



# City of North Bay Report to Council

Report No: CSBU 2021-15

Date: March 11, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Draft Plan of Subdivision by Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jograh Investments Ltd., – 771 Golf Club Road

Closed Session: yes ☐ no ☒

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## Recommendation

That the proposed Plan of Subdivision (Subdivision File No. 48T-20104) by Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jograh Investments Ltd., in the City of North Bay for lands known locally as 771 Golf Club Road and as legally described in Appendix A to Report to Council Number CSBU 2021-15, shown as on Schedule 'B' attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-15 prepared by Peter Carello dated March 11, 2021.

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## Background

### Site Information

**Legal Description:** See Appendix A

**Site Description:** The subject lands are an existing lot of record on Golf Club Road, located in the Urban Settlement Area, as shown below and on Schedule 'A' attached hereto.

It is designated "Residential" by the Official Plan and is zoned "Residential First

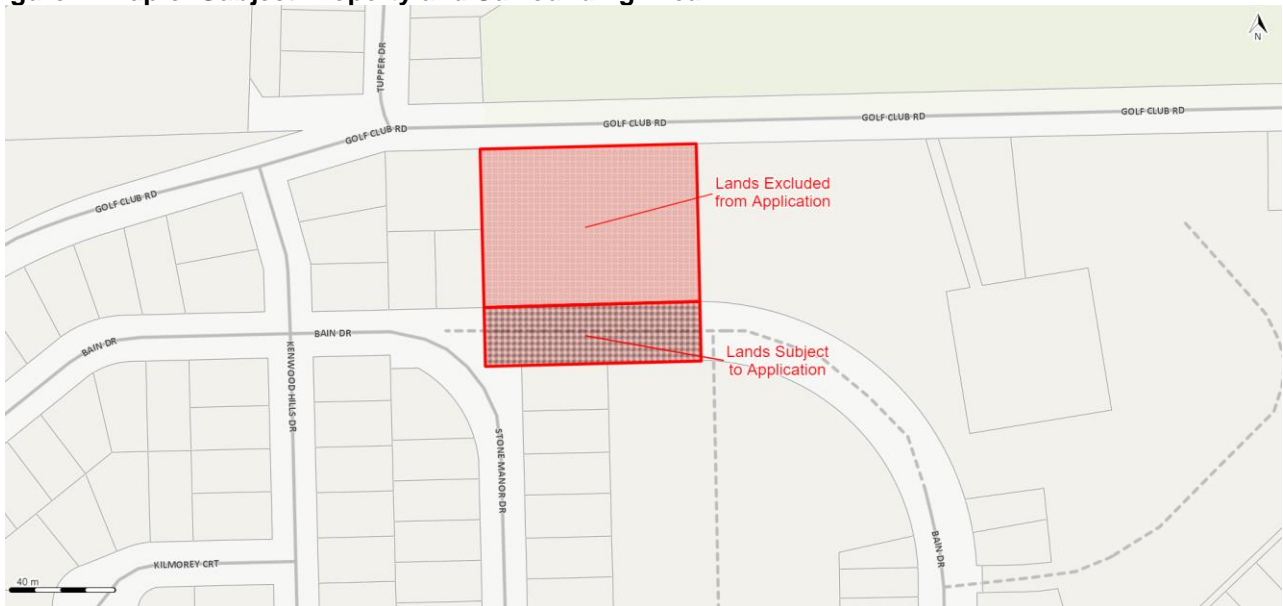
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Density (R1)" under the City's Zoning By-law No. 2015-30.

**Figure 1: Map of Subject Property and Surrounding Area**



The property has an existing lot area of approximately 0.2508 hectares and 95.353 metres of frontage along Bain Drive, as shown on Schedule 'B' attached hereto. The lands subject to the application are currently vacant; there is an existing dwelling unit located on a part of the property that is outside of the application.

### **Surrounding Land Uses:**

The subject lands are located within a primarily residential portion of the City in the Urban Settlement Area. The lands immediately to the north consist of the North Bay Golf & Country Club and a number of residential dwellings. Lands to the east, south and west consist exclusively of residential uses with the exception of the Kenwood Hill Playground to the south of the subject lands.

### **Proposal**

Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jograh Investments Ltd., has submitted an application for Draft Approval of a Plan of Subdivision for the property located 771 Golf Club Road.

The purpose of the application is to allow for the development of a road over a portion of the subject lands to connect Bain Drive.

## **Summary**

Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jogra Investments Ltd., have submitted an application for Draft Approval of a Plan of Subdivision for the property located 771 Golf Club Road.

The purpose of the application is to allow for the development of a road over the subject lands to connect Bain Drive. There are no new residential lots being constructed as part of this application.

A condition of approval from the initial Draft Approval of the Plan of Subdivision was that the development could not proceed to Phase 2 of the Subdivision until the Bain Drive connection was completed. This condition was later built into the subdivision agreement for the first phase of development.

The proposed Draft Plan of Subdivision would help achieve this goal of extending Bain Drive.

In staff's opinion, this represents a positive development for the community. The road network in this area will be improved as a result. It will also facilitate future phases of the subdivision, resulting in more homes being built and available for sale.

The Provincial Policy Statement and the City of North Bay's Official Plan both emphasize the importance of concentrating new growth within the Settlement Area. The Subject lands are located within the City's Settlement Area. This is considered to be the preferred approach to development. This type of development occurs on municipal sewer and water services, makes better use of existing infrastructure and limits the size of the City's built up area.

It is my professional opinion that the proposed Draft Plan of Subdivision for the purpose of the development of a road over the subject lands to connect Bain Drive 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 2020).

## **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 proposed development conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

### **Provincial Policy Statement (PPS 2020)**

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 May 1st, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

The Provincial Policy Statement contains policies that generally encourage development to occur within the Settlement Area on full municipal services. The proposed application is consistent with this direction.

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 2020).

### **Official Plan**

The property is currently designated "Residential" in the City of North Bay's Official Plan. Excerpts of the Official Plan applicable to this application are

outlined below;

## 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."*

The subject lands are located within the Settlement Area as the continuation of the Highland Woods subdivision. It is within Stage-2 of the Official Plan's Staging Schedule (Schedule 9). New growth and development is encouraged in lands identified as being in Stage-2.

Bain Drive is identified as a future Collector Road on Schedule 5 to the Official Plan. Although it is unusual to receive a Draft Plan of Subdivision for just a road, this will facilitate the future development of the area. Given that the property is in private ownership the Plan of Subdivision process is the most efficient and reasonable way to have this property identified & dedicated to the City as a municipal road. The owner will be responsible for the construction of the road and services.

Planning Staff are of the opinion the Proposed Draft Plan of Subdivision is appropriate and conforms to the City of North Bay's Official Plan.

## **Zoning By-Law No. 2015-30**

The subject property is presently zoned "Residential First Density (R1)".

Uses permitted within "Residential First Density (R1)" zones include;

- Single Detached Dwelling;
- Group Home Type 1;
- Accessory Bed and Breakfast;
- Accessory Home Based Business;
- Parks and Playgrounds;
- Accessory Day Nursery; and
- Institutional uses.

This application for the Proposed Draft Plan of Subdivision is not proposing any zoning amendments to the subject property.

The subject property is able to meet all regulations 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.

Of the agencies that provided comments, the Engineering Department, Building Department, and North Bay Mattawa Conservation Authority each offered no concerns or objections.

One item of correspondence was received from the public. A complete copy of this correspondence is attached to this Report as Appendix B.

The neighbour expressed concerns regarding the restoration of their driveway as a portion of their driveway is currently within the road allowance. They had general concerns about future transit routes, the speed of future traffic and the design of the intersection.

Staff has spoken directly to this property owner. A clause obligating the developer to reconstruct the affected portion of their driveway has been added as a condition of approval.

No other correspondence was received on this file.

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## **Financial/Legal Implications**

No financial/legal implications have been identified at this point in time.

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## **Corporate Strategic Plan**

- |  |   |
|--|---|
| <input type="checkbox"/> Natural North and Near                | <input type="checkbox"/> Economic Prosperity                |
| <input type="checkbox"/> Affordable Balanced Growth            | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government |   |

## **Specific Objectives**

Facilitate the development of housing options to service the needs of the community

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## **Options Analysis**

Option 1

That the proposed Plan of Subdivision (Subdivision File No. 48T-20104) by Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jogra Investments Ltd., in the City of North Bay for lands known locally as 771 Golf Club Road and as legally described in Appendix A to Report to Council Number CSBU 2021-15, shown as on Schedule 'B' attached hereto, be given Draft

Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-15 prepared by Peter Carello dated March 11, 2021.

This option is recommended, as it would result in the extension of Bain Drive and would facilitate the construction of new homes.

#### Option 2

Deny the requested Draft Approval of a Plan of Subdivision. This option is not recommended.

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### **Recommended Option**

Option 1 is the recommended option.

That the proposed Plan of Subdivision (Subdivision File No. 48T-20104) by Miller and Urso Surveying Inc., on behalf of Highland Woods Developments Inc. and Jograh Investments Ltd., in the City of North Bay for lands known locally as 771 Golf Club Road and as legally described in Appendix A to Report to Council Number CSBU 2021-15, shown as on Schedule 'B' attached hereto, be given Draft Approval subject to the conditions in Appendix C to Report to Council Number CSBU 2021-15 prepared by Peter Carello dated March 11, 2021.

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Respectfully submitted,

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Name: Peter Carello, MCIP RPP

Title: Senior Planner – Current Operations

**I concur with this report and recommendation.**

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Name: Beverley Hillier, MCIP RPP

Title: Manager, Planning & Building Services

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Name: David Euler, P.Eng

Title: Chief Administrative Officer

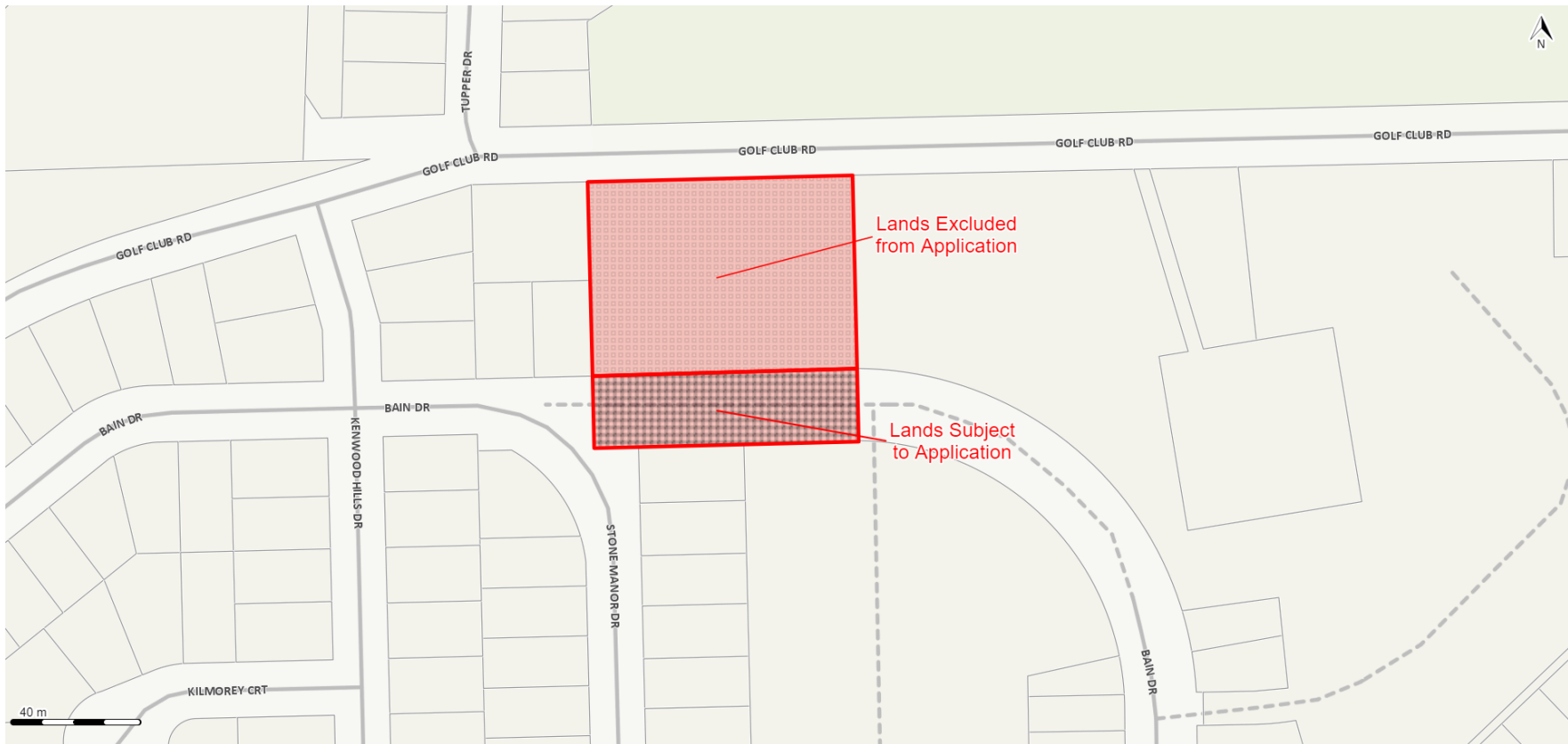
Personnel designated for continuance:

Name: Peter Carello

Title: Senior Planner – Current Operations

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## Schedule 'A'



## Schedule 'B'

[illegible]

## **Appendix A**

### **PIN 49133-0543 (LT)**

PCL 4113 SEC WF; PT LT 18 CON B Widdifield as in LT63273; North Bay; District of Nipissing

### **PIN 49133-0728 (LT)**

PT LT 18 CON B Widdifield; City of North Bay

## Appendix B – Correspondence

Dear Mr. Carello,

This e-mail is in response to our conversation in early December regarding the Notice of Complete Application for a Draft Plan of Subdivision Invitation of Comments re: Bain Drive.

File number 48T-20104-771 Bain Drive-Highland Woods Development Inc.-Notice of Application

We apologize for the delay in response, but with both of us working jobs where we are essential, dealing with COVID 19 and having 2 little children has taken much of our time. We hope that you will still consider the concerns we are bringing to your attention in this e-mail as you suggested we do so.

We are the residents of 97 Bain Drive and have been here almost 10 years. During this time, we have maintained and cared for the easement as it is directly in front of our house.

We have several concerns regarding the planned subdivision amendments to 771 Bain Drive, allowing Bain Drive to be connected from Airport Hill to the lower part of Bain Drive to the Kenwood Hills intersection.

Once the zoning application is approved and construction to connect the street commences. Our property and home will be the most affected.

Half of our driveway is located on the property which will eventually be the middle of the street from what we understand. When we had our driveway finished, we contacted both the City of North Bay as well as the developer of the area (Kenalex) for approval of the lower half of our driveway to be finished with interlock as it is a large piece. Neither party claimed ownership of the property at that time.

Our first concern is the removal of the lower portion of our driveway and who is responsible in doing this. We would like to keep the interlock that will be removed and would like our driveway finished as it currently is.

With the survey markers that have been placed indicating the size of the roadway, for rezoning allowance, it would appear that the road will be significantly wider than the lower part of Bain Drive, which is already established. We would like an explanation as to how the road will connect and does the survey include a sidewalk which would be continued down Bain Drive from Airport Hill. We are very concerned with how close this proposed road will be to our home and would really appreciate to be able to have the road as far away from our home as possible.

We would also like confirmation as to how the intersection in front of our house will be constructed. We have seen the plans through the City of North Bay, but would like to be able to have a discussion and confirmation of the plans about this.

Further, we have been informed that the plan for Bain Drive, once the road is finished, will be to become a city transit route. This new road as well as a transit route will cause a significant increase in the amount of traffic. Speed is also a concern should the road be connected to Bain Drive as increased speed from drivers is already an issue that we deal with in our area and as a neighbourhood, we have provided safety signs such as "slow down children at play" in an attempt to decrease this issue. Should Bain Drive become a transit route, we would request that a transit stop not be located in front of our house or property. Again, we are the house that is being affected the most and we would really appreciate this to be considered when plans are decided.

Ultimately, we were not aware of the substantial changes that were planned for our area, or near our property. This has only been information that we have researched to try to understand the changes that were happening. We would like to keep as much of our front yard as possible, as we have maintained it for almost 10 years. We would appreciate further information as to plans moving forward and would like to be informed when such direct changes are happening. We would appreciate any considerations to the concerns that we are bringing forth.

Sincerely,

Chris and Natalie Cuthbertson

[REDACTED]  
[REDACTED]  
[REDACTED]

## Appendix C – Conditions of Approval

Subdivision File 48T-20104

- 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 Local Planning Appeal Tribunal 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 Local Planning Appeal Tribunal 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) This Draft Approval applies to the Plan of Subdivision prepared by Rick Miller of Miller & Urso Surveying Inc. as shown on the attached Schedule ‘B’ dated November 2, 2020 which is comprised of one street.
- 3) That all streets on the Plan of Subdivision be named to the satisfaction of the City of North Bay.
- 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 prior to any above ground works or below ground works occurring on the subject property the Owner is required to enter into a Pre-Servicing Agreement with the City of North Bay, to the satisfaction of the City Engineer.
- 6) That the road allowance included in this Draft Plan shall be dedicated as public highways.
- 7) That any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
- 8) That prior to signing the Final Plan by the Municipality, the proposed subdivision conform with the Zoning By-law in effect for the Municipality.
- 9) 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.
- 10) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 11) 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 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; and
  - b) The Stormwater Management report shall also address any slope stability or any hydrogeological 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.
- 12) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, including sidewalks if required, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
- 13) That the owner agrees to convey up to 5% of the land included in the plan or cash-in-lieu to the Municipality for park or other public recreational purposes.
- 14) 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.
- 15) That the owner acknowledges that the property is in an area where Species at Risk may be present. The owner agrees to engage the services of a third party professional to complete a Species at Risk Assessment and that any recommendations from the study shall be incorporated into the final Subdivision site design.
- 16) That the Subdivision Agreement between the owner and the Municipality contain wording obligating the owner at their own expense to reconstruct portions of the driveway of the property located at 97 Bain Drive that are affected by works associated with the extension of Bain Drive.
- 17) That before City Council's Final Approval is given, the Council shall be advised in writing by the City of North Bay's Engineering and Environmental Services how Conditions No. 10, 11 & 12 have been satisfied.
- 18) That before City Council's Final Approval is given, the Council shall be advised in writing by the Director of Parks, Recreation and Leisure Services how Condition No. 13 has been satisfied.

19) NOTES

- 1) We suggest 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.
- 2) Prior to any construction, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 3) Prior to any construction, the Owner/Developer should contact the Ministry of Natural Resources and Forestry (MNRF) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.

- 4) An electrical distribution line operating below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wood poles supporting conductors stating "*Danger – Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
- 5) Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 6) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 7) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/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).