

Tuesday, April 10, 2012

7:00 p.m.

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



Tuesday, April 10, 2012

7.00 p.m.

Rezoning Application North Bay Jack Garland Airport – Airport Road

Rezoning Application Dimitrios & Tracy Kolios Carmichael Drive

#### **COMMUNITY SERVICES COMMITTEE**

Tuesday, April 10, 2012 Page 1

# Chairperson:Councillor LawlorVice-Chair:Councillor MendicinoMember:Councillor VaillancourtEx-Officio:Mayor McDonald

- CS-2001-35 Rezoning applications by Consolidated Homes Ltd. Golf Club Road (D14/2001/CHLTD/GOLFCLUB).
- CS-2003-37 Condominium application by Rick Miller on behalf of New Era Homes Ltd. - McKeown Avenue (D07/2003/NEHL/ MCKEOWN).
- CS-2004-29 Rezoning and Plan of Subdivision applications by Rick Miller on behalf of Grand Sierra Investments Ltd. Sage Road (D12/D14/2003/GSIL/SAGERD).
- CS-2011-04 Motion moved by Councillor Mayne on January 24, 2011 re Designated Off-Leash Dog Area (R00/2011/PARKS/DOGPARK).
- CS-2011-16 Plan of Subdivision application by Miller & Urso Surveying Inc. on behalf of 873342 Ontario Inc. (Kenalex Development Inc.) -Phase II, Trillium Woods Subdivision (Booth Road) (D12/2011/ KENAL/BOOTHRD2).
- ►CS-2012-07 Rezoning application by the City of North Bay North Bay Jack Garland Airport (D14/2011/CNB/NBJGA).
- ►CS-2012-08 Plan of Subdivision application by Dimitrios & Tracy Kolios - Carmichael Drive (D12/2012/KOLIO/CARMICHA).
- CS-2012-09 Report from Shawn Killins dated March 28, 2012 re Annual Report on 2011 Building Permit Fees (P11/2012/BUILD/GENERAL).

## CS-2012-07

Recommendation:

- "That 1) the proposed Zoning By-Law Amendment by the City of North Bay for lands at the North Bay Jack Garland Airport be approved;
  - Section 3 of the City of North Bay's Zoning By-Law No. 28-80 be amended to revise the definition for "Corporate Administrative Office;" and
  - 3) Section 7.11.1.1 of the City of North Bay's Zoning By-Law No. 28-80 be amended to add "Corporate Administrative Office" as a Permitted Use in the "Industrial Air Park – Groundside (MAP-G)" zone."

#### INTER OFFICE

#### RECEIVED CITY OF NORTH BAY

MAR - 8 2012

CLERK'S DEPT.

#### City of North Bay Planning Services

#### MEMO

To: Cathy Conrad, City Clerk

From: Steve McArthur - Senior Planner, Current Operations

Subject: Resolution No. 5 - Planning Advisory Committee

Date: March 8, 2012

Quoted below is Resolution No. 5 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 7<sup>th</sup>, 2012:

Resolution No. 5

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

- 1. That the proposed Zoning By-law Amendment by the City of North Bay for lands at the North Bay Jack Garland Airport, BE APPROVED;
- 2. That Section 3 of the City of North Bay's Zoning By-law No. 28-80 be amended to revise the definition for "Corporate Administrative Office"; and
- That Section 7.11.1.1 of the City of North Bay's Zoning By-law No. 28-80 be amended to add "Corporate Administrative Office" as a Permitted Use in the "Industrial Air Park – Groundside (MAP-G)" zone."

Steve McArthur, MCIP, RPP Senior Planner, Current Operations

#### North Bay Planning Advisory Committee

Resolution No. 5

yaw Bpt Moved By

Date:

March 7, 2012

Seconded By: A Jours

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

- 1. That the proposed Zoning By-law Amendment by the City of North Bay for lands at the North Bay Jack Garland Airport, BE APPROVED;
- 2. That Section 3 of the City of North Bay's Zoning By-law No. 28-80 BE AMENDED to revise the definition for "Corporate Administrative Office"; and
- 3. That Section 7.11.1.1 of the City of North Bay's Zoning By-law No. 28-80 BE AMENDED to add "Corporate Administrative Office" as a Permitted Use in the "Industrial Air Park Groundside (MAP-G)" zone."

"CARRIED"

#### INTER OFFICE

## City of North Bay PLANNING SERVICES

#### MEMO

To: Chair and Members, Planning Advisory Committee

From: Peter Carello, Senior Policy Planner

Subject: Proposed Official Plan Amendment and Zoning By-law Amendment by the City of North Bay – North Bay Jack Garland Airport – Airport Road

Date: February 27, 2012

#### **Recommendations**

- 1) That the proposed Zoning By-law Amendment by the City of North Bay for Jack Garland Airport as shown on Schedule B attached hereto be approved;
- 2) That Section 3 of Zoning By-law No. 28-80 be amended to revise the definition for "Corporate Administrative Office";
- 3) That Section 7.11.1.1 of Zoning By-law No. 28-80 be amended to add "Corporate Administrative Office" as a Permitted Use; and

#### <u>Site</u>

The lands subject to the proposed Zoning By-law Amendment are part of the Jack Garland Airport property. This property is approximately 1,600 acres in size.

North Bay Jack Garland Airport is located on the north side of Airport Road (see Schedule "A" attached). The lands affected by the proposed Zoning By-law Amendment are owned by the City of North Bay.

The property was subject to an Official Plan Amendment and a Zoning By-law Amendment in 2009. The property is designated "General Industry" under the City of North Bay's Official Plan. The lands adjacent to runways and aprons are zoned "Industrial Air Park – Airside (MAP- A)". The majority of the remaining lands are zoned "Industrial Air Park – Groundside (MAP – G)", with one parcel being zoned "Institutional (N)" to reflect an existing use.

The subject property is surrounded by a mix of existing rural residential uses to the north, industrial uses to the east, Department of National Defense lands, residential uses and a golf course to the south, industrial designated vacant land and other City-owned land to the west.

#### Background

In 2009, City Council approved Official Plan and Zoning By-law Amendments that would allow aerospace and aviation uses as well as general industrial uses on lands not abutting the runway. As part of the development of these lands into an aerospace industrial park, a concept plan was prepared identifying proposed property lines and location of roads.

Since that time, the City of North Bay has begun extension of municipal services to lands located on

the south-east portion of the property. In the process of extending municipal services, City Engineers have identified development considerations such as topography that must be taken into consideration in order to place the infrastructure. This has resulted in the amendment of the concept plan, including adjusting the location of the roads and the property lines.

#### <u>Proposal</u>

The amended concept plan (as shown on Schedule D) has altered the development potential for some of the parcels. As a result, the City of North Bay is proposing a Zoning By-law Amendment to modify the boundaries between the MAP-A and MAP-G zones to be reflective of the revised concept plan.

The proposed zoning for the property is shown on Schedule B. Schedule C summarizes the changes to the property's zoning.

In addition, the proposed Zoning By-law Amendment would allow specified office uses at Jack Garland Airport. It is the intention of the proposed Zoning By-law Amendment to ensure the permitted offices would be distinctly different from Professional Offices that are found in Commercial Zones. It is envisioned the only types of offices permitted would be those that are compatible with the industrial nature of Jack Garland Airport, similar to the existing "Industrial Business Park (MBP)" zone. The proposed Zoning By-law Amendment would add "Corporate Administrative Office", a use that is presently permitted only in the MBP zone, to the list of permitted uses in the "Industrial Air Park – Groundside (MAP-G)" zone.

In order to ensure appropriate development that is compatible with the aerospace and industrial nature of the Jack Garland Airport, the proposed Zoning By-law Amendment would revise the existing definition for "Corporate Administrative Office" slightly to more strictly limit the nature of the office use. This Zoning By-law Amendment recommends changing the definition of Corporate Administrative Office to:

"Corporate Administrative Office means an establishment primarily engaged in overall management and supervisory functions of a corporation or business entity, such as executive, administrative, personnel, legal and sales activities, performed in a single location or building for other branches or divisions of the firm involved in any use that would normally be permitted within the industrial zones. A Corporate Administrative Office specifically excludes Professional Offices, Clinics, Banks and other similar uses, such as a realtor, legal office, financial services and medical offices."

#### 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 Provincial Policy Statement indicates that Planning authorities "shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range 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 subject property is already zoned for Industrial and Aerospace uses. The proposed Zoning By-law Amendment will facilitate the orderly development of the Airport property by ensuring that the zoning of the properties in question is consistent with the development potential of the property, based on the access (or lack thereof) to the runway.

Section 1.6.7.1 of the PPS states that "Planning for land uses in the vicinity of airports shall be undertaken so that:

- a) the long-term operation and economic role of airports is protected; and
- b) airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants."

The proposed Zoning By-law Amendment would continue to protect Jack Garland Airport from incompatible developments. Planning Services Staff is of the opinion Corporate Offices would be a permitted use that is consistent with the operation of the Airport. All developments would be subject to Site Plan Control and would be required to obtain clearance from NavCanada. Developers would be required to meet all federal aviation and municipal zoning requirements. This may include height limitations and ensure no electronic interference.

In my professional opinion, the proposed Zoning By-law amendment is consistent with the PPS 2005.

#### Growth Plan for Northern Ontario (GPNO 2011)

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

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

In a general context, the proposed Zoning By-law Amendment will enhance the Municipality's and the Airport's ability to develop the property in an efficient fashion. Section 2.2.2 of the GPNO 2011 states the "Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantages Northern Ontario can offer within these sectors:

a) advanced manufacturing... j) transportation, aviation and aerospace"

The City of North Bay's long-term intent for the Jack Garland Airport property is to develop the aerospace and manufacturing sectors on the property, consistent with this section of the GPNO 2011.

In my professional opinion, the proposed Zoning By-law Amendment is consistent with the GPNO 2011.

#### Official Plan

The property is designated General Industry by Schedule "B" of the City of North Bay's Official Plan.

Section 2.2.2.3 (Airport Business Park) of the Official Plan states that the "Official Plan, through the

Airport Business Park policies, recognizes the importance of promoting and maintaining a viable airport and industrial/business park to the economic and social well-being of Northern Ontario, the region and the City.

It is the intent of this Official Plan to give preference to airport related businesses on airside lands and to promote compatible groundside industrial development. Airside developments differ from other industrial uses, as they require either direct access to airfield assets such as runways, taxiways and aprons, or they provide related industrial commercial support services to the principal industrial use."

Section 2.2.2.3.3 of the Official Plan further states "General Industrial/Business Park uses shall be encouraged to occupy lands that do not necessarily require direct or deeded access to runways, taxiways or aprons."

To summarize, the above noted sections of the Official Plan encourages the development of the Airport property for aerospace and general industry purposes. It further directs non-aerospace development to be located away from runways, taxiways and aprons.

The proposed Zoning By-law Amendment would reposition the location of the boundary between the "Industrial Air Park – Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)" zones. The proposed locations of the lot lines are relatively minor changes that will improve the property's compliance with this section of the Official Plan. Certain lands that have access to the runway will be rezoned "Industrial Air Park – Airside (MAP-A), whereas other lands that do not have runway access will be rezoned "Industrial Air Park – Groundside (MAP-G)".

The proposed Zoning By-law Amendment would also add a new permitted use, Corporate Administrative Office, to the "Industrial Air Park – Groundside (MAP – G)" zone. Section 2.2.2.3.6 of the Official Plan states that "Groundside industrial development uses shall include all uses permitted in other industrial zones, as identified in the Comprehensive Zoning By-law, subject to the provisions and regulations of those zones."

Corporate Administrative Office is a permitted use within the "Industrial Business Park (MBP)" zone. As such, adding this use to the "Industrial Air Park – Groundside (MAP-G)" zone is consistent with Section 2.2.2.3.6 of the Official Plan.

It is my professional opinion the proposed Zoning By-law Amendment maintains the intent of the Official Plan.

#### Zoning By-Law

The subject property is presently zoned "Institutional (N)", "Industrial Air Park – Airside (MAP-A) and "Industrial Air Park – Groundside (MAP-G)".

An "Institutional (N)" zone permits the following uses:

- boarding, lodging or rooming house;
- cemeteries;
- colleges, universities and private schools;
- day nurseries;
- elementary and secondary schools
- government lands and buildings;
- Group Home Type 1;
- Group Home Type 2;
- Group Home Type 3;
- homes for the aged;

- hospitals or health care and treatment facility;
- museums;
- nursing home;
- place of worship;
- prisons;
- recreational facilities owned and operated by a public authority;
- solar farm;
- welfare institutions; and
- buildings or structures accessory to the foregoing.

An "Industrial Air Park – Airside (MAP – A)" zone permits the following uses:

- aerial forest fire fighting facilities;
- aeronautical instructional services;
- aeronautical research and development facilities;
- air ambulance base;
- air cargo warehousing, distribution and transfer stations;
- air carrier services;
- air couriers;
- aircraft engine manufacturing, assembly, repair and maintenance;
- aircraft manufacturing, assembly, repair and maintenance;
- aircraft original equipment manufacturing;
- air taxi service;
- air terminal including control towers and refuelling depots;
- banner towing base;
- colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
- fixed base operations;
- flight training facilities;
- public and private aeronautical recreational uses;
- public and private hangars;
- sale, servicing and leasing of aircraft;
- accessory office and business establishments;
- accessory day nursery;
- caccessory convenience stores;
- accessory restaurants;
- accessory car rental agency;
- ancillary fueling services;
- ancillary outside storage; and
- ancillary vehicle repair and maintenance.

An "Industrial Air Park – Groundside (MAP-G)" zone permits the following uses:

- the use of land, building or structure designed for the purpose of manufacturing, assembling, processing, preparing, inspecting or ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale any goods, substances or things, where such operations do not involve the emission of air or water pollutants that exceed the standards set by the appropriate provincial regulatory authority. this does not include refineries, mills, foundries, chemical plants or similar heavy industries. it also does not include a mine, pit, quarry or oil wells;
- colleges and universities and accessory residential uses ancillary to the primary aeronautical uses;
- data processing and other compatible information computer technology uses;
- heavy equipment sales, service and storage which is ancillary to manufacturing airside or

- groundside uses;
- metal fabrication and machining;
- physical testing laboratories;
- research and development facilities;
- transportation and communications terminals;
- warehouse and storage uses;
- accessory office and business establishments;
- accessory day nursery;
- accessory convenience stores;
- accessory restaurants;
- accessory car rental agency
- ancillary fueling services;
- ancillary outside storage;
- ancillary Vehicle repair and maintenance.

The subject Zoning By-law Amendment proposes to adjust the boundaries between the "Industrial Air Park – Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)". The proposed changes are summarized on the attached Schedule C.

The proposed Zoning By-law Amendment would also add a new permitted use, Corporate Administrative Office, to the "Industrial Air Park – Groundside (MAP-G)" zone.

There is no new development being proposed at this time as part of this Zoning By-law Amendment. All other regulations of Zoning By-law No. 28-80 are being maintained.

#### **Considerations**

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

The Secretary-Manager of the North Bay-Mattawa Conservation Authority has no objection to the application at the current time but did reiterate that the future development of the property will require further studies. The Conservation Authority stated:

The above-noted property is in an area that is regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulations 97/04 and 177/06. These regulations are pursuant to Section 28 of the Conservation Authorities Act of Ontario. As you may be aware, this property contains the headwater area of two creeks. Both warm and coldwater tributaries of Chippewa Creek traverse this property to the north and west. Chippewa Creek empties into Lake Nipissing. Headwater wetlands and tributaries of Doran Creek, a cold water stream of Trout Lake, are found in the north east section of the property. Lees Creek, also a coldwater stream of Trout Lake, is found just south of the airport lands.

For your information, two comprehensive watershed management studies were undertaken in for subwatersheds in this area. The Chippewa Creek Watershed Management Plan was completed in 1996 by the Conservation Authority and the City of North Bay. The Lees Creek, Golf Course Tributary Subwatershed/Stormwater Management Plan was completed by the City of North Bay in 2001.

These studies investigated issues such as: water budget; terrestrial and aquatic habitat; woodlands; wetlands; environmentally sensitive areas; Areas of Natural and Scientific Interest; recreation and

archaeology. A subwatershed plan has not been developed for Doran's Creek.

In the analysis and recommendations neither the Chippewa Creek study nor the Lees Creek study anticipated such extensive development on the airport lands. Given the proposed development to the lands north of the airport and the apparent data gaps, it is recommended that:

- The Chippewa Creek study is updated.
- Given the sensitivity of Doran's Creek and the Trout Lake watershed it is recommended that a subwatershed management plan be prepared for this area. The plan should be designed to recognize the inter-relationships among environmental, social and economic factors. The Conservation Authority is willing to work with the City of North Bay Staff in the development of such a plan

Staff agrees these studies are required to be updated in the future at the time of the development of the northern portions of the property.

The development of the Airport lands is expected to occur in four phases. The area discussed in NBMCA's correspondence, the area near Doran's Creek, will be the last phase of development. Prior to development in this area, the appropriate watershed or sub-watershed studies will be undertaken in conjunction with the NBMCA.

A letter was received from a representative of the Carmichael United Church. The Church is located directly adjacent to the airport lands at the north-west corner of the property, at the corner of Four Mile Lake Road and Chadbourne Drive. Their correspondence expressed concerns regarding the impact the development of the property may have on their property and the functioning of the Church.

Planning Staff met with two representatives of the Church to discuss their concerns. City Staff presented the concept plan (Schedule D) to the two representatives and explained in further detail what was proposed by the application. It was discussed that lands directly abutting to their property could not be developed in the near future as a result of the positioning of airport infrastructure. Staff did state the Plans could change again in the future, but the current proposal represented the City's best interpretation regarding the manner that the property might develop. The further clarification of the proposal appears to have satisfied the Church, who have not offered further comment nor did they attend the Public Meeting at the Planning Advisory Committee.

#### <u>Summary</u>

Jack Garland Airport has been identified as the primary location for future industrial growth. A Zoning By-law Amendment and an Official Plan Amendment was passed in 2009 to regulate the development of the property. The majority of the property was zoned either "Industrial Air Park – Airside (MAP-A)" or "Industrial Air Park – Groundside (MAP-G)". The boundaries between the "Industrial Air Park – Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)" zones were based on the concept plan for the development of the property.

Since that time, the City has begun placing infrastructure. In the process of completing these capital works, some modifications to the plans have been made. This includes moving the location of the road and services, which in turn has resulted in changes being made to the concept plan.

The proposed Zoning By-law Amendment is reflective of the changes to the concept plan.

The proposed Zoning By-law Amendment would adjust the location of the boundaries between the "Industrial Air Park – Airside (MAP-A)" and "Industrial Air Park – Groundside (MAP-G)". Staff is of the opinion the proposed boundary between the MAP – A zone and the MAP-G zone is a more accurate representation of the development potential of the property and would result in the highest and best use of the airport lands. The proposed Zoning By-law Amendment would add "Corporate Administrative Office" as a permitted use within the "Industrial Air Park – Groundside (MAP-G)" zone. It is City and Jack Garland Airport Staff's opinion Corporate Administrative Offices would be a compatible and desirable use at the Airport.

The proposed Zoning By-law Amendment would also modify the definition of the "Corporate Administrative Office". The amendments to this definition would provide greater differentiation between the "Corporate Administrative Office" and other forms of offices found within the Zoning By-law and ensuring that any offices located at Jack Garland Airport are of an industrial nature.

It is my professional opinion the proposed Zoning By-law Amendment maintains the general intent of the City of North Bay's Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2005).

Peter Carello Senior Planner

PC/dlb

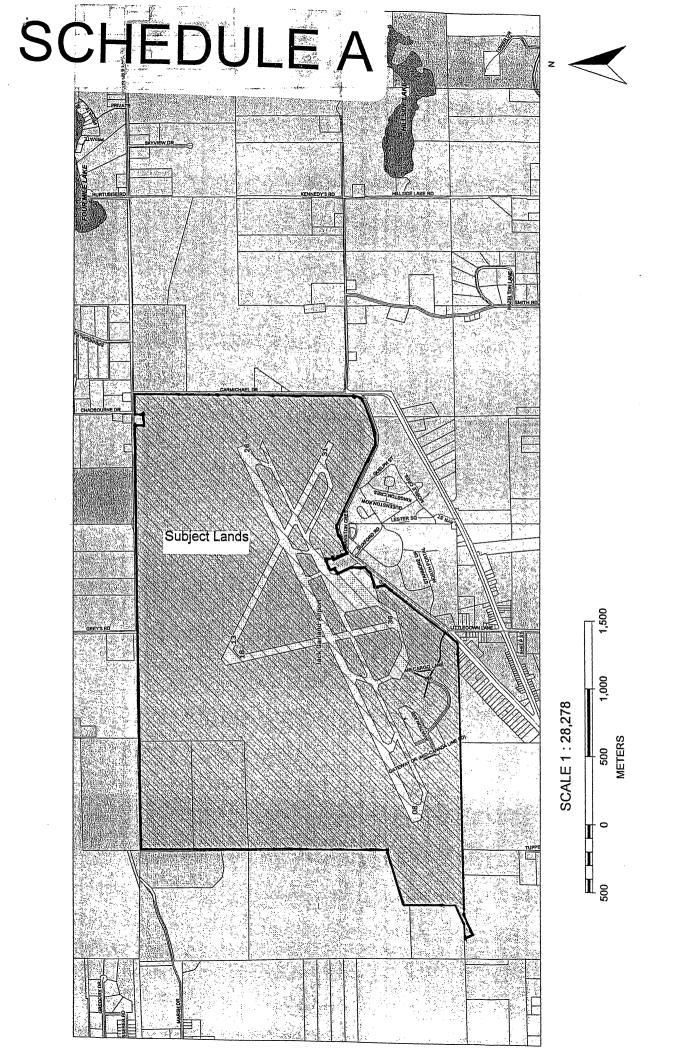
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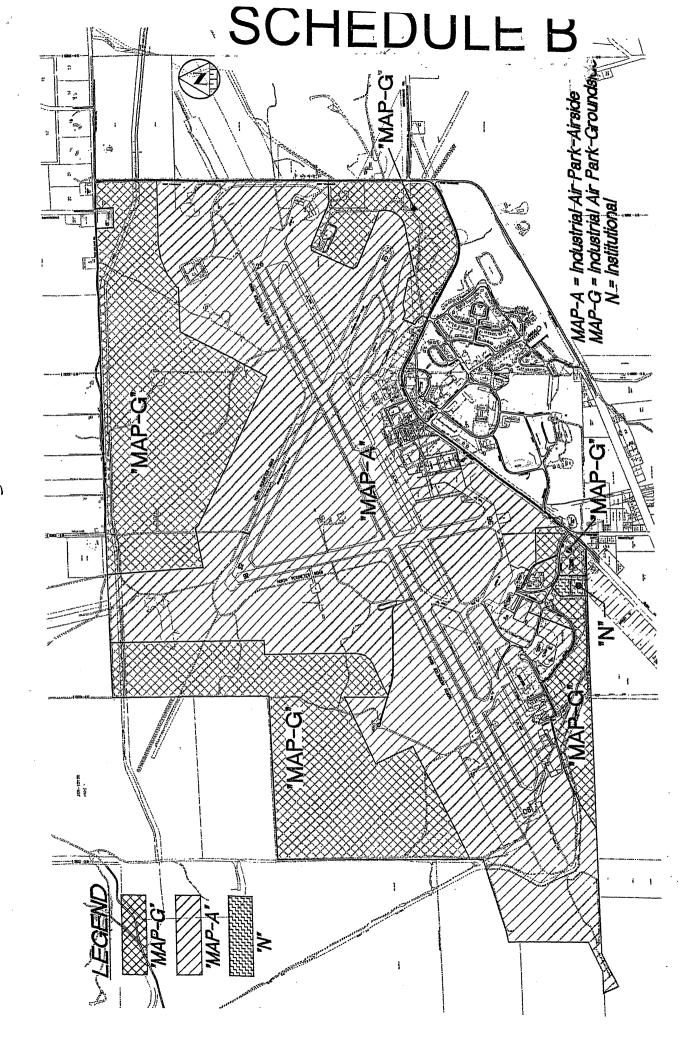
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I concur with the recommendations contained in this report.

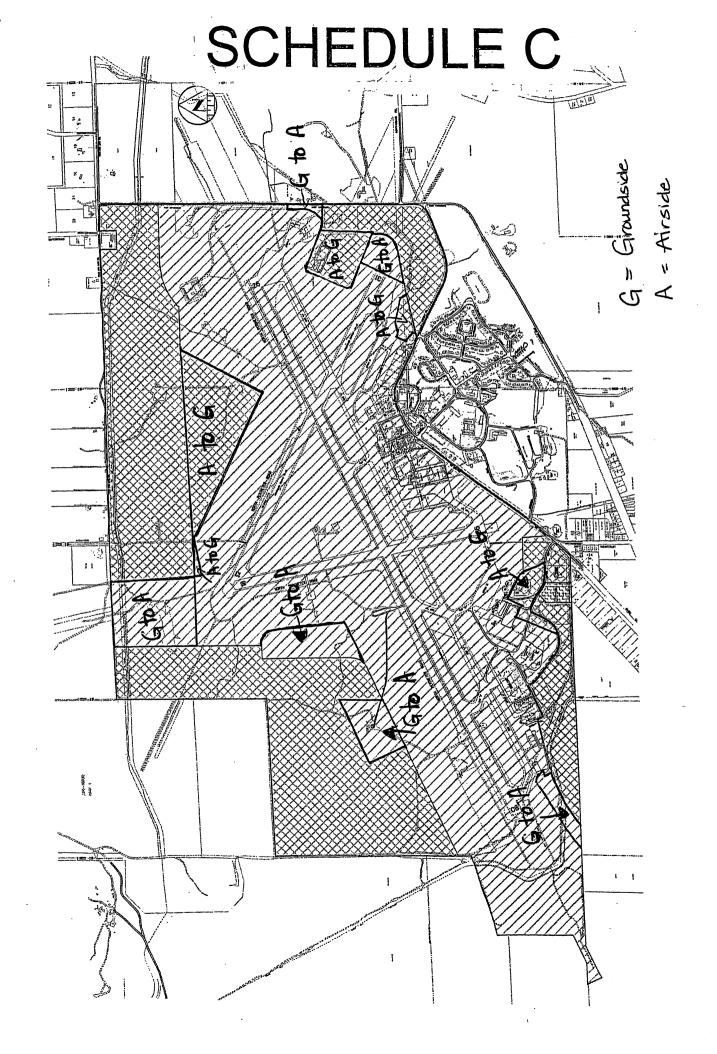
Hillier, MCIP, RPP

Manager, Planning Services

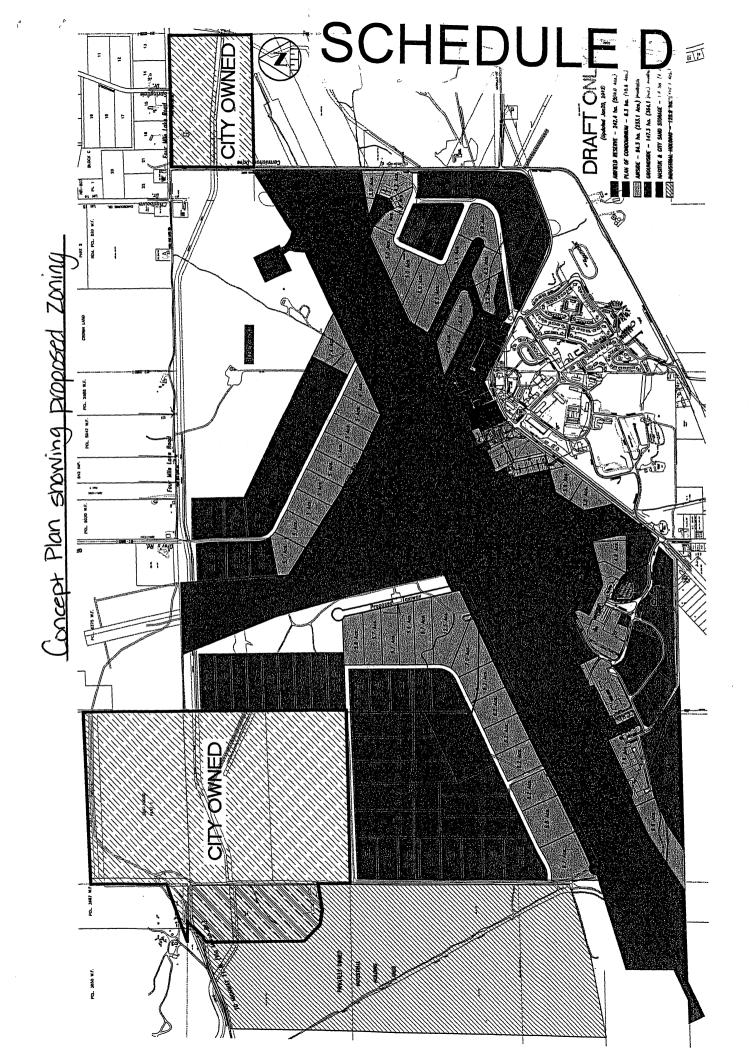




Proposed Zoning



Proposed Amendments to Zoning



## CS-2012-08

Recommendation:

- "That 1) the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying on behalf of Dimitrios and Tracy Kolios, for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 Parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as shown on Schedule "B" attached hereto, be given draft approval subject to the conditions in Appendix "A" attached to the report to the Planning Advisory Committee dated March 1, 2012; and
  - 2) the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication."

#### INTER OFFICE

MEMO

#### City of North Bay Planning Services

To: Cathy Conrad, City Clerk

From: Steve McArthur - Senior Planner, Current Operations

Subject: Resolution No. 6 - Planning Advisory Committee

**Date:** March 8, 2012

Quoted below is Resolution No. 6 passed at the regular meeting of the Planning Advisory Committee held on Wednesday, March 7<sup>th</sup>, 2012:

#### Resolution No. 6

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

- That the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying Ltd. on behalf of Dimitrios and Tracy Kolios. for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as shown on Schedule "B" attached hereto, BE GIVEN DRAFT APPROVAL subject to the conditions in Appendix "A" attached hereto; and
- That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication."

Steve McArthur, MCIP, RPP Senior Planner, Current Operations

#### North Bay Planning Advisory Committee

Resolution No. 6

Date:

Moved By: Das By

Seconded By: Judy Knijl

March 7, 2012

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

- That the proposed Removal of Holding Zone by Goodridge Planning Surveying Ltd. on behalf of Dimitrios and Tracy Kolios. for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, from a "Residential First Density Holding (R1H)" zone to a "Residential First Density (R1)" zone, BE APPROVED;
- 2. That the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning Surveying Ltd. on behalf of Dimitrios and Tracy Kolios. for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 on Schedule "B" attached hereto, BE GIVEN DRAFT APPROVAL subject to the conditions contained in Appendix "A" to the Planning Report prepared by Erik Acs, dated March 1<sup>st</sup>, 2012; and
- 3. That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication.

Chair

#### INTER OFFICE

## City of North Bay

### **Planning Services**

#### MEMO

To: Chair and Members, Planning Advisory Committee

From: Erik Acs, Development Planner

- **Subject:** Proposed Draft Plan of Subdivision (7 Lots) by Goodridge Planning Surveying Ltd. on behalf of Dimitrios and Tracy Kolios Carmichael Drive.
- **Date:** March 1, 2012

#### **Recommendation**

- That the request for the Removal of Holding Zone by Goodridge Planning & Surveying Ltd. on behalf of Dimitrios and Tracy Kolios. for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, from a "Residential First Density Holding (R1H)" zone to a "Residential First Density (R1)" zone for the subject lands on Carmichael Drive, as shown on Schedule "A" attached hereto, BE APPROVED;
- 2) That the proposed Plan of Subdivision (7 Lots, File #48T-12111) by Goodridge Planning & Surveying Ltd. on behalf of Dimitrios and Tracy Kolios. for Concession A, Lot 16, Reference Plan NR-33 Part 4, and 36R-12000 parts 1 & 2, PIN 49127-0928 (LT) and 49127-0933 (LT), in the former Township of Widdifield, shown as Lots 1 to 7 and Block 8 for the subject lands on Carmichael Drive, as shown on Schedule "B" attached hereto, BE GIVEN DRAFT APPROVAL subject to the conditions in Appendix "A" attached hereto; and
- That the Owner(s) enter into a Subdivision Agreement with the City of North Bay prior to site development to address lot grading, storm water management, buffer areas, sediment/erosion control, general drainage considerations, and parkland dedication;

#### <u>Site</u>

The subject lands are located on the south side of Carmichael Drive, east of Littledown Lane (see Schedule "A" attached hereto).

The site has a frontage of approximately 156.484 meters (513.3 feet) along Carmichael Drive and a total lot area of approximately 0.89 hectares (2.2 acres). The subject land is surrounded by a mix of residential, rural, industrial and an agricultural property. To the north of the subject lands is a developed industrial property which features a self-storage warehouse, to the south of the subject lands is a small single detached dwelling and a horse paddock.

#### Proposal

The Applicant is proposing to create a new residential subdivision containing a total of seven (7) lots on a vacant parcel of land on the south side of Carmichael Drive, east of Littledown Lane in the City of North Bay.

The proposed lots would be zoned "Residential First Density (R1)", and will be occupied by single detached dwellings on full municipal services.

#### **Provincial Policy**

This application has been reviewed in the context of the Provincial Policy Statement (PPS 2005), as well as the Growth Plan for Northern Ontario (GPNO, 2011). The PPS (2005) and GPNO (2011) provide policy direction on matters of provincial interest related to land use planning and development.

The Growth Plan for Northern Ontario was introduced on March 3rd, 2011 and all Planning Act Applications must now be evaluated with consideration to this plan. The GPNO is broad in scope and is aimed at shaping development and land use in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, transportation / infrastructure, education, community planning, the environment and the native rights of aboriginal peoples.

This application has been reviewed in accordance with the Growth Plan for Northern Ontario (2011) and has been found to be in compliance with its policies.

The Provincial Policy Statement provides direction on matters of provincial interest related to land use planning and development.

Section 1.1.3, Settlement Areas, states that "these areas shall be the focus of growth and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- *i.* efficiently use land and resources; and
- ii. 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."

The PPS further adds in Section1.1.3.7 that "new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs."

The proposed development will take place within the existing Urban Settlement Area in a designated growth area adjacent to an existing built-up area. The subdivision represents an infill opportunity and the efficient use of infrastructure as encouraged in the PPS.

Section 1.6.7 of the PPS relates to the development around Airports. The intent of this policy is to protect the long-term operation and economic role of airports within the community. Section 1.6.7.2 states that Airports shall be protected from incompatible land uses and development by:

a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada; ...

The subject property has been reviewed with respect to the Noise Exposure Forecast contours for the airport. The subject property is below the 30 NEF contour. No objections to the application have been received from the North Bay Jack Garland Airport.

All pertinent policies of the PPS have been applied in their entirety, and in my professional opinion the approval of the removal of Holding Zone and Draft Plan of Subdivision with the associated conditions outlined in Appendix 'A' will result in a development that achieves an appropriate balance of the PPS principles.

#### **Official Plan**

The City of North Bay recently obtained approval from the Ministry of Municipal Affairs and Housing for our new Official Plan. This Plan came into effect on January 6, 2012. Any application received on or after this date is to be reviewed under the policies of the new Official Plan. This application (48T-12111) was received by Council on February 6th, 2012. The new Official Plan sets out broad policy direction for development within the settlement area (Urban Area).

The subject lands are designated "Residential" in the City of North Bay's Official Plan.

Section 2.1 states: 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 2.1.11.3 further states: In the development of new residential neighbourhoods... high standards of residential amenity will be encouraged through the use of the following design principles:

- a) Separate pedestrian walkways or trails will be encouraged, where feasible, and designed to facilitate access to elementary schools;
- b) Varieties of residential types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing between tall apartments and lower row houses and single detached houses to maintain privacy, amenity and value;
- c) Sufficient land is to be assembled for residential developments to eliminate isolated parcels that would be difficult to develop or redevelop at a later date;

- d) Prior to any zoning changes to permit residential development it shall be established that schools, parks and all other services are adequate according to the standards in this Plan, and that access points to multiple family accommodations are adequate and safe; and
- e) Where older adult developments and/or retirement communities are located or planned within residential neighbourhoods, Council shall have regard for considerations such as location, housing types, community services and staging of construction.

The proposed subdivision will be located within the Settlement Area, and will connect to full municipal services. The "Residential First Density (R1)" zone designation will help to guide the amenity and variety of residential type, the proposed subdivision will consist of single detached dwelling units. The area is well serviced with schools, parks and open space.

Section 4.11 of the Official Plan guides development within close proximity to Jack Garland Airport. The intent of this section is to minimize complaints associated with operation of the airport, related to noise, vibration and odour, through the use of Noise Exposure Frequency contours. Development above the 30 NEF contour is restricted, as possible nuisance from jet aircraft could reach these areas.

The subject property is located below the 30 NEF contour, and complies with the guidelines for development within the airport area.

The subject property is located within the "Restricted Residential" section of the Official Plan. This policy applies to residential properties located between the 25 and 35 NEF. Section 4.11.2 states that "In addition to conforming with all other requirements of this Plan, the developer of any residential unit within the Restricted Residential designation shall be made aware of the airport noise problem. The developer shall to inform, in writing, all purchasers and subsequent owners of residential unit that the property in question is in an area where possible airport noise problems may exist, or develop."

A Condition of Draft Approval has been included in Appendix A which requires that a notice be placed on title regarding the potential of airport noise.

In my professional opinion, the Applicants' proposal to create a seven (7) lot Plan of Subdivision on the subject lands is in conformity with the general intent of the Official Plan policies for the Residential Area.

#### Zoning By-law No. 28-80

The subject lands are currently zoned "Residential First Density Holding (R1H)"

A holding zone designation is implemented by council under the powers of Section 35 of the Planning Act, and does not allow for any development of the land until the holding designation is removed. Currently, any property with a holding zone is permitted to develop based on the Rural (A) zoning regulations, which would include the construction of one single detached dwelling.

The Applicant is proposing to remove the holding zone on the subject lands in order to permit them to develop at a "Residential First Density (R1)" density as shown on Schedule "A" attached hereto.

The "Residential First Density Zone (R1)" would permit the following proposed uses:

- single detached dwelling unit (minimum frontage of 18m);
- group home Type 1;
- accessory home based businesses;
- parks, playgrounds & non-profit uses; and
- institutional uses.

The Applicant is proposing to create a new residential subdivision containing a total of seven (7) lots located on the south side of Carmichael Drive, east of Littledown Lane (see Schedule "A" attached hereto).

#### Correspondence

This proposal was circulated to property owners within 120 meters (400 feet) of the subject lands, as well as to several municipal departments and external agencies that may have an interest in this matter. In terms of the correspondence received, the Chief Fire Prevention Officer, the Chief Building Official, and Hydro One offered no objections to the proposal.

The City's Engineering Department offered the following input:

The extension of watermain on Carmichael Drive to service the proposed lots will be at the developer's expense. All works involved with service laterals will also be at the expense of the developers. The City will however, pay for trench work and rock removal for the proposed watermain, excluding the laterals. These are the same conditions as previous watermain extensions on Carmichael Drive.

The North Bay-Mattawa Conservation Authority offered the following comments:

Please be advised that this property is not in an area regulated by the Conservation Authority.

As you are aware from the application, there is a livestock facility (horse barn) on an adjacent property. A Minimum Distance Separation (MDS) Report was submitted with the application, indicating a required setback of 85m. For your information, MDS Implementation Guidelines (#42) indicate that this setback is to be measured from the lot line. The objective of the MDS Formulae is to minimize nuisance complaints due to odour and thereby reduce potential land use conflicts. I have consulted with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) regarding this application. I have been advised that since the proposed lots are currently designated for non-agricultural purposes, MDS Implementation Guideline # 37 would apply which indicates that MDS I calculations are <u>not required</u>. In this instance, however, I believe that there may be a potential for land use conflict. It is therefore recommended that the proposed lots identify a "building envelope" 85 meters from the horse barn.

Due to the scale of development, it is recommended that the applicant contact the Ministry of Natural Resources for further information regarding the potential for Species at Risk habitat on the property.

The comments from the North Bay-Mattawa Conservation Authority and the Engineering Department have been provided to the Applicant and his agent. They understand that any expansion of municipal services, including roads, sewers and water lines will be done at the Applicant's sole expense. A full storm water management plan will be submitted prior to final approval of the Plan of Subdivision. The requirements of the North Bay-Mattawa Conservation Authority and the Engineering Department have been included in the appendices to the report and will be captured as conditions of Draft Approval and, if necessary, as special conditions registered on title as part of the required subdivision agreement.

There were no comments received from any circulated property owners.

#### Summary

The proposed development will take place within the existing Urban Settlement Area, specifically in a designated growth area adjacent to an existing built-up area. The proposed development is in keeping with the existing residential character of the neighbourhood and will result in the logical extension and efficient use of infrastructure and public services as encouraged by the Official Plan and by applicable Provincial Policy.

All pertinent Provincial Policies have been applied in their entirety, and in my professional opinion the removal of the holding zone designation and approval of the Draft Plan of Subdivision with the associated conditions outlined in Appendix 'A' will result in a development that achieves an appropriate balance of the PPS principles. The proposal is in conformity with the Official Plan and the proposed amendment to the City of North Bay's Zoning By-law No. 28-80 is appropriate.

Respectfully submitted,

Erik Acs Development Planner

attach(s). W:\PLAN\RMS\D12\2012\SUBD\CARMICHA\0003-PlanningRpt-#48T-12111.doc

I concur with this report and recommendations.

Beverley Hillier, MCIP, RPP Manager, Planning Services

#### APPENDIX "A" - PLAN OF SUBDIVISION – LOTS 1 TO 7

The City of North Bay's Conditions to Final Approval for registration of the Subdivision File No. 48T-12111, are as follows:

No.

#### Conditions

- 1) That this approval expires five (5) years from the date of approval shown by the "Draft Plan Approval Stamp" on the face of the draft plan. If there is an appeal to the Ontario Municipal Board under section 51 (39) of the Planning Act, the five (5) year expiration period does not begin until the date of the order of the Ontario Municipal Board issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the Planning Act.
- 2) That this approval applies to the Draft Subdivision Plan prepared by Paul Goodridge OLS, dated October 11, 2011 including seven (7) residential lots and one block identified as Lots 1 to 7 and block 8 on the attached Schedule "B".
- 3) That prior to signing the Final Plan by the Municipality, the proposed subdivision conforms with the Zoning By-law in effect for the Municipality.
- 4) That no removal of trees be undertaken prior to final approval except: within the proposed road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs.
- 5) That any road allowance included in this Draft Plan shall be dedicated as public highways.
- 6) That such easements as may be required for utility, water, sanitary and drainage purposes shall be granted to the appropriate authority.
- That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage.
- 8) That the Subdivision Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
  - a) The Owner agrees that a Stormwater Management Plan shall be undertaken by the Owner, and the Owner shall hire a professional engineer with respect to the Subdivision describing best management practices and appropriate measures to maintain quality storm runoff, both during and after construction;

- b) The Stormwater Management report shall also address any slope stability or any hydrological issues associated with this development;
- c) Any recommendations forthcoming from the Stormwater Management Study shall be incorporated into the final Subdivision site design and implemented to the ongoing satisfaction of, and at no expense to, the Municipality; and
- d) The Owner agrees to pay a Stormwater Management fee of \$2200.00 per lot as recommended in the Watson Report.
- 9) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, prepared by a qualified engineer, to the satisfaction of, and at no expense to, the City of North Bay.
- 10) That the Subdivision Agreement between the owner and the Municipality contained a Special Provision with wording acceptable to the City of North Bay to ensure that:
  - a) All residential building lots located above the 28 NEF contour for the City of North Bay Airport shall conform to the appropriate Acoustic Design criteria;
  - b) The owner must undertake to inform, in writing, all prospective tenants or purchasers of the residential units that the property in question is in an area where possible noise problems may exist or develop; and
  - c) The owner shall be required to provide detailed specifications for noise attenuation related to the development.
- 11) That the owner agrees to convey a cash-in-lieu payment of 5% of the value of the land the day before draft approval to the Municipality for park or other public recreational purposes.
- 12) That the Owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required by Canada Post.
- 13) That the Subdivision Agreement between the Owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Subdivision has been registered prior to any encumbrances.
- 14) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 15) The subdivision agreement for the subject subdivision application shall include a statement informing the first purchaser of a lot within the subject Plan of Subdivision that prior to the issuance of a building permit, the purchaser will be required to pay Development Charges.

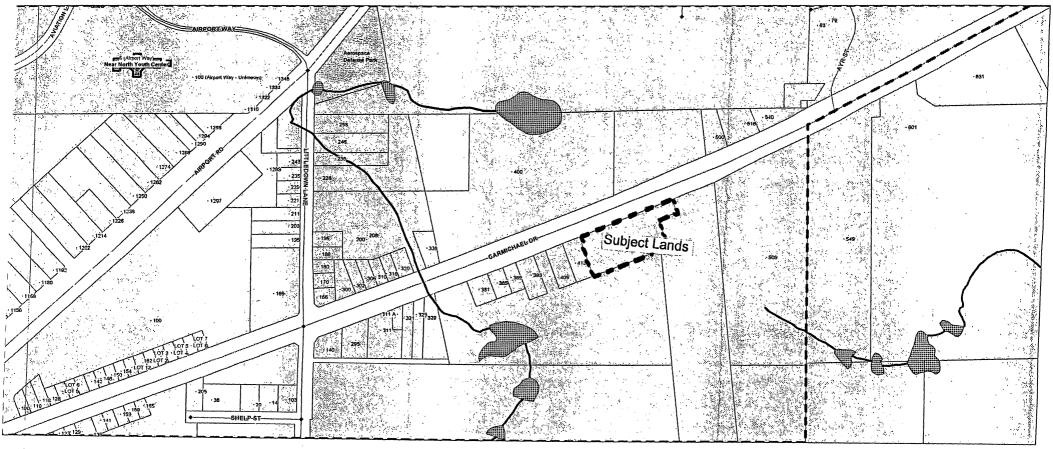
#### NOTES:

We suggest that you make yourself aware of the following:

- a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
- b) Section 143(2) allows certain exceptions.
- 1. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm sufficient that wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication and telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication\_services for emergency management services (i.e., 911 Emergency Services).
- 2. The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.

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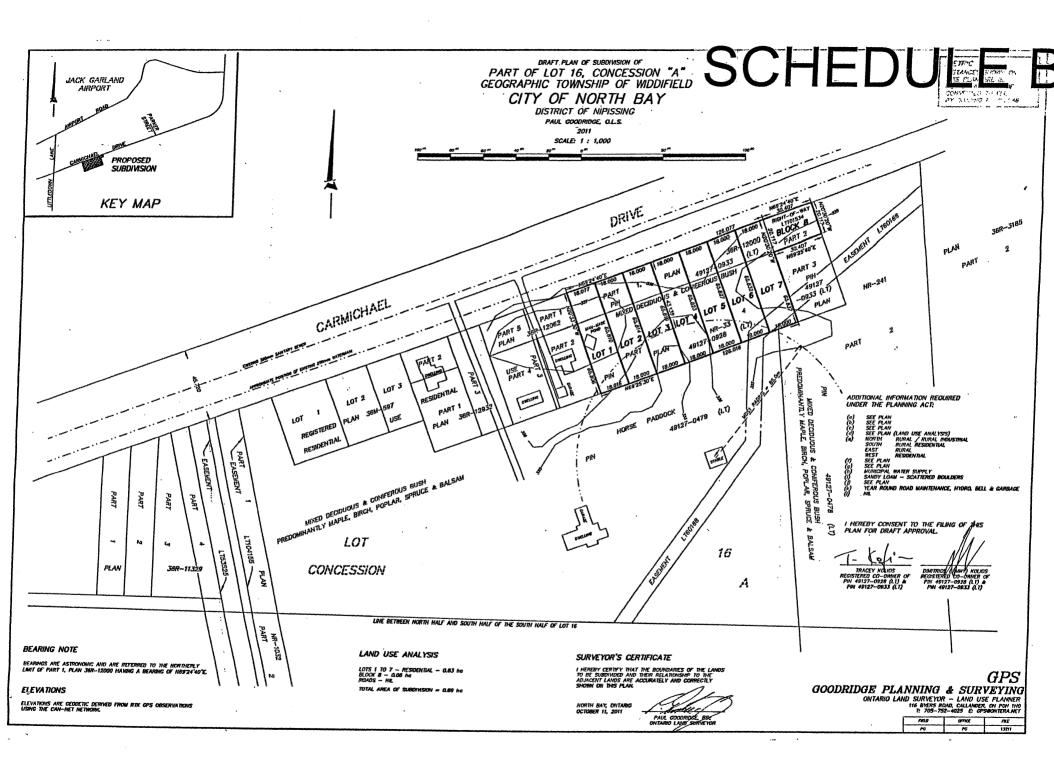
## SCHEDULE A



SCALE 1 : 6,062

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#### **ENGINEERING & WORKS COMMITTEE**

Tuesday, April 10, 2012 Page 1

Chairperson:Councillor VreboschVice-Chair:Councillor MayneMember:Councillor BainEx-Officio:Mayor McDonald

EW-2010-03 Report from A. Korell/J. Houston dated March 26, 2010 re Kate Pace Way west end bike route connection between Memorial Drive and Gormanville Road (R05/2010/ KPWTR/WESTENDR).

## EW 2012-01 Report from John Severino dated March 26, 2012 re Merrick Landfill Tipping Fee Increase (E07/2012/MERRI/TIPPING).

**GENERAL GOVERNMENT COMMITTEE** 

Tuesday, April 10, 2012 Page 1

# Chairperson:Councillor ChiricoVice-Chair:Councillor KoziolMembers:Councillors Anthony, MaroosisEx-Officio:Mayor McDonald

- GG-2011-04 Motion from Councillor Anthony dated January 10, 2011 re Council remuneration (F16/2011/CNB/COUNCIL).
- GG-2011-16 Report from C.M. Conrad dated August 2, 2011 re Election campaign signs (C07/2011/ELECT/GENERAL).
- GG-2011-18 Report from D.G. Linkie dated August 31, 2011 re Power assisted bicycles (T00/2011/TRANS/GENERAL).
- GG-2012-03 Report from Margaret Karpenko dated March 23, 2012 re 2012 Development Charges and 2011 Treasurer's Report (F21/2012/DEVCH/GENERAL).

#### **ITEMS REFERRED BY COUNCIL FOR A REPORT**

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