

Inter Office Memo

Planning Services

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. o/b
1897840 Ontario Limited, Pinewood Park Drive in the City of North Bay.

Date: October 20, 2016

Recommendations

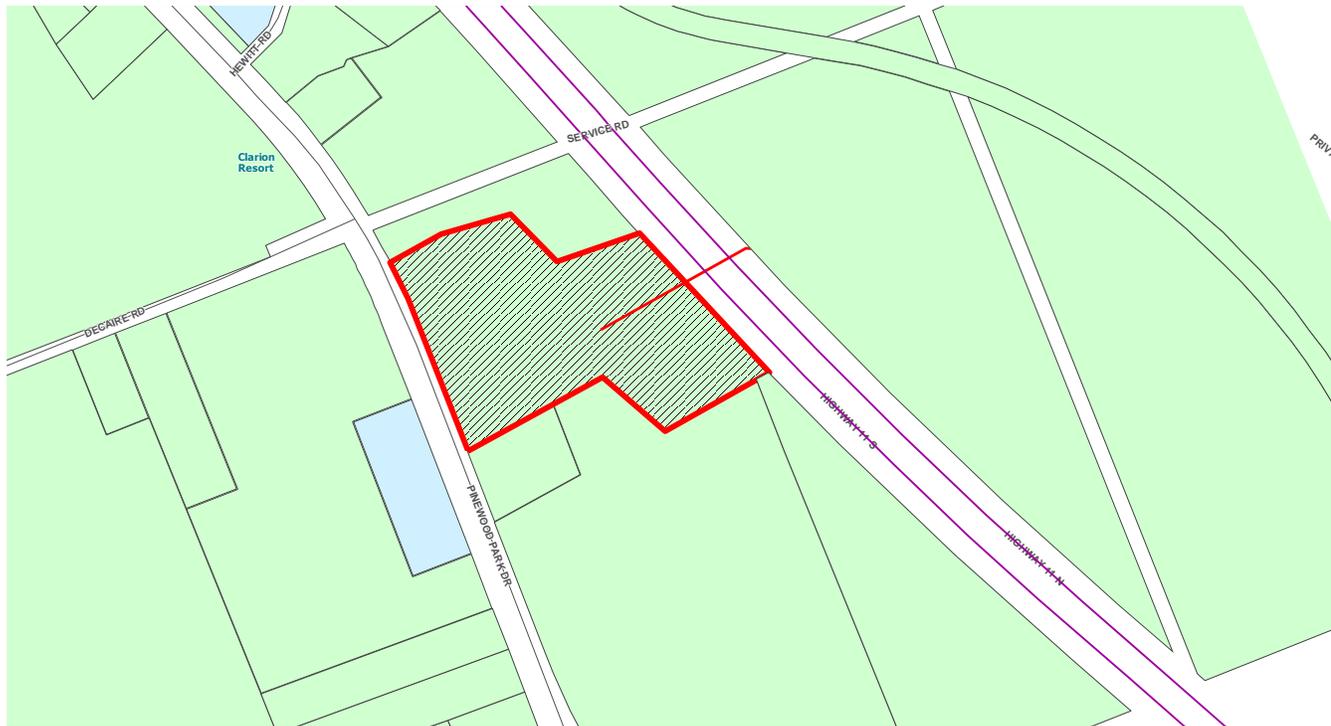
1. That the proposed Zoning By-law Amendment by 1897840 Ontario Limited, Pinewood Park Drive in the City of North Bay to rezone the property legally described as PCL 18560 SEC WF; Part Lot 32 CON 12 West Ferris; Part Lot 30 CON 12 West Ferris; Part Lot 31 CON 12 West Ferris Part Lot 1, 2, 3, 4, 5, 36R9931; S/T LT345756; North Bay; District of Nipissing from a "Restricted Industrial (M4)" zone to an "Industrial Commercial Special (MC Sp.)" 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.

Site Information

Legal Description: PCL 18560 SEC WF; Part Lot 32 CON 12 West Ferris; Part Lot 30 CON 12 West Ferris; Part Lot 31 CON 12 West Ferris Part Lot 1, 2, 3, 4, 5, 36R9931; S/T LT345756; North Bay; District of Nipissing

Site Description: The subject property is an existing lot of record on Pinewood Park Drive, as shown below and on attached Schedule A. It is designated "General Industry" by the Official Plan and is zoned "Restricted Industrial (M4)" under the City's Zoning By-law No. 2015-30.

The property has an existing lot area of 9.95 ha and lot frontage of approximately 284.67 metres on Pinewood Park Drive, as shown on attached Schedule B. The property is currently vacant.



Surrounding Land Uses: The subject property is located south of commercial uses on Pinewood Park Drive. To the North of the subject property commercial uses include the Clarion Resort, gas station and a drive thru restaurant. South of the subject property are rural lands. Directly adjacent to the subject property is a City owned parcel of land that is currently subject to a Zoning By-law Amendment to allow a "Casino/Gaming Facility" as a permitted use.

On the opposite side of Highway 11 are lands owned by Dyno Nobel Canada, a commercial explosives manufacturer.

Proposal

The Miller & Urso Surveying Inc. has submitted a Zoning By-law Amendment application on behalf of 1897840 Ontario Limited to rezone the property located on Pinewood Park Drive from a "Restricted Industrial (M4)" zone to a "Industrial Commercial Special (MC Sp.)" zone in order to add "Casino/Gaming Facility" as a permitted use.

Summary

The proposed Zoning By-law amendment would allow a "Casino/Gaming Facility" as a permitted use on the subject property.

North Bay has been identified by the Provincial Government as a possible location for a new casino gaming site. It is the Province's intention to select a third-party who would construct and operate the casino/gaming facility. At the time of this report, a proponent has not been selected. While the application would allow the property to be considered as a potential location for a future casino, the Planning Advisory Committee and City Council should be aware that there has been no formal indication from the Province, the OLG or the private sector proponents that this site would be selected.

In considering the proposed Zoning By-law Amendment, staff reviewed the relevant policy documents that are in effect. The Provincial Policy Statement (PPS 2014) and the City's Official Plan each contained a fair amount of policy that was applicable the proposed rezoning.

Both the City's Official Plan and the PPS 2014 support economic growth within the community. The development of a casino within the City of North Bay would result in economic activity and job creation. The development of a casino in this location would also be anticipated to support businesses to the north along Pinewood Park Drive. In particular, it would be likely that businesses that generate an increased percentage of their revenues from visitors to the community (such as hotels, gas bars and restaurants) would stand to benefit the most from the establishment of a casino at the subject property.

In addition to the potential use of the subject property for a casino/gaming facility, the proposed Zoning By-law amendment to rezone the property from a "Restricted Industrial (M4)" zone to an "Industrial Commercial Special (MC Sp.)" zone would introduce a number of new permitted uses that are not currently allowed on the subject property. As a result, the proposed rezoning will allow for a greater variety of future uses that support economic development opportunities in the community. It is staff's opinion that the new "Industrial Commercial (MC)" zoning is more compatible with the uses that are already established along Pinewood Park Drive.

It is staff's opinion that the subject property would be an appropriate location for a high volume traffic generator, such as a casino. The subject property is located within the City's Settlement Area and on a major arterial road (Pinewood Park Drive). Though the Ministry of Transportation has identified that a Traffic Impact Study may be required, depending on the scope of development that is ultimately proposed. Should this study be required, it could potentially necessitate improvements to road

infrastructure in the area. However, until the scope of development is identified, there is not a requirement for a traffic study. As a former Provincial Highway, the road allowance on Pinewood Park Drive is sufficiently large to accommodate possible improvements.

A total of three properties are currently being brought forward as potential locations for a casino including two municipal properties, the former Kenroc property on Memorial Drive and a property located at 401 Pinewood Park Drive directly adjacent to the subject property.

At the initial public meeting held at the Planning Advisory Committee on June 29th, 2016, all three applications were on the agenda and were discussed. A number of presenters attended this meeting and expressed opposition to the proposal for the former Kenroc site. The City also received several letters of objections. Some of the objections received were specific to the former Kenroc site while others were related to the general concept of a gambling facility being located in North Bay.

The comments made regarding a general opposition to casinos were considered in the preparation of this report. However, the concerns expressed by the public relating to social issues (i.e. addiction, loss of revenue for bingo, increased crime) that may arise from a casino being located in North Bay are outside of the Planning Department's area of expertise. It is our opinion that consideration of the social aspects of gambling is beyond of the mandate of the Planning Advisory Committee, who is responsible for providing City Council with advice on land use matters. This report and opinions contained herein consider only the land use matters and how the application for a Zoning By-law amendment conforms to the applicable policy documents.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 2014).

Provincial Policy

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. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern

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

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the Zoning By-law Amendment conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment does not conflict with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2014)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

The current Provincial Policy Statement issued by the Provincial government came into effect on April 30, 2014. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2014).

Efficient Use of Land

One of the core principles of the PPS 2014 is to efficiently use land. This is done primarily through infilling and redevelopment of lands where appropriate levels of services are in place. There are several sections of the PPS that outline this objective, as identified below:

Part IV (Vision for Ontario's Land Use Planning System) – "Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public

investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources."

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;...*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs*

The property is located on Pinewood Park Drive, which is considered an arterial road by the City (as identified by the Official Plan). Pinewood Park Drive is a high volume road that accommodates significant traffic volumes as a result of the employment uses in the area and its role as the primary road connection between North Bay and Callander. Staff is of the opinion that the subject property would be an appropriate location for a high volume traffic generator, such as a casino, that would make efficient use of this municipal infrastructure.

The subject property is located within the City's Settlement Area, however, it is not currently serviced by municipal sewer, water or City transit. However, there is a commercial node less than 100 metres north of the property where these services are currently available. These services could be extended to the property, should there be sufficient demand and requirement for these services.

Economic Development

The PPS 2014 is generally supportive of development that would create jobs and support the local economy. Section 1.3 Employment of the PPS 2014, addresses how planning authorities shall promote economic development and appropriately plan employment lands. The PPS states that:

Section 1.3.1 *"Planning authorities shall promote economic development and competitiveness by:*

- a) Providing for an appropriate mix and range of employment 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) *Encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities; and*
- d) *Ensuring the necessary infrastructure is provided to support current and projected needs”*

The development of a casino within the City of North Bay would result in economic activity and job creation, consistent with the above noted policies of the PPS. The development of a casino in this location would also support businesses to the north along Pinewood Park Drive. In particular, businesses supported by visitors to the community would stand to benefit the most from the establishment of a casino at the subject property.

In addition to the potential use of the subject property for a casino/gaming facility the application would also permit a number of new industrial commercial uses on the property. As a result, the proposed rezoning will allow for a variety of future uses to support economic development opportunities in the community.

Section 1.3.2.3 further states, *“Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.”* A “major goods movement facility and corridor” is defined by the PPS as *“transportation facilities and corridors associated with the inter- and intra-provincial movement of goods”*. This includes Highway 11. The subject property is abutting highway 11. The proposed rezoning continues to support and encourage employment uses on the subject property. Prior to any development on the property, a permit will be required from the Ministry of Transportation.

Planning Services Staff are of the opinion that the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2014).

Official Plan

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

Section 2.1 – Settlement Area Policies

The subject property is located within the City’s Urban Settlement Area. Section 2.1 Settlement Area Policies, *“It is the objective of this Plan to concentrate new growth and redevelopment within the Settlement Area and to develop new land for residential, employment area, commercial, park & open space and institutional uses. The Settlement Area is sized to meet current and future land requirements for these uses requiring full municipal services.”*

Section 2.2.2 Employment Lands – Industrial

Section 2.2.2.1.9 *“Limited commercial uses that serve the convenience needs of the immediate General Industrial area are suitable for location in the General Industrial areas. Such limited commercial use may be permitted only upon amendment to the Comprehensive Zoning By-law, provided that such amendments shall be approved only when it has been shown to the satisfaction of the City that:*

- a) The commercial use provides a service for adjacent lands or benefit to the area and does not jeopardize the commercial hierarchy of this Plan;*
- b) The site for the proposed commercial use is such that its development:*
 - i) Will not prevent the satisfactory development of the area in which it is located for industrial purposes;*
 - ii) Is so located with respect to other commercial uses that it will make possible the development of a compact commercial concentration, and not result in the development of an extended strip of commercial uses likely to prevent the satisfactory development of the area for industrial purposes.”*

The industrial area where the subject property is located is presently completely undeveloped. It is situated less than 100 metres south of an existing commercial area. It is staff’s opinion that the proposed “Industrial Commercial (MC)” zone is more compatible with the existing land uses present in the area. It is also staff’s opinion that a casino would be a use that is compatible with industrial uses and would not preclude the industrial development of the area in the future.

Site Plan Control

Development of the lands will also be regulated by way of Site Plan Control. Section 5.1.5 of the Official Plan states the use and intent of implementing Site Plan Control on lands, stating that *“Site Plan Control will be used in relation to medium and high density residential, commercial, industrial, and institutional developments and in any special zone within the City.”*

Site Plan Control is used to identify and regulate the specific location of items on a property. This includes the building, parking, lighting, entranceways and landscaping. Through use of this tool, the City can minimize the effect that a development might have on the neighbourhood and control the manner that a property operates.

Planning Staff are of the opinion the Zoning By-law Amendment is appropriate and is consistent with the City of North Bay’s Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Restricted Industrial (M4)" which permits the following uses:

- Automobile Service Station
- Body Shop
- Bulk Sales Establishment
- Contractor's Yard
- Courier Distribution Depot
- Exhibition Building
- Garden Centre
- Group Home Type 3
- Industrial Equipment Sales, Service, and Leasing Establishment
- Kennel
- Recreational Vehicle Sales, Service, and Leasing Establishments
- Recycling Centre
- Salvage Yard
- Self-Storage Use
- Transportation Terminal
- Warehouse
- Waste Transfer Station
- Wholesale Uses

The proposed Zoning By-law Amendment would change the Zoning on the subject property to an "Industrial Commercial Special (MC Sp.) zone, which would include the following permitted uses:

- Automobile Sales, Service, and Leasing Establishments
- Automobile Service Station
- Body Shop
- Builder's Supply Yard
- Convenience Store
- Courier Distribution Depot
- Day Nursery
- Exhibition Building
- Farmer's Market
- Financial Institution
- Flea Market
- Garden Centre
- Gas Bar
- Group Home Type 3
- Industrial Equipment Sales, Service, and Leasing Establishments

- Home Improvement Centre
- Hotel
- Laboratory
- Pet Daycare Facility
- Recreational Facility
- Recreational Vehicle Sales, Service, and Leasing Establishments
- Restaurant
- Wholesale Uses

In addition to the above permitted uses the applicant is proposing to add "Casino/Gaming Facility" to the above list of Permitted Uses for the proposed "Industrial Commercial Special Zone (MC Sp.)"

The future development on the property would be required to meet all other requirements stated in the Zoning By-law.

Planning Staff are of the opinion the Zoning By-law Amendment is appropriate and is consistent with the City of North Bay's 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 from these departments and agencies, the Planning Department received the following comments:

Internal Correspondence

Of the agencies that provided comments, the Economic Development Department, Union Gas, North Bay Hydro and the Chief Building Official offered no concerns or objections.

The Ministry of Transportation offered no objections to the proposed application but did advise that a building permit would be required from their office. They also indicated that supporting documentation may be required as part of this permit which could include a Traffic Impact Study, an Illumination Study and a Stormwater Management Report.

The Conservation Authority also offered no objections to the proposed development but noted the presence of a tributary to the Lavase River at the south end of the property. Development of the property would require a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA) Permit from their

office. The Conservation Authority also noted that prior to any future development on this property hydraulic modeling and survey work will be required to determine the extent of the flooding hazard on the property.

The City's Engineering Department offered no objections to the proposed development, but noted several areas of concern that would need to be addressed prior to the issuance of a Building Permit. The Engineering Department comments are as follows:

A 300mm watermain is available adjacent to this property which the proponent could connect to. We recommend the proponent arrange with Public Works to have water flow and pressure tested to ensure adequacy for their proposed development.

The newly installed trunk sanitary sewer on Pinewood Park Drive currently ends at Decaire Road. Preliminary engineering determined that the removal of the aging culvert over Cooks Creek could be replaced with a new shorter structure allowing the extension the gravity sanitary sewer over top. This configuration would eliminate the need for a pumping station.

Also depending on the proponent's development proposal, a traffic analysis may be required to determine if any improvements are required to Pinewood Park Drive (i.e. turning lanes, traffic lights, etc.). Given that the right-of-way (ROW)/road allowance for Pinewood Park Drive is 45m in width, there is plenty of room to accommodate any recommendation put forward from the traffic analysis if required.

The comments by the Ministry of Transportation, Conservation Authority and the Engineering Department will each necessitate some planning, accommodation and potential financial costs on the part of the developer. However, each of the issues identified are matters that can be addressed and would not preclude the development of the property.

External Correspondence

The Public Meeting before the Planning Advisory Committee (PAC) for this application was held on June 29th, 2016. Two other properties, the former Kenroc site on Memorial Drive and the property located at 401 Pinewood Park Drive, were also before the Planning Advisory Committee that evening to allow "Casino/Gaming Facility" as a permitted use. Many of the speakers were particularly concerned regarding the issue of placing a casino at the Waterfront, as was proposed by the rezoning of the former Kenroc property. As much as the files were discussed separately, some of the concerns expressed related to the matter of whether or not a casino should be located in North Bay and applied to all the applications being reviewed that evening.

This following is a summary of the concerns expressed regarding casinos in general and any concerns expressed regarding this specific property:

- Economics: One speaker at PAC stated that the development of a casino would result in a considerable amount of money leaving the local economy. The concerns relates to the fact that the casino would be owned by the Province, and while the City would receive a share of the revenues, the majority of the money would remain in the control of the Province to be used anywhere throughout Ontario. A second speaker discussed the effect the proposed casino would have on local bingos and the charities that rely on these revenues.
- Social concerns: Several speakers spoke of the social concerns that would arise from having a casino in the City. Specifically, they referenced increased crime rates, decreased property values, increased number of illegal drug usage and child neglect.
- Addiction: Several individuals stated that the presence of a casino would increase the number of gambling addicts in the community or would create new unwanted opportunities for those that are prone to gambling addiction.

It is staff's opinion that the above concerns are mostly socio-economic in nature. The Planning Advisory Committee and Planning Staff are charged with providing City Council with advice and interpretation on how an application fits within the parameters of the policy documents that regulate land use applications. The concerns expressed by the public are outside of Planning Staffs area of jurisdiction and expertise. It would not be appropriate for Planning staff to comment on these particular statements, nor would it be appropriate for staff to make a recommendation based on matters outside of land use concerns.

Several concerns specific to this property were raised by members of public. These are as follows:

- Traffic: One member of the public expressed concerns that Pinewood Park Drive is a high traffic road and adding a high demand traffic generator such as a casino would further exacerbate the situation.

Regarding traffic, both the Ministry of Transportation and the Engineering Department would review the development of the property at the Site Plan Control Agreement phase. The effect that the proposed development would have on traffic would be reviewed at the Site Plan Control phase and, if either of these two parties have traffic concerns, a traffic study would be required at that time. This study would make recommendations regarding measures that may need to be implemented in order for the development to proceed.

No further correspondence was received with regard to this proposal.

Respectfully submitted,

Peter Carello, MCIP, RPP
Senior Planner – Current Operations

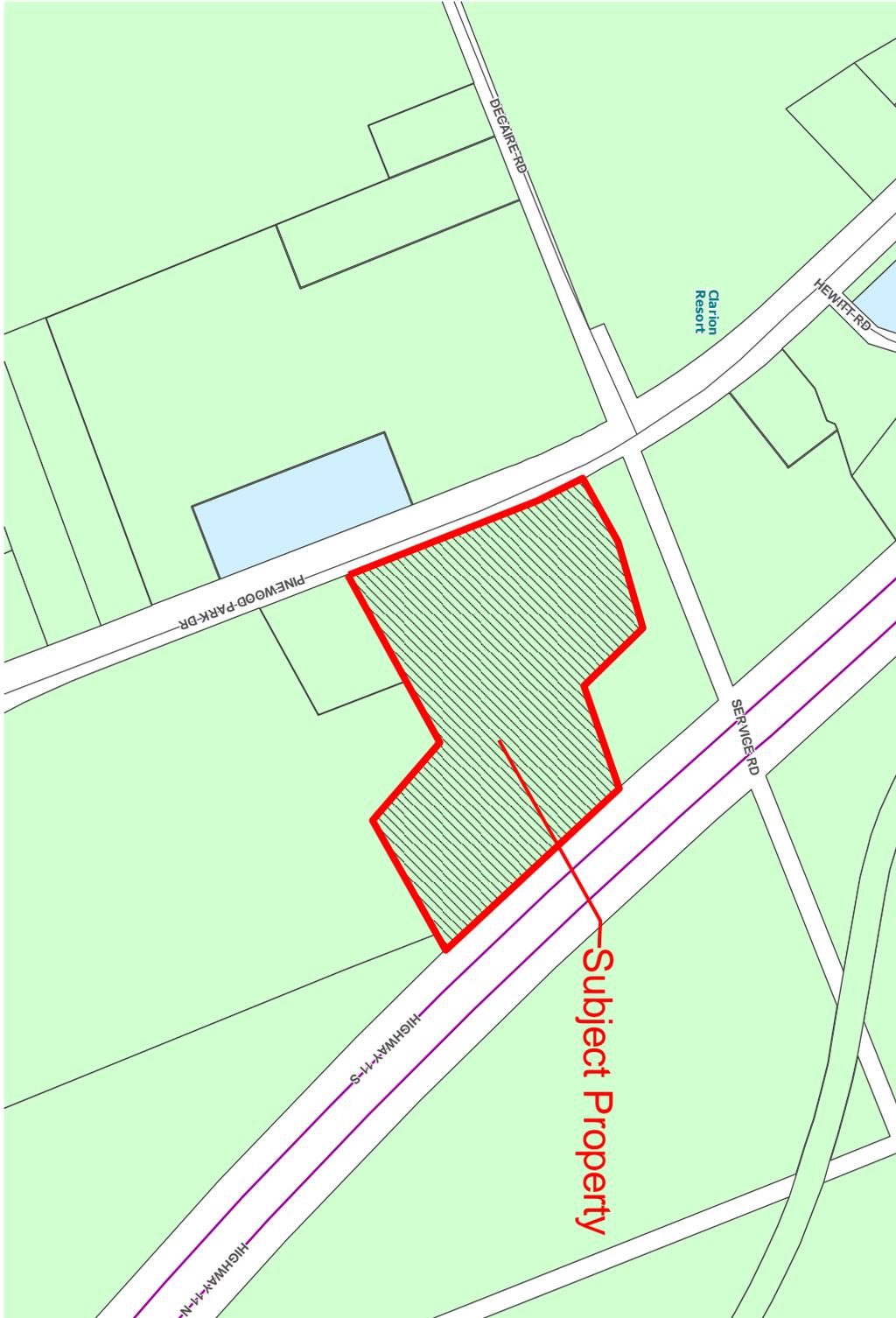
PC

attach.

I concur with the recommendations contained in this report.

Beverley Hillier, MCIP, RPP
Manager, Planning Services

Schedule A



Schedule B

