

NORTH BAY[®]

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 15, 2013

at 6:00 p.m.

MEETINGS

**FOR THE WEEK OF
JULY 15TH, 2013**

Monday, July 15, 2013

6:00 p.m.

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

7:00 p.m.

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

Tuesday, July 16, 2013

6:00 p.m.

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

MEETINGS

**HELD UNDER THE
PLANNING ACT**

Monday, July 15, 2013

6:00 p.m.

Rezoning Application
Greenwood Avenue Baptist
Church
312 Greenwood Avenue

Tuesday, July 16, 2013

6:00 p.m.

Rezoning, Plan of Subdivision &
Plan of Condominium Applications
1866409 Ontario Limited
750 Scollard Street

GENERAL GOVERNMENT COMMITTEE

Monday, July 15, 2013

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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

Monday, July 15, 2013

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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-2013-18 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, Plan of Subdivision and Plan of Condominium applications by Celia Teale on behalf of 1866409 Ontario Limited – 750 Scollard Street (D14/2013/18664/750SCOLL).

CS-2013-19

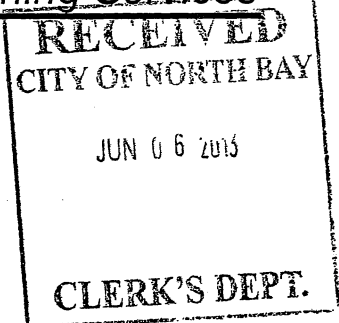
Draft Recommendation:

- "That 1) the proposed Zoning By-law Amendment application by Ron Tambeau on behalf of the Greenwood Avenue Baptist Church, 312 Greenwood Avenue in the City of North Bay to rezone the property legally described as Lots 263-269, Plan No. 86, PIN No. 49159-0053 (LT) from "Residential First Density (R1)" and "Residential Third Density (R3)" zones to a "Neighbourhood Commercial Special (C5 Sp.)" zone, as shown on Schedules "A" & "B", attached to Planning Advisory Committee recommendation dated June 5, 2013, be approved; and
- 2) the subject property be placed under Site Plan Control pursuant to Section 41 of the *Planning Act*, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required."

INTER OFFICE

MEMO

City of North Bay
Planning Services



To: Cathy Conrad, City Clerk
From: Peter Carello - Senior Planner, Current Operations
Subject: Resolution No. 15 - Planning Advisory Committee
Date: June 5, 2013

Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday May 29, 2013:

Resolution No. 5

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

- 1) That the proposed Zoning By-law Amendment application by Ron Tambeau on behalf of the Greenwood Avenue Baptist Church, 312 Greenwood Avenue in the City of North Bay to rezone the property legally described as Lots 263-269, Plan No. 86, PIN No. 49159-0053 (LT) from "Residential First Density (R1)" and "Residential Third Density (R3)" zones to a "Neighbourhood Commercial Special (C5 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 in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.."


A handwritten signature in black ink, appearing to read "Peter Carello".

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

North Bay Planning Advisory Committee

Resolution No. 5

Date: May 29, 2013

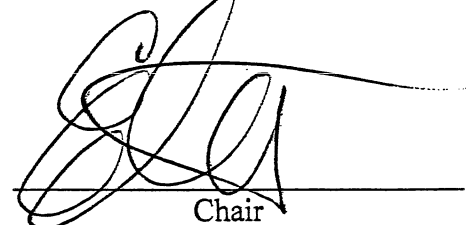
Moved By: Judy Kozlowski


Seconded By: 
Paul Walker.

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

- 1) That the proposed Zoning By-law Amendment application by Ron Tambeau on behalf of the Greenwood Avenue Baptist Church, 312 Greenwood Avenue in the City of North Bay to rezone the property legally described as Lots 263-269, Plan No. 86, PIN No. 49159-0053 (LT) from “Residential First Density (R1)” and “Residential Third Density (R3)” zones to a “Neighbourhood Commercial Special (C5 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 in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required..”

“CARRIED”


Chair

INTER OFFICE

City of North Bay
PLANNING SERVICES

MEMO

To: Chair and Members, Planning Advisory Committee
From: Peter Carello – Senior Planner, Current Operations
Subject: Proposed Zoning By-law Amendment by Ron Tambeau on behalf of the Greenwood Avenue Baptist Church, 312 Greenwood Avenue in the City of North Bay
Date: May 16, 2013

Recommendations

1. That the proposed Zoning By-law Amendment application by Ron Tambeau on behalf of the Greenwood Avenue Baptist Church, 312 Greenwood Avenue in the City of North Bay to rezone the property legally described as Lots 263-269, Plan No. 86, PIN No. 49159-0053 (LT) from “Residential First Density (R1)” and “Residential Third Density (R3)” zones to a “Neighbourhood Commercial Special (C5 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 in order to regulate parking, lighting, landscaping, storm water, drainage, garbage, play space, ingress, egress and fencing as required.

Site**Site Information**

Legal Description: Lots 263-269, Plan No. 86, PIN No. 49159-0053 (LT) in the City of North Bay, District of Nipissing.

Site Description: The subject property is an existing lot of record located on Greenwood Avenue. It is zoned “Residential First Density (R1)” and “Residential Third Density (R3)” under Zoning By-law 28-80 and is designated “Residential” under the Official Plan.

The property has an existing lot area of 1951 square metres and lot frontage of 64 metres. It is developed with an institutional use (Greenwood Avenue Baptist Church), as shown on the attached Schedule A.



The surrounding neighbourhood is developed with low-density residential units.

Proposal

Ron Tambeau, on behalf of Greenwood Avenue Baptist Church, has submitted a Zoning By-law Amendment Application to rezone the property from “Residential First Density (R1)” and “Residential Third Density (R3)” zones to a “Neighbourhood Commercial Special (C5 Sp.)” zone in order to permit the conversion of the existing church into a daycare facility.

The special component of the proposed amendment will recognize the existing following deficiencies:

- **Minimum Front Yard Setback:** The existing front yard setback is 7.47 metres, whereas the Zoning By-law requires a minimum front yard setback of 9 metre minimum.
- **Minimum Number of Parking Spaces:** The Applicant is proposing to develop the property as a daycare with 25 parking spaces, whereas the Zoning By-law requires 30 parking spaces for a commercial building of this size.

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 1.3.1 of the PPS 2005 (Employment Areas) states that:

“Planning authorities shall promote economic development and competitiveness by providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.”

The Applicants are requesting the proposed Zoning By-law Amendment in order to open a new day care facility. The proposed business is expected to create approximately 16 full-time and 10 part-time employment opportunities.

The proposed Zoning By-law Amendment would create a “Neighbourhood Commercial (C5)” zone in a residential area. The intent of the C5 zone is to allow limited commercial activity that is compatible with the larger residential area, supporting small business and entrepreneurship that help service the day-to-day needs of the neighbourhood. Although there is commercial development along Algonquin Avenue, this type of commercial activity serves a broader group of residents.

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.

It is my professional opinion there are no matters relevant to the GPNO 2011 in this application.

Official Plan

The property is designated “Residential” in the City of North Bay’s Official Plan. The property is located in a heavily residential area and is developed with an existing institutional building.

Section 2.2.1.6 of the Official Plan discusses Neighbourhood Commercial development and states that:

“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.*

The proposed daycare facility would be an appropriate Neighbourhood Commercial development for the community. The City’s Official Plan does not specify a minimum or maximum distance between “Neighbourhood Commercial (C5)” zones. The intent of the Official Plan is to provide commercial opportunities in residential neighbourhoods that serve the residents day-to-day needs.

The subject property is located more than 400 metres from the nearest “Neighbourhood Commercial (C5)” zoned property. The nearest “Neighbourhood Commercial” houses a professional office. A second C5 zone is developed with a convenience store, a local retail store and a laundromat. The nearest daycare is located more than one kilometre from the subject property. In my opinion, the location of this C5 Neighbourhood Commercial use is appropriate and suitable for this property and neighbourhood.

Should the proposed Zoning By-law Amendment be approved, the Applicants will be required to enter into a Site Plan Control Agreement with the City of North Bay. The Site Plan Control Agreement will regulate landscaping and other features of the site. In addition, as a licensed daycare facility, the property will be

required to meet regulations set by the Ministry of Education for the facility and grounds. The development standards that will be necessitated by Site Plan Control and the Ministry of Education will minimize the adverse effects upon neighbouring properties.

The subject property is not located at the intersection of two streets, as stated by Section 2.2.1.6 c) of the Official Plan. However, the subject property was previously operated institutionally as a church, rather than as a residential dwelling. As a result, the subject property is known to be able to accommodate higher volumes of traffic, similar to a corner lot.

The property is below the 0.4 hectare maximum lot area for Neighbourhood Commercial properties in a residentially designated area.

The proposed Zoning By-law Amendment includes a Special component to permit a reduced level of parking from what is required by the City of North Bay's Zoning By-law 28-80. Based on the floor area, 30 parking spaces are required. The Applicants are requesting a reduction to 25 parking spaces.

Planning Staff are of the opinion the parking available on the property will be sufficient for the day to day use of the daycare. Based on the timing of the workers' shifts, the Applicant stated at the Planning Advisory Committee meeting that no more than 14 spots will be occupied by staff at any given point during the day. This leaves at least 11 spots for guardians picking up and dropping off children. Daycares generally have peak hours in the morning and afternoon for drop offs and pickups however the arrival of guardians during these times are usually staggered based on individual customers' schedules. It is Planning Staff's opinion the parking available on site should be sufficient for the use of the property.

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 "Residential First Density (R1)" which permits the following uses:

- single detached dwelling unit;
- Group Home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

A small portion of the North-Eastern corner of the property is also zoned "Residential Third Density (R3)". An R3 zone permits the following uses:

- single detached dwelling (minimum frontage 13.7 m);
- duplex dwelling;
- semi-detached dwelling;
- Group Home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to rezone the subject lands to a "Neighbourhood Commercial Special (C5 Sp.)" zone which permits the following uses:

- convenience stores;
- day nursery
- dry cleaning depots;
- local retail stores;

- personal service establishments;
- professional offices & business offices; and
- restaurants.

The Special component of the proposed “Neighbourhood Commercial Special (C5 Sp.)” zoning will acknowledge that the existing property does not meet the requirements of Zoning By-law 28-80 as follows:

	Neighbourhood Commercial (C5)	Existing	Difference
Minimum Front Yard Setback	9 metres	7.47 metres	1.53 metres
Minimum Parking Required	30 parking spaces (One parking space for each 18.6 square metres of commercial floor space of the building)	25 parking spaces	5 parking spaces

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

It is my professional opinion that 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 Engineering Department, Economic Development Department, 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. The Building Department does not have any concerns regarding the proposal but will require additional information from the Applicant prior to issuing a Building Permit.

Three letters objecting to the proposed rezoning were received from circulated property owners. Several individuals also attended the meeting held at the Planning Advisory Committee to express objection to the proposed Zoning By-law Amendment. Concerns expressed by community members were primarily in regards to the impact of the proposed daycare on traffic, property values, infrastructure and safety. Property owners also expressed concern about the range of permitted uses in a “Neighbourhood Commercial (C5)” zone. The following is intended to summarize the neighbourhood’s concerns.

Property Value

Planning Staff have researched the impact of daycare facilities on residential property values and have found no evidence to suggest the proposed redevelopment will have a negative effect on neighbouring properties. As a result, Planning Staff is of the opinion the proposed rezoning will not have a negative effect on property values for surrounding residences.

Traffic and Parking

The Engineering Department was consulted regarding concerns about increased traffic and parking. Based on the area and experience with other daycare facilities in the City, Engineering does not anticipate any significant increase in traffic as a result of the proposed rezoning. In their experience, a daycare facility experiences moderate peaks in traffic, centering on the start and end of business hours during weekdays.

The Engineering Department is of the opinion the existing road infrastructure is adequate to accommodate the proposed development, particularly when considering the property's previous use as a church.

Engineering concurs with Planning Services' opinion that the existing parking on site should be adequate to accommodate pickup and drop off use for the proposed daycare. Should on-street parking as a result of the daycare become an issue, Engineering will investigate restricting it to one side of Greenwood Avenue.

Safety

Concerns were brought forward about the safety of the subject property as a site for a daycare centre. The Applicants stated as part of the licensing process, the proposed daycare will be required to meet standards set out by the Ministry of Education in regards to safety. These standards include regulations regarding play equipment, fencing and other features of the lot and facility. Inspections of the premises have been and will continue to be conducted by the Ministry of Education to ensure the daycare facility continues to meet standards for safety.

Character of Neighbourhood and Permitted Uses

Several residents expressed concerns the proposed Commercial zone is not consistent with the residential character neighbourhood.

The City's Official Plan and the Zoning By-law both encourage the development of limited Commercial Zones via the C5 zone within residential neighbourhoods. The purpose of these zones is to serve the day-to-day needs of the local residents and limit the number of vehicular trips residents must make, thereby creating live/work/play neighbourhoods. The list of permitted uses within a C5 zone is more restrictive than any other commercial zone. C5 zones operate successfully throughout the community without disrupting the residential character of neighbourhoods with the same range of permitted uses proposed by the Applicant.

The proposed Zoning By-law Amendment requests the standard list of uses that are permitted within the C5 zone. Planning Staff is of the opinion this list is appropriate for the subject property and does not feel the proposed Zoning By-law Amendment would alter the character of the neighbourhood, particularly when the property's previous non-residential (church) use is considered.

No further correspondence was received with regard to this proposal.

Summary

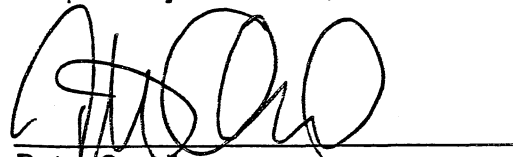
The subject property is an existing lot of record. It is currently zoned "Residential First Density (R1)" and "Residential Third Density (R3)" and is developed with the existing Greenwood Avenue Baptist Church. The Applicant is proposing to rezone the property to a "Neighbourhood Commercial Special (C5 Sp.)" zone in order to convert the existing building into a daycare. The daycare will introduce employment and local services to the area.

Given the size of the building and its previous use as a church, Planning Services is of the opinion that the proposed C5 Special Zone is more appropriate than a residential use.

The special zone requests will recognize the existing property does not meet the minimum requirements for front yard setback and parking set out in Zoning By-law 28-80. Planning Staff are of the opinion these deficiencies are minor and will not impact the overall use of the site.

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

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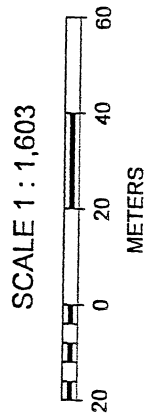
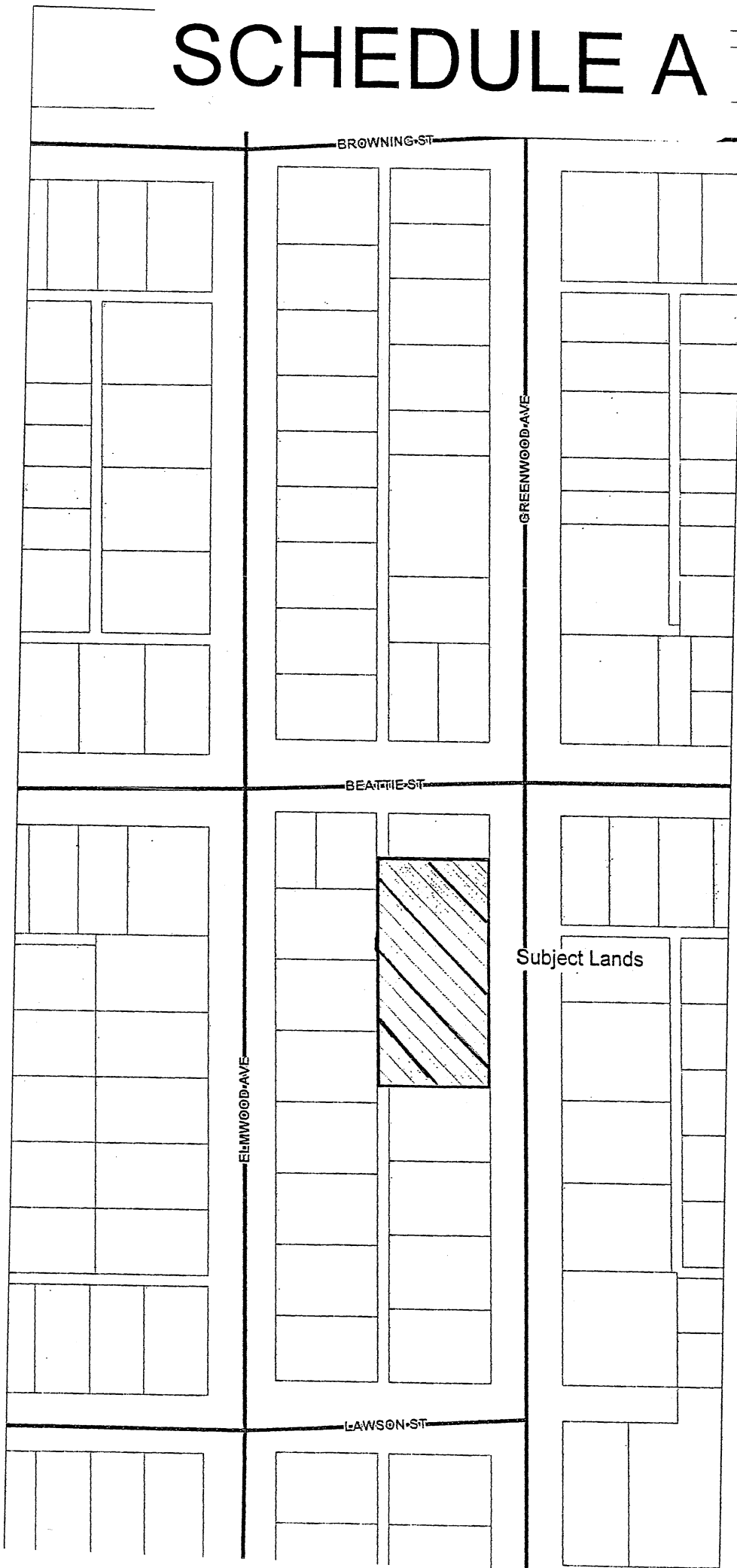
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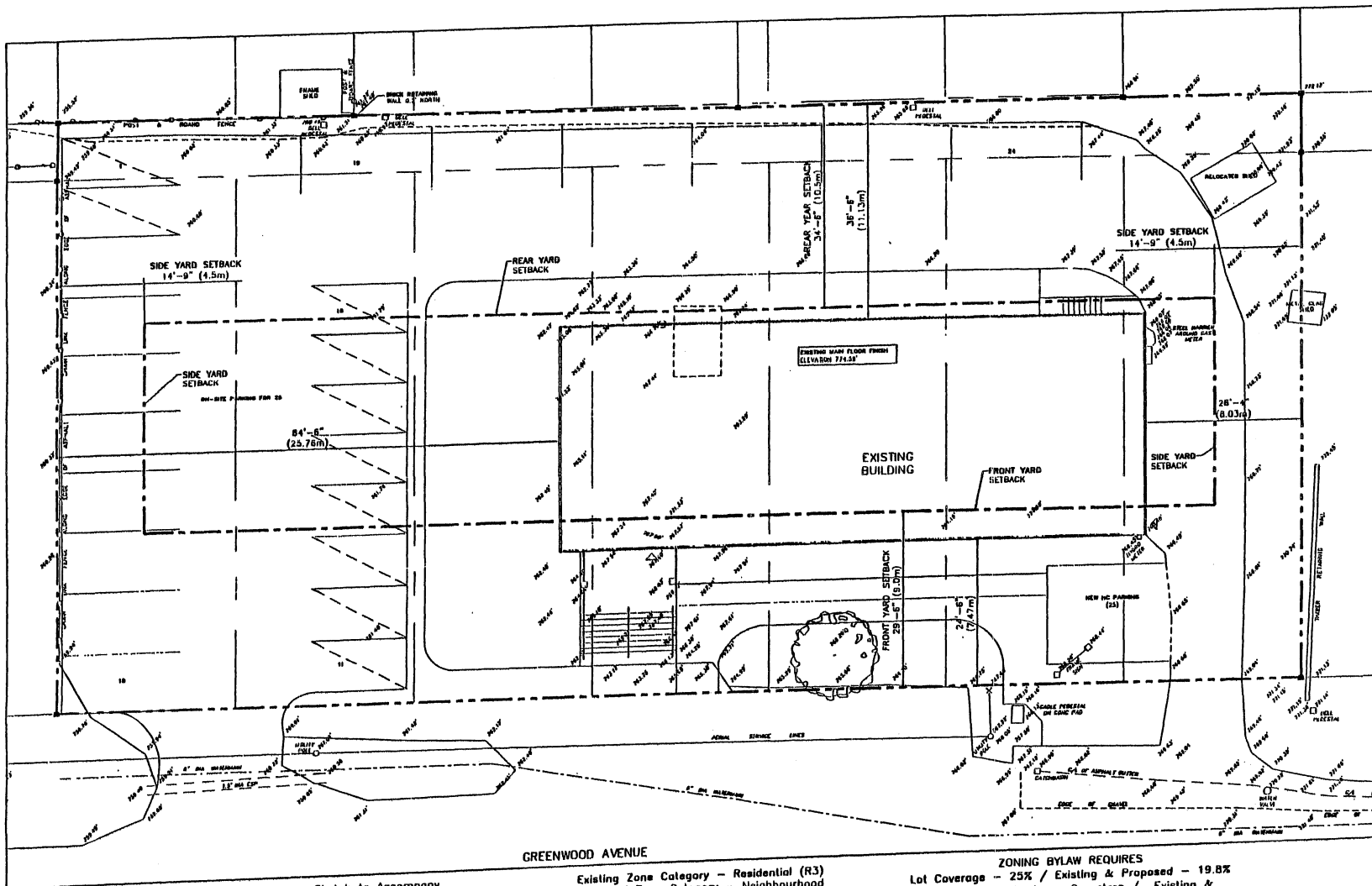
I concur with the recommendations contained in this report.



Beverley Hillier, MCIP, RPP
Manager, Planning Services

SCHEDULE A





EXISTING SITE PLAN
SCALE N.T.S.

Sketch to Accompany
ZONING BY-LAW AMENDMENT APPLICATION
Greenwood Baptist Church
Greenwood Avenue
City of North Bay

Legal Description
All of Lots 263 to 269, Both Inclusive
And
Part of Lane Bounded on the North By
Lots 339 to 355, Both Inclusive
and on the South by Lots 254 to 270,
Both Inclusive
and on the West by Lawson Street and
on the East by Beattie Street
Registered Plan No. 86
CITY OF NORTH BAY
District of Nipissing

Existing Zone Category - Residential (R3)
Proposed Zone Category - Neighbourhood
Commercial (C5) Day Nursery

SITE CHARACTERISTICS
Lot Area - 1951 sq. metres (21,000 sq. feet)
Total Parking and Driveways - 945 sq. metres
(10,167 sq. feet)
Decks & Steps - 29 sq. metres (314 sq. feet)
Building Footprints
Main Church - 349.50 sq. metres (3,762 sq. feet)
2 stories
Shed - 8.9 sq. metres (96 sq. feet)
Total Footprint 358.4 sq. metres (3858 sq. feet)

ZONING BYLAW REQUIRES
Lot Coverage - 25% / Existing & Proposed - 19.8%
Front Yard Setback - 9 metres / Existing &
Proposed - 7.32 metres
Side Yard Setback - 4.5 metres / Existing &
Proposed - West 25.76 metres, East 8.03 metres
Rear Yard Setback - 10.5 metres / Existing &
Proposed - 11.13 metres
Parking - 1 parking spaces per 18.6 sq. feet of 80%
of the total building area or 30 spaces. One of the
30 spaces is required to be accessible parking /
Existing & Proposed presently 25 parking existing of
which one is accessible parking.

SCHEDULE B

ENGINEERING & WORKS COMMITTEE

Monday, July 15, 2013

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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).

ITEMS REFERRED BY COUNCIL FOR A REPORT

<u>DATE</u>	<u>ITEM</u>
March 29, 2005	Backflow Prevention Program survey of all industrial, commercial and institutional buildings (due September 2005).
September 21, 2009	Review, update and consolidation of Noise By-Law (due June 30, 2010).
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 (due July 2014).
July 16, 2012	Review of water and sewage rates for the dispensing facility on Patton Road (due March 2013).