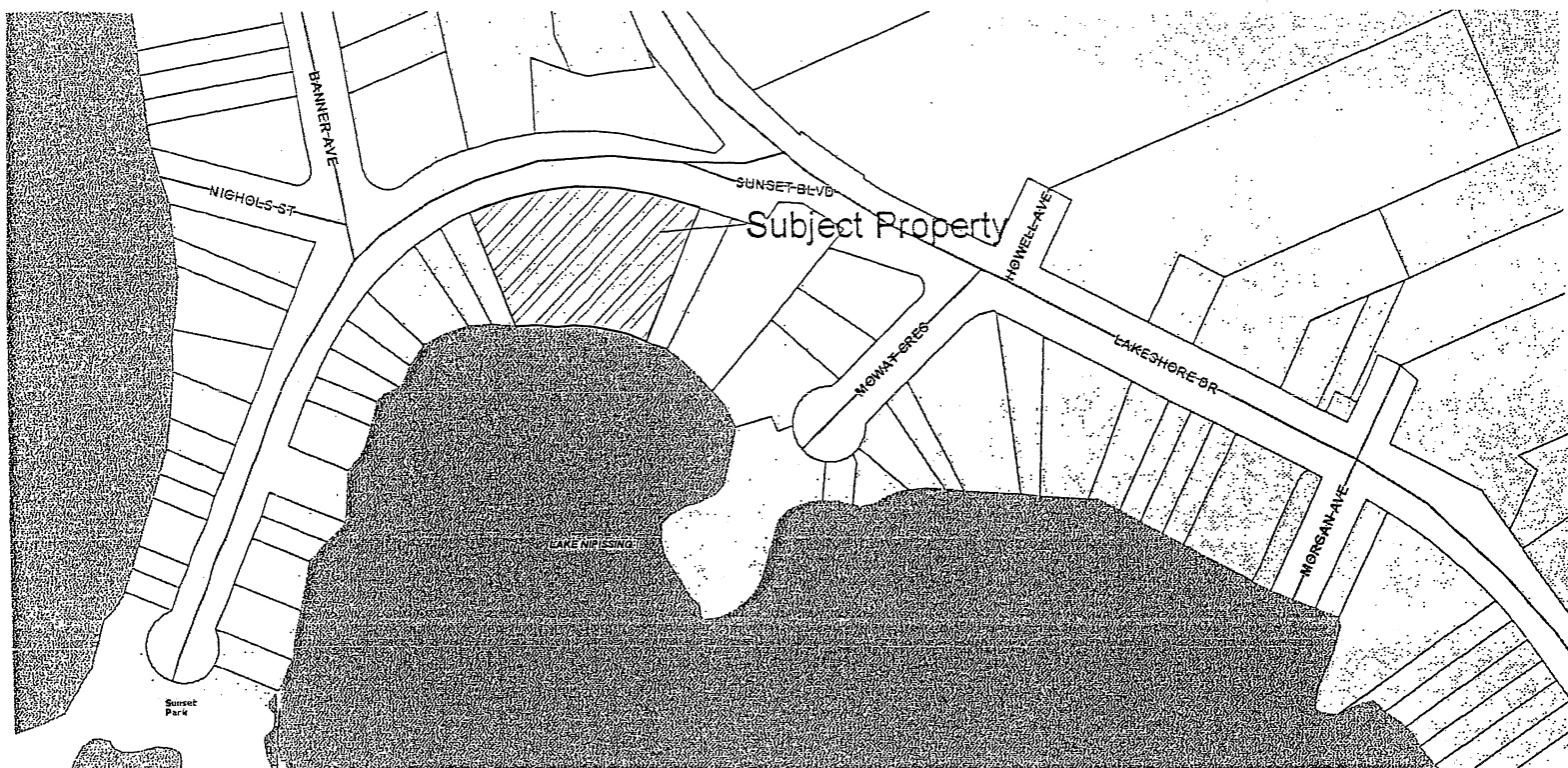
**Legal Description:**

Registered Plan No. M-203, Lots 88-94 & 101-107, PINs #49175-0308 (LT), 49175-0307 (LT) and 49175-0306 (LT) in the former Township of West Ferris in the City of North Bay, District of Nipissing.

**Site Description:**

The subject property is an existing lot of record located at 2 Sunset Boulevard, as shown below and on the attached Schedule A. The property fronts onto Lake Nipissing, with road access achieved by Sunset Boulevard.

It is zoned "Tourist Commercial (C7)" under Zoning By-law 28-80 and is designated "Residential" under the Official Plan.



The property has an existing lot area of 0.4439 hectares (1.1 acres) and lot frontage of 58 metres on Lake Nipissing. It is developed with legal non-complying and legal non-conforming duplex, as shown on the attached Schedule B.

### **Surrounding Land Uses:**

The subject property is located in a mixed use neighbourhood. There are several commercial establishments in close proximity, including two restaurants, a motel and a motor vehicle sales and repairs establishment. There are several multi-unit townhouse developments nearby, including the property immediately north of the subject lands. Properties to the west are mostly single detached dwelling units. Sunset Park is located approximately 200m southwest of the subject lands.

North: Restaurant, Multi-Unit Residential Dwellings

South: Lake Nipissing

East: Restaurant

West: Single Detached Dwellings

### **Proposal**

Miller & Urso Surveying Inc. on behalf of 1794504 Ontario Inc. has submitted a Zoning By-law Amendment Application to rezone the property from a "Tourist Commercial (C7)" zone to a "Residential Multiple Third Density (RM3)" in order to permit the construction of three separate 6-unit apartment buildings.

The agent for the applicant has indicated it would be their long-term intention to develop the buildings as condominium units; however, the Condominium Application was not submitted with the request for the Zoning By-law Amendment.

### **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 1.3.2 establishes the conditions that must be met in order for municipalities to convert employment lands for non-employment purposes. This section of the PPS reads:

*"Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion."*

The City of North Bay completed a comprehensive review of commercial lands as part of the development of the new Official Plan. Through the new Official Plan the designation of the subject property was changed from "Hospitality Service" to "Residential". The applicant is now submitting a Rezoning Application to bring the property into conformity with the City's Official Plan.

The PPS 2005 directs municipalities to encourage infill development in order to make efficient use of public services and to maintain a compact built form. Section 1.1.3.2 of the PPS 2005 states:

*"Land use patterns within settlement areas shall be based on:*

*a) densities and a mix of land uses which:*

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion. and*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and*

*b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3.:*

*1.1.3.3 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*

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*facilities required to accommodate projected needs.”*

Further, Section 1.4.3 c) of the PPS 2005 states:

*“Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by... directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs” :*

Though the property is over an acre in size, it is only developed with a duplex. Given the level of development on surrounding properties and the availability of a full range of public services, it is appropriate to consider the subject property for redevelopment and intensification, as outlined in PPS 2005.

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.

Planning staff has considered the application from the perspective of the GPNO 2011 and has concluded that there are no relevant policies that pertain to this application.

### **Official Plan**

The property is designated “Residential” in the City of North Bay’s Official Plan.

Section 2.1.2 of the Official Plan states that *“Residential developments surrounding commercial nodes shall have a higher density to support increased pedestrian activity and mixed use developments.”*

Lands immediately to the north and to the east of the subject property are a small cluster of commercial activity. The proposed development would be considered a high density development, consistent with the above noted policy of the Official Plan.

Section 2.1.11 (Housing Policies) encourages the development of an appropriate mixture of densities, stating

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*"It is the general intent of this Plan to encourage the development and maintenance of an efficient and pleasant environment for all lifestyles. In providing for these demands, the objective is an appropriate mixture of densities and an arrangement that will minimize conflicts between different forms of housing."*

The subject property presently separates low density residential uses from the commercial properties that front on Lakeshore Drive. The proposed residential development is less likely to result in land use conflicts than if it were to be developed for commercial uses.

Section 2.1.11.1 of the Official Plan also encourages the redevelopment of older properties. This policy reads:

*"It is intended that a balanced program providing for the conservation, rehabilitation and redevelopment of the existing housing stock shall be carried out as appropriate, so that dwellings in the community may not fall below an acceptable minimum standard of maintenance and occupancy.."*

The proposed Zoning By-law Amendment would enable the redevelopment of the subject property with three new, modern buildings that would conceivably be built to a higher standard than the existing duplex.

In addition, Section 2.1.15 of the City's Official Plan contains a number of policies regarding the construction of new high density residential uses. The policies outline a maximum height of 9 stories and ensuring there is no undue pressure on road network, sanitary and water services and parks and that they are adequately separated from low density residential uses.

The applicant is proposing a high density use that consists of a total of 18 units in three separate 6 unit dwellings. As a result of separating the 18 units into 3 separate buildings it results in a lower profile development which provides for a gradual separation between the commercial use along Lakeshore Drive to the low density uses on Sunset Boulevard. Though some special considerations must be made to accommodate the water and sewer in the area (which will be discussed in further detail later in this report), there will be no undue pressure on municipal services in the area.

It is my professional opinion this Zoning By-law Amendment request maintains the general purpose and intent of the City of North Bay's Official Plan.

### **Zoning By-Law No. 28-80**

The subject property is presently zoned "Tourist Commercial (C7)" which permits the following uses:

- automobile service stations and gas bars;
- banks and financial services;
- bed and breakfast establishments;

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- camps, tourist cabins and housekeeping cabins;
  - farmer's markets;
  - flea markets;
  - hotels, motels, restaurants and taverns;
  - liquor, beer or wine stores;
  - local retail stores;
  - marinas;
  - places of entertainment;
  - places of recreation;
  - places of worship;
  - public and private parks;
  - recreational vehicles and equipment, sales leasing and service;
  - seasonal tent and trailer parks;
  - accessory retail establishments to the above uses; and
  - accessory residential units to the above uses.

The Applicant is proposing to rezone the subject lands to a "Residential Third Density (RM3)" zone in order to permit the construction of three 6-unit apartment buildings (18 units total). The "RM3" zone permits the following uses:

- apartment dwellings;
- boarding, lodging or rooming house;
- Group Home Type 2;
- parks, playgrounds and associated non-profit uses;
- licensed day nurseries, churches, public schools other than trade schools;
- institutional uses;
- accessory home based business; and
- accessory non-residential use under Subsection 5.3.5.

The subject property is able to meet all regulations of the Zoning By-law.

It is my professional opinion this application meets the requirements of the Zoning By-law.

### **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 Chief Building Official, Chief Fire Prevention Officer, North Bay Hydro and the Secretary-Treasurer of the North Bay Municipal Heritage Committee have indicated they have no concerns or objections to this proposal.

The North Bay Mattawa Conservation Authority provided the following comments:

*"The above-noted property is subject to flooding from Lake Nipissing. The 1:100 year*

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*floodplain elevation of Lake Nipissing is 197.25m C.G.D. Floodproofing will be required for the entire site, including the proposed residential buildings, as well as ingress and egress. A lot grading plan, prepared by an Ontario Land Surveyor (OLS), is required showing post and preconstruction geodetic elevations. Depending on the outcome of the survey a revetment may be required to protect the property and buildings from flooding and erosion from Lake Nipissing.*

*It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property; as well as alterations to the shoreline of Lake Nipissing.*

*Subject to the issuance of a DIA permit, the Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS"*

The City's Engineering and Public Works Departments offered the following comments:

*"Consideration is to be made to the finished floor elevation of the buildings and to the design of the sanitary sewer service(s) as the sanitary sewer fronting the subject property is approximately only 1.5 meters below centerline of the roadway. This measurement is based off of original City Plan & Profile drawings dated 1971.*

*Current fire flows and operating pressures of the water distribution system fronting the subject property are below the City's standard requirements. Such works to rectify the issue will be performed within 2-3 years. If the flow and pressure are required for design purposes, please contact our Public Works Department.*

*A Lot Grading/Drainage and Servicing Plan will be required.*

*A stormwater management report is not required. However, we would suggest that the proponent try to maintain sheet flow drainage of the rain runoff into Lake Nipissing and avoid channelizing it through the use of pipes or ditches. This would eliminate any erosion into the lake as well as improve the water quality of the runoff.*

*The proposed location of the entrance to the property is adequate and makes complete sense with respect to the proposed development. Whether it is located in the center of the property or to the west away from Churchill's parking lot, it really won't have that big of an impact on the traffic flow nor are the site lines going to be improved."*

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The depth of the sanitary services would be a matter to be reviewed during the Building Permit phase. The lot grading and stormwater management issues would be addressed through the Site Plan Control Agreement phase.

The uncertainty regarding the availability of adequate water pressure would be a matter that would be considered as part of the Building Permit. Should it be determined that water pressure is not adequate to permit construction at this time, the property owner would then have several options. They may engage the services of a mechanical engineer to rectify the situation via on-site infrastructure improvements (such as a booster pump). They may also consider waiting until municipal works slated to occur in the next 2-3 years are implemented. The agent for the applicant has been made aware of these concerns.

Several members of the public expressed concerns regarding this development, either in writing or by presenting at the meeting held at the Planning Advisory Committee. These concerns can be summarized into four general categories and are reviewed below.

#### Traffic and safety

Several residents expressed concerns the proposed development, if approved, would result in a significant increase in traffic in the area. Planning staff consulted with the Engineering Department during the preparation of this report. Engineering staff offered the following comments:

*"I would not expect any traffic impacts.*

*The traffic generated by the new development would most likely travel between the property and Lakeshore and therefore should not impact the existing neighbourhood. There may be an increased delay for vehicles exiting Sunset at Lakeshore due to additional vehicles at peak hours, but the increase would be minimal. Existing neighbourhood traffic can also access Lakeshore by using Banner.*

*Also, I would expect a lower trip generation rate with Residential zoning compared with Commercial zoning."*

Based on the above comments, Planning Services are comfortable that the proposed Zoning By-law Amendment would not create traffic problems in the area.

#### Parking

It was stated the frontage of the subject property is used by patrons of the commercial properties in the area during their peak hours. Residents are concerned that as the subject property is developed, parking from the commercial properties would be pushed further into the residential portion of the area.

The development plan for the subject property includes residential parking along the frontage. This would not preclude on street parking, similar to the existing situation. Should the situation become problematic in the future, the City could revisit the issue by considering on-street parking prohibition at a later date.



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### Sewer

Both residents and Engineering and Public Works staff have expressed concern about the capacity of the sanitary sewer system in the area.

Area residents expressed concerns regarding the capacity of sanitary sewer in the area. As previously noted, the Engineering and Public Works Departments are aware of these concerns, noting that the sanitary sewer infrastructure is only 1.5 metres below the roadway in their comments to the Planning Department.

The sanitary sewer's lack of depth will limit the manner in which the property is developed. Specifically, the basement may be limited in its depth. However, it does not preclude the development of the property.

### Lake Nipissing

One presenter at the Planning Advisory Committee Meeting questioned the effect this application would have on the health of Lake Nipissing.

The application was reviewed by the North Bay Mattawa Conservation Authority, who considers the environmental implications of applications on the City's behalf. The NBMCA did not offer any objections to this application, other than the previously mentioned flood proofing measures and the requirement for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit.

The subject property will benefit from full municipal services, which limits the effect of development on water quality. The property owners will be required to undergo a grading plan as part of the development, which will further limit the effect on Lake Nipissing.

The City also received two letters of correspondence supporting the proposed Zoning By-law Amendment.

### Summary

The proposed application, if approved, would rezone the subject property from "Tourist Commercial (C7)" to "Residential Multiple Third Density (RM3)". The purpose of this application is to redevelop the subject lands by removing the existing legal non-conforming, legal non-complying duplex and constructing three new 6-unit apartment buildings.

Planning Services is of the opinion the residential development is more appropriate for the neighbourhood than the existing C7 zone, which permits a broad variety of commercial uses. Many of the concerns expressed by residents of the neighbourhood, such as traffic and parking, would be worsened if the property would be developed commercially, as it is presently zoned.

With the passing of the new Official Plan in early 2012, the property's designation was

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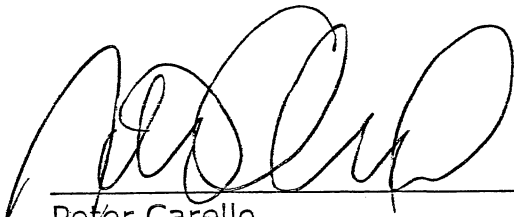
changed from "Hospitality Service" to "Residential". The proposed Zoning By-law amendment would bring the property into conformity with the Official Plan.

As the property borders both commercial and low density residential uses, the application is consistent with Official Plan policies that encourage higher density residential uses to be located adjacent to commercial uses.

If approved, the property would be subject to Site Plan Control, which would regulate the development of the property.

It is my professional opinion the proposed Zoning By-law Amendment 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,



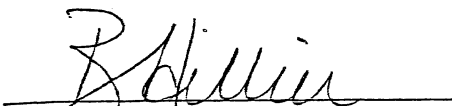
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Peter Carello  
Senior Planner, Current Operations

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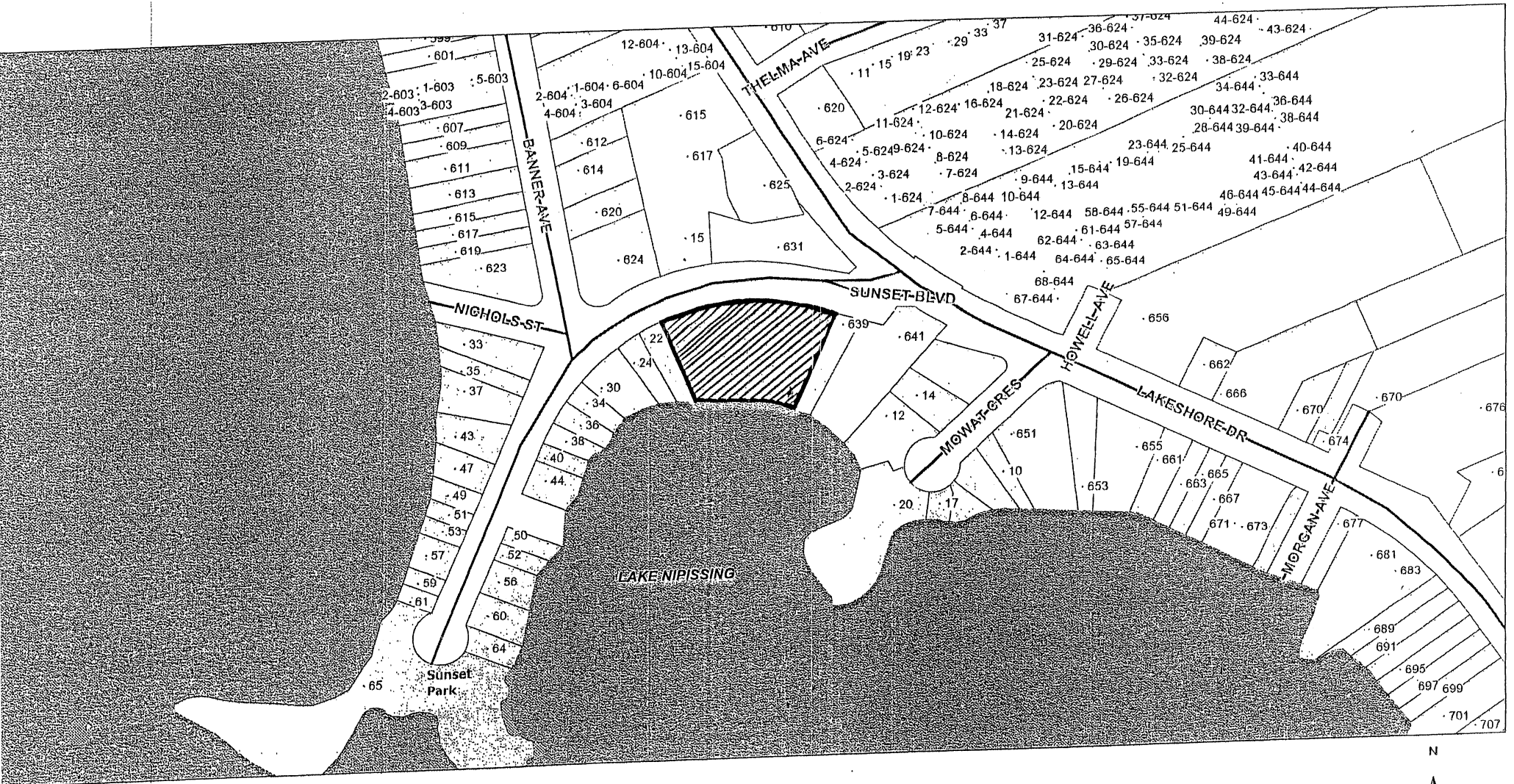
I concur with the recommendations contained in this report.



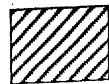
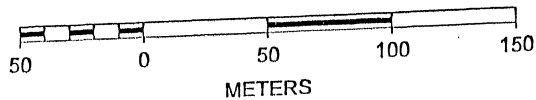
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Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



SCALE 1 : 3,120



Proposed Zoning By-law Amendment  
From: "Tourist Commercial (C7)"  
To: "Residential Multiple Third Density (RM3)"





# CS-2013-15

Draft Recommendation:

- "That 1) the proposed Zoning By-law Amendment by Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. and 1340791 Ontario Ltd. to rezone lands on Johnston Road from a "Neighbourhood Commercial Special 31A (C5 Sp.31A)" zone to an amended "Neighbourhood Commercial Special 31A (C5 Sp.31A)" 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."

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INTER OFFICE

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MEMO

**City of North Bay**  
**Planning Services**

**To:** Cathy Conrad, City Clerk  
**From:** Peter Carello - Senior Planner, Current Operations  
**Subject:** Resolution No. 3 - Planning Advisory Committee  
**Date:** May 8, 2013

Quoted below is Resolution No. 3 passed at the regular meeting of the Planning Advisory Committee held on Wednesday May 1, 2013:

Resolution No. 3

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

1. That the proposed Zoning By-law Amendment by Tunnock Consulting Ltd. on behalf of 2190372 and 1340791 Ontario Ltd. to rezone lands on Johnston Road from a 'Neighbourhood Commercial Special 31A (C5 Sp.31A)' zone to an amended 'Neighbourhood Commercial Special 31A (C5 Sp.31A)' 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."



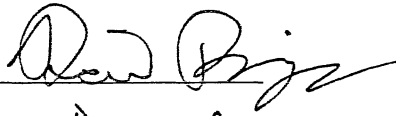
Peter Carello  
Senior Planner, Current Operations  
Secretary-Treasurer, Planning Advisory Committee

North Bay Planning Advisory Committee

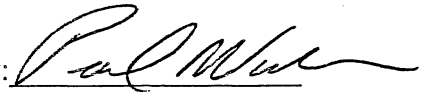
Resolution No. 3

Date: May 1<sup>st</sup>, 2013

Moved By:

  
David Briggs

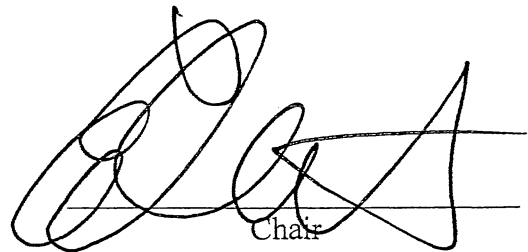
Seconded By:

  
P. Walker

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

1. That the proposed Zoning By-law Amendment by Tunnock Consulting Ltd. on behalf of 2190372 and 1340791 Ontario Ltd. to rezone lands on Johnston Road from a ‘Neighbourhood Commercial Special 31A (C5 Sp.31A)’ zone to an amended ‘Neighbourhood Commercial Special 31A (C5 Sp.31A)’ 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.”

“CARRIED”

  
Chair

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**INTER OFFICE**

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**City of North Bay**  
**PLANNING SERVICES**

**MEMO**

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**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Zoning By-law Amendment by Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. and 1340791 Ontario Ltd.  
– Johnston Road in the City of North Bay

**Date:** April 30, 2013

**Recommendations**

1. That the proposed Zoning By-law Amendment by Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. and 1340791 Ontario Ltd. for the property legally described as Concession C, Registered Plan No. M-85, Part of Lots 19-32 and Part of Lindsay Street from a 'Neighbourhood Commercial Special (C5 Sp.31A)' zone to an amended 'Neighbourhood Commercial Special (C5 Sp.31A)' zone BE APPROVED; and
2. That the subject lands be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

**Site Information**

**Legal Description:** Concession C, Registered Plan No. M-85, Part of Lots 19-32 and Part of Lindsay Street in the City of North Bay, District of Nipissing.

**Site Description:** The subject property is an existing lot of record bounded by Trout Lake Road/Highway 63 to the south, Johnston Road to the north and Giroux Street to the west. It is located within the Settlement Area in the City of North Bay. The lot is 0.54 hectares (1.33 acres) with frontage of 258.5 metres (848.1 feet) on Johnston Road.

The subject property is zoned 'Neighbourhood Commercial Special (C5 Sp.31A)' under Zoning By-law 28-80 and is designated 'Residential' by the City of North Bay's Official Plan. The property underwent a Zoning By-law Amendment that established the existing C5 Sp.31A zone. This Zoning By-law amendment was initiated to accommodate a specific commercial development (a neighbourhood commercial shopping facility). However, this development did not proceed and the lot has since remained vacant.

**Surrounding Land Uses:** The neighbourhood to the north of the subject property is comprised of a



mixture of low density residential dwellings and apartment buildings. There are also some commercial uses located on Trout Lake Road, to the west of the property. Lands to the east and south of the property are largely undeveloped as a result of the presence of Trout Lake Road/Highway 63 and the Ontario Northland Rail line. Though separated by the highway and the rail line, the subject property is approximately 150 metres north of a heavy industrial use.

**Proposal**

The subject property was rezoned in 1990 based on a specific development proposal. This development did not take place and the property has remained vacant. The Zoning By-law regulations (setbacks, permitted uses and lot coverage) implemented through the rezoning are irregular and restrict the development of the property.

Tunnock Consulting Ltd. on behalf of 2190372 Ontario Inc. and 1340791 Ontario Ltd. has submitted a Zoning By-law Amendment Application to rezone the subject property from a 'Neighbourhood Commercial Special (C5 Sp.31A)' zone to an amended 'Neighbourhood Commercial Special (C5 Sp.31A)' zone in order to alter the zone's setbacks to reflect the irregular shape of the property and return the uses permitted on the property to the standard permitted uses of a 'Neighbourhood Commercial (C5)' zone.

The proposed alterations to the setbacks include:

	<b>Neighbourhood Commercial (C5)</b>	<b>Existing Neighbourhood Commercial Special (C5 Sp. 31A)</b>	<b>Proposed Neighbourhood Commercial Special (C5 Sp. 31A)</b>
<b>Maximum Lot Coverage</b>	25%	23%	25%
<b>Minimum Front Yard Setback</b>	9 metres	55.7 metres (from Giroux Street)	6 metres (from Johnston Road)
<b>Minimum Side Yard Setback</b>	4.5 metres (where abuts Residential or Open Space zone)	15 metres (where abuts Residential or Open Space)	3 metres (from City owned property)
<b>Minimum Rear Yard Setback</b>	10.5 metres (where abuts a Residential or Open Space zone)	32 metres (from Ontario Northland Rail property)	3 metres (Trout Lake Road)

**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 1.3 of the PPS 2005 (Employment Areas) provides specific policy regarding the development of commercial lands within a community's Settlement Areas. Section 1.3.1 states:

*"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 and choice of suitable sites for employment uses which support a wide 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.”*

The purpose of the proposed Zoning By-law Amendment is to alter the restrictive Special zoning currently in place on the subject property in order to facilitate potential future commercial development on this property.

In my professional opinion, the end use 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.

One of the underlying principles of the GPNO 2011 is to focus growth and development in central areas. 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 use, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores.”*

The subject property is an existing parcel of record located in close proximity to a mixture of housing types, employment areas and open spaces. The proposed zoning would allow for the development of local commercial stores that will serve the surrounding community.

In my opinion, the end use conforms to the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### **Official Plan**

The property is designated “Residential” by the City of North Bay’s Official Plan.

Section 2.2.1.6.1 of the Official Plan outlines the form Neighbourhood Commercial developments must take in order to be established in areas designated “Residential”. This Section of the Official Plan states:

*“Retail and personal service uses to serve the convenience needs of the local population in residential areas such as “corner” stores, variety stores, personal services, dry cleaning pick-up stores may be permitted in a residentially designated area by an amendment to the Comprehensive Zoning By-law, which shall be approved by the municipality only when it has been demonstrated that:*

- a) the proposed store (or stores) is warranted in the particular location on the basis of the location and type of other retail and personal service establishments in the vicinity of the proposed store;*
- b) the proposed location would minimize any adverse effects upon adjacent residential areas by way of landscaping, fencing and appropriate lighting;*
- c) wherever possible, such uses should be located on the corner of two streets;*
- d) the proposed commercial site is not greater than four tenths (0.4) of a hectare; and*
- e) adequate parking can be provided.”*

Although no official proposal for the development of the subject property has been submitted, the uses permitted as a result of this application will allow for local stores that will serve the area's sizable residential community and compliment surrounding commercial development. There are no other C5 zones in the immediate vicinity of this property.

Consistent with Section 2.2.1.6.1c), the subject property is located on the corner of Johnston Road and Giroux Street and Trout Lake Road and Giroux Street.

At the time of the Building Permit, the property owner would be required to enter into a Site Plan Control Agreement with the City. A Site Plan Control Agreement would regulate the considerations outlined in Section 2.2.1.6.1b). It would also regulate matters such as stormwater and parking.

The lot has an area of 0.54 hectares which exceeds the maximum 0.4 hectares identified in the Official Plan. The purpose of the stated maximum is to ensure that the Neighbourhood Commercial use does not detract from the residential character of the neighbourhood. Planning staff notes that a sizeable portion at the easterly end of the property is essentially undevelopable as a result of narrowing property dimensions. The actual building envelope is much closer to the 0.4 hectare maximum identified in the Official Plan. Further, the property is located at the boundary of the residential area, adjacent to a provincial highway. As such, Planning staff does not believe that the development of the subject property would alter the residential character of the neighbourhood.

It should also be noted that much of the area along Trout Lake Road is commercial. Recently, two applications have been received and are in the process of changing their Official Plan designation and Zoning to Residential, essentially to avoid ground floor commercial uses. The proposed standalone commercial development would likely serve the broader neighbourhood area and add to the existing commercial opportunities for residents.

It is my professional opinion this Zoning By-law Amendment request maintains the general purpose and intent of the City of North Bay's Official Plan.

#### **Zoning By-Law No. 28-80**

The subject property is presently zoned 'Neighbourhood Commercial Special (C5 Sp.31A)' which

outlines setback requirements and permitted uses that are specific to a previous development proposal that was never constructed.

The Applicant is proposing to amend the list of permitted uses to reflect a standard C5 zone, plus the satellite postal office permitted use (discussed in further detail in the correspondence section). Should this application be approved, the C5 Sp.31A zone would permit the following uses:

- day nursery;
- dry cleaning depots;
- local retail stores;
- personal service establishments;
- professional offices & business offices;
- restaurants;
- satellite postal outlet
- dwelling units connected to and forming an integral part of the commercial building provided that they do not exceed the floor area of the commercial portion of the use and the access to the dwelling units is separate from the access to the commercial portion of the building, and the dwelling units are located above or at the rear of the business premises; and
- All other uses permitted in a standard "Neighbourhood Commercial (C5)" zone.

To summarize the changes to the list of permitted uses, the applicants would add day nursery, professional offices & business offices, restaurants and satellite postal outlet as permitted uses. This application would remove gas bars and convenience stores.

The proposed Zoning By-law amendment would also alter the setback requirements, as per the table below:

	<b>Neighbourhood Commercial (C5)</b>	<b>Existing Neighbourhood Commercial Special (C5 Sp. 31A)</b>	<b>Proposed Neighbourhood Commercial Special (C5 Sp. 31A)</b>
<b>Maximum Coverage</b> <b>Lot</b>	25%	23%	25%
<b>Minimum Front Yard Setback</b>	9 metres	55.7 metres (from Giroux Street)	6 metres (from Johnston Road)
<b>Minimum Side Yard Setback</b>	4.5 metres (where abuts Residential or Open Space zone)	15 metres (where abuts Residential or Open Space)	3 metres (from City owned property)
<b>Minimum Rear Yard Setback</b>	10.5 metres (where abuts a Residential or Open Space zone)	32 metres (from Ontario Northland Rail property)	3 metres (Trout Lake Road)

It is my professional opinion this application meets the requirements of the Zoning By-law.

**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 Chief Fire Prevention Officer, Secretary-Treasurer of the North Bay Municipal Heritage Committee and the North Bay-Mattawa Conservation Authority have indicated they have no concerns or objections to this proposal.

North Bay Hydro requested an easement around an anchor on the property within the proposed 6 metre setback in line with Lindsay Street.

The Engineering Department also provided several comments in regards to the retention of the City owned parcel on the west end of the subject property. The Engineering Department has also stated that they would require the construction of a curb and gutter along the west side of the property and a proposed 4 metre wide pathway from the front of the property to the existing pedestrian pathway. They also caution that the property owner will be required to undertake a stormwater management plan.

The Parks, Recreation and Leisure Services Department commented that a Landscaping Plan would be required. This can be included in the eventual Site Plan Control Agreement.

The North Bay Mattawa Conservation Authority also requested a stormwater management plan.

Correspondence received from circulated property owners included one objection to the application. This individual expressed his belief that the property should be returned to a natural state. A second letter of correspondence requested the addition of Liquor Stores and Satellite Postal Office to the list of permitted uses. Planning staff did not concur with the Liquor Store as being appropriate. However, a Satellite Postal Office would be a compatible land use and has been added to the list.

### **Summary**

The subject property is an existing lot of record. It is currently zoned 'Neighbourhood Commercial Special (C5 Sp.31A) with special setbacks and permitted uses outlined which were designed for a previous development proposal. This development was never realized and the subject property has remained vacant.

The irregular shape of the property and the restrictive zoning has limited the lot's ability to be developed. The Applicant is therefore requesting to rezone the property to create setback requirements that reflect the lot's shape and allow for uses permitted in a traditional 'Neighbourhood Commercial (C5)' zone. Although no development is currently being proposed, the rezoning will allow for commercial development of the property in the future that will be complimentary to the surrounding area.

This application is supported by Provincial land use documents (PPS 2005 and GPNO 2011) encouraging the inclusion of a mixture of commercial uses and employment lands within communities. The proposed rezoning also meets the requirements within the Official Plan regarding the establishment of Neighbourhood Commercial uses in Residential areas.

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It is my professional opinion the proposed Zoning By-law Amendment 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,



Peter Carello  
Senior Planner – Current Operations

PC/KF/dlb

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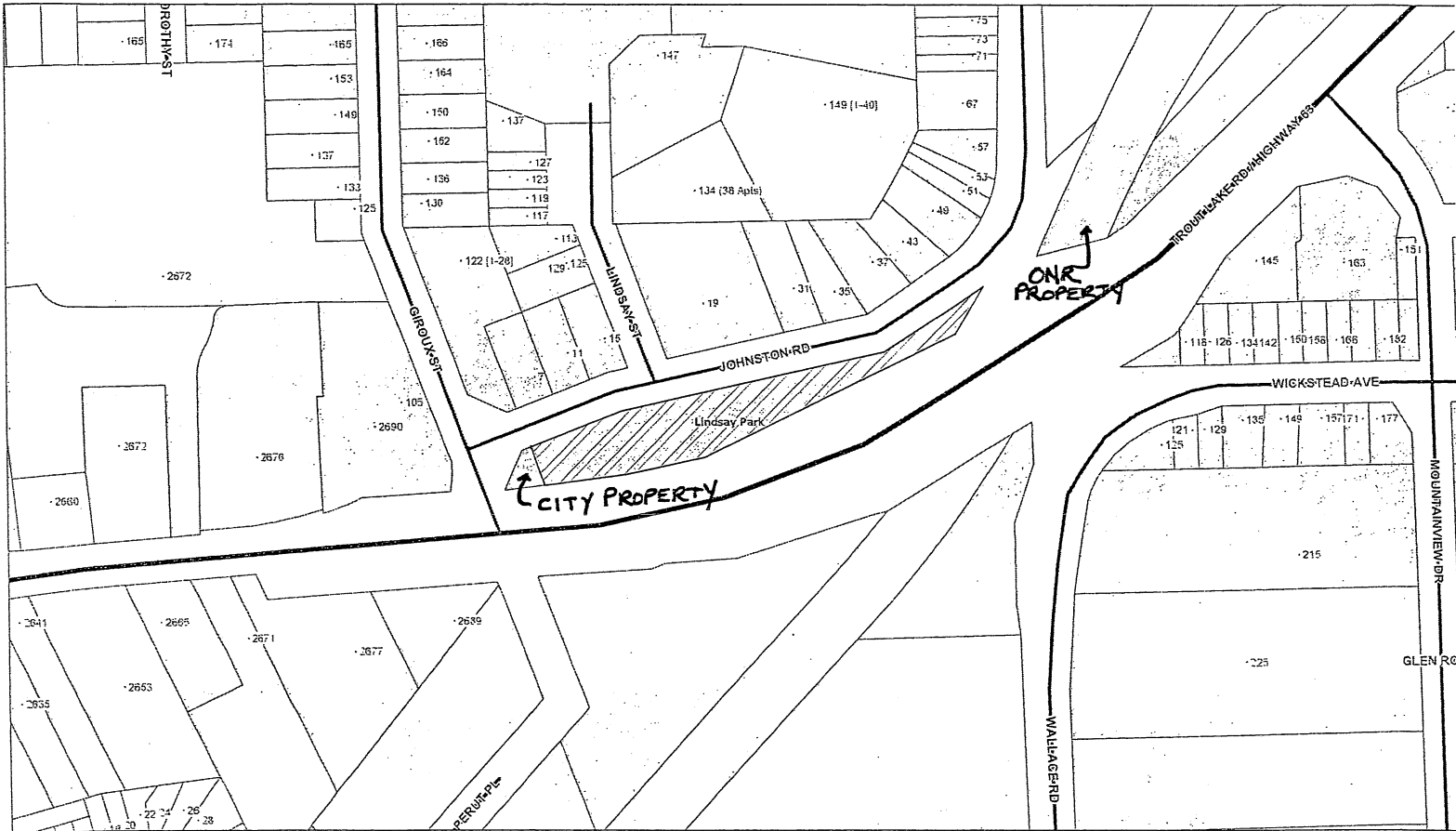
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I concur with the recommendations contained in this report.

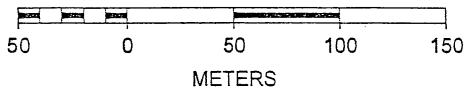


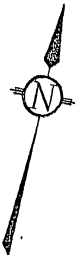
Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# SCHEDULE A



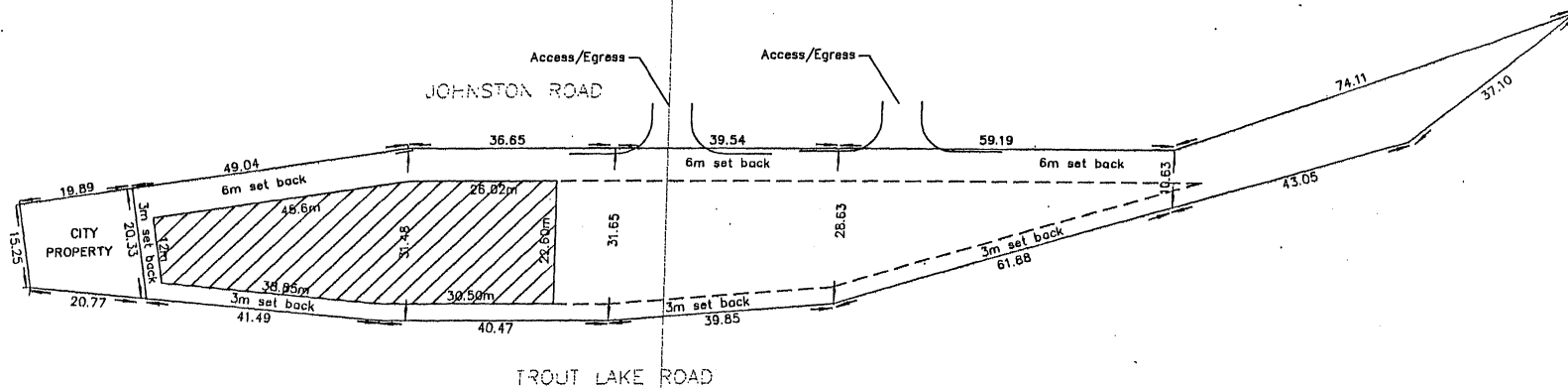
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SKETCH FOR PROPOSED LOTS  
PART OF LOTS 19-32 AND PART OF LINDSAY STREET  
REGISTERED PLAN M-85  
CITY OF NORTH BAY

CIROUX STREET



COMMERCIAL BLOCK

Site Total Area = 5,420 sq.m  
25% (of 5,420 sq.m) = 1,355 sq.m  
Site Building Area (inside setbacks) = 2,500 sq.m  
West Building Hatch = 1,355 sq.m

REVISED: JAN. 16, 2013  
exp - REA

SCHEDULE B



## 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 <b>(due September 2005)</b> .
September 21, 2009	Review, update and consolidation of Noise By-Law <b>(due June 30, 2010)</b> .
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.
January 24, 2011	Comprehensive review of City owned Lake Nipissing accesses.
July 4, 2011	Comprehensive Status Report relating to BCIP <b>(due July 2014)</b> .
July 16, 2012	Review of water and sewage rates for the dispensing facility on Patton Road <b>(due March 2013)</b> .