



City of North Bay Report to Council

Report No: CSBU 2021-14

Date: March 11, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 9200-8069 Quebec Inc. – Station Road (unaddressed)

Closed Session: yes no

Recommendation

1. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 9200-8069 Quebec Inc. – Station Road (unaddressed) in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-14 to rezone the property from an “Arterial Commercial (C6)” zone to a “General Industrial (M2)” 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.

Background

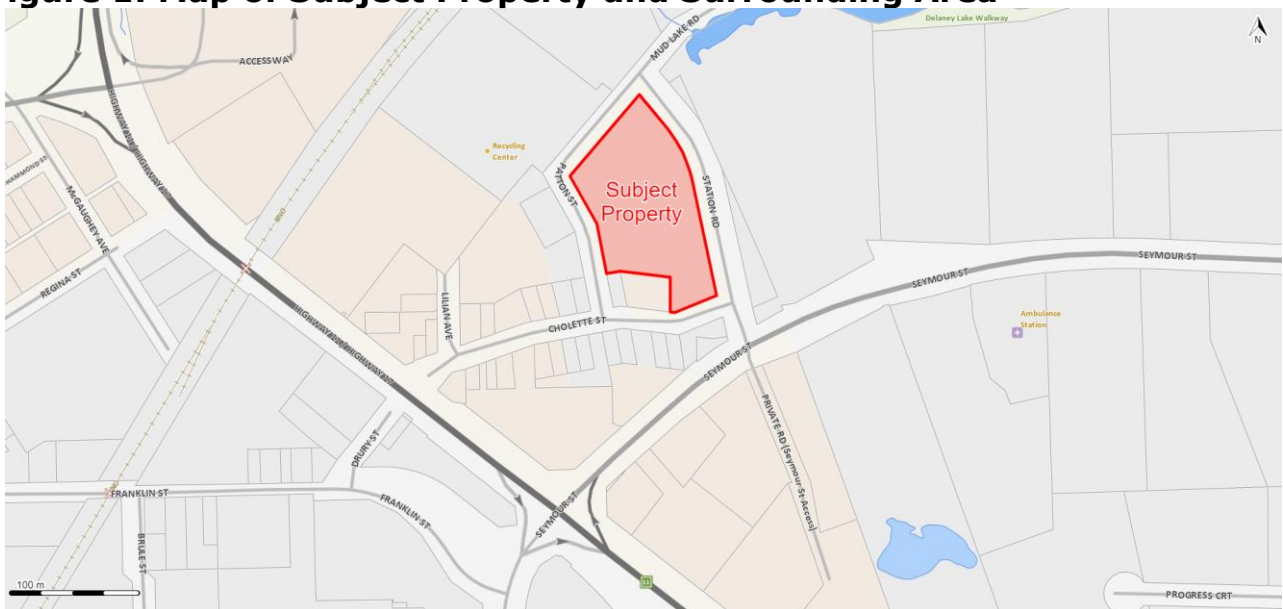
Site Information

Legal Description: See Appendix A

Site Description: The subject property is an existing unaddressed lot of record within the Urban Settlement Area, as shown below on Figure 1 and on Schedule 'A' attached hereto.

It is designated "General Industry" by the Official Plan and is zoned "Arterial Commercial (C6)" under the City's Zoning By-law No. 2015-30. There is a "Floodplain and Erosion (O2)" overlay under the Zoning By-law located over a small portion of the property. The applicants are not proposing to change the O2 zone and the O2 overlay is not affected by the subject rezoning application.

Figure 1: Map of Subject Property and Surrounding Area



The property has an existing lot area of 1.37 hectares and lot frontage of 43.7 metres on Cholette Street, as shown on Schedule 'B' attached hereto. The property is undeveloped and vacant.

Surrounding Land Uses:

The subject property is located within a mixed use neighbourhood. Uses in the area include; residential, industrial and commercial. While the uses in the area are mixed, this part of the City is primarily an industrial area, particularly uses located to the east of the subject property.

Notable uses in the area include; Ontario Northland Bus Service, Ontario Northland Railway and the North Bay Recycling Centre and Hazardous Waste Depot. Other uses in the general vicinity include; automotive service establishments, retail establishments and a number of residential dwellings to the south of the subject lands. Further to the north is the Northgate Shopping Centre.

The subject property is also in close proximity to Highway 11/17 as well as an active rail line owned by Ontario Northland.

In terms of the zoning of adjacent properties, the majority of the properties in

the general area are zoned some form of industrial, mostly "General Industrial (M2)". There are some uses with frontage along the highway or are in proximity to the highway that are zoned for commercial use. The Northgate Shopping Centre is zoned "Regional Shopping Centre (C3)".

It is the City's long term intention to see this area become more industrial over the fullness of time, consistent with the "General Industrial" designation of the Official Plan.

Proposal

Miller and Urso Surveying Inc. on behalf of 9200-8069 Quebec Inc. has submitted a Zoning By-law Amendment application to rezone the property located at Station Road (unaddressed) from "Arterial Commercial (C6)" zone to a "General Industrial (M2)" zone.

The proposed industrial use consists of a Transportation Terminal for transport trucks.

Summary

The applicant has submitted a Zoning By-law Amendment request to rezone the subject property from an "Arterial Commercial (C6)" zone to a "General Industrial (M2)" zone. The applicants are proposing to construct a Transportation Terminal.

A Transportation Terminal is a permitted use under the current C6 zoning. The applicant could construct such a facility at this time with or without the proposed Zoning By-law Amendment. The applicant has stated that their intention in submitting the proposed application is to make their project eligible to apply for incentive programs under the City of North Bay's Growth Community Improvement Plan.

The City of North Bay is obligated to evaluate applications made under the Planning Act, such as this subject application, on the basis of their compliance and conformity to applicable policy documents, such as the Growth Plan for Northern Ontario, the Provincial Policy Statement, the City's Official Plan and the City's Zoning By-law. As much as the applicant may have their own rationale for making this application, from the City's perspective the application must be considered on the basis of its fit with the above cited land use policy documents. The merits of their application for financial incentives can and should be considered under the adjudication process established by the North Bay Growth Community Improvement Plan.

This report represents the summary of staff's review of the proposed Zoning By-law amendment. All information and recommendations contained within this report is done on the basis of how the request meets the policies of the aforementioned land use policy documents and intentionally ignores any consideration of matters related to the Growth Community Improvement Plan.

The property is designated "General Industrial" by the City's Official Plan. Rezoning the property from a C6 zone (a commercial zone) to an M2 zone (an industrial zone) would bring the property into closer conformity with the City's Official Plan and the long-term vision for the area by the simple fact that the zoning would go from commercial to industrial. Even though the proposed use (a Transportation Terminal) is permitted under both the C6 and the M2 zone, rezoning the property to an M2 zone would ensure that the property's long-term use is also industrial.

The proposed development is consistent with policy direction contained in both the Provincial Policy Statement the Official Plan that supports activities that results in economic growth and job creation. The proposed project would achieve these objectives and would be generally good for the local economy.

The Official Plan contains policies that specify the types of development envisioned within lands designated "General Industry". Transportation facilities are specifically identified as such a use.

Staff received two items of correspondence from the public. The first was from an abutting homeowner that was concerned about the noise that a transportation terminal would generate. This resident requested that the industrial owner either purchases their lands or that a sound dampening fence be placed along the property line to mitigate the effect of the transportation terminal.

Staff has relayed the contact information to the applicant. At the time of this report, we are not aware if there is any interest on the part of the applicant to purchase abutting lands or if any agreement has been reached. Assuming that such an agreement is not reached, it is staff's opinion that the request to have such a fence constructed is reasonable. Such a measure would be incorporated into a Site Plan Control Agreement if it is ultimately required.

Staff also received correspondence from Ontario Northland expressing concern regarding the effect the proposed Transportation Terminal would have on traffic along Station Road as well as the width of the road, shoulder and sidewalks. They requested that a traffic study should be completed prior to development taking place.

The City's Engineering Department reviewed the correspondence received

from Ontario Northland and provided a response to their letter. The City's Engineering Department staff identified that industry guidelines recommend a road width of 3.3 metres per lane for roads that are regularly used by buses or large trucks; the road width of Station Road is 3.5 metres per lane, exceeding this standard.

The City also received correspondence from the Ministry of Transportation requesting a traffic study. In the interim since the MTO's comments were provided, the applicant has begun work on a Traffic Impact Study. This study will need to be approved by the MTO and the City's Engineering Department and agreement achieved on any recommendations forthcoming from such a study. This must occur prior to the issuance of building permit from either the City or the MTO.

The City's Engineering Department has also commented in their response to the ONTC that the current and projected traffic volumes remain less than what was anticipated in a previous traffic study that was completed as part of the redesign and redevelopment of the Highway 11/17 and Seymour Street intersection.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011) and the end use is consistent with the Provincial Policy Statement (PPS 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 2 of the GPNO (Economy) includes policies that are intended to support growth and diversify the region's traditional resource-based industries.

Section 2.2.2 reads;

"The Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantages that Northern Ontario can offer within these sectors:

- a. advanced manufacturing*
- b. agriculture, aquaculture and food processing*
- c. arts, culture and creative industries*
- d. digital economy*
- e. forestry and value-added forestry-related industries*
- f. health sciences*
- g. minerals sector and mining supply and services*
- h. renewable energy and services*
- i. tourism*
- j. transportation, aviation and aerospace*
- k. water technologies and services."*

The proposed Zoning By-law Amendment for the subject property falls under point *j.* of the list above. The proposed industrial use consists of a transportation terminal/rest stop for transport trucks, an industry whose development is supported by the GPNO 2011.

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

Excerpts of the Provincial Policy Statement (PPS 2020) applicable to this application are outlined below.

Long Term Economic Prosperity

The Provincial Policy Statement contains a number of passages that encourages development that results in new economic activity. Section 1.7.1 of the PPS 2014 states that *“Long-term economic prosperity should be supported by: ... promoting opportunities for economic development and community investment-readiness”*.

The property is currently a vacant parcel of land that has remained undeveloped for a number of years. The applicant has requested the proposed Zoning By-law to facilitate the development of the property, consistent with the above noted policies of the PPS 2020.

Section 1.2.6 - Land Use Compatibility

The PPS 2020 contains policies that pertain to the separation of major facilities and sensitive land uses. The definitions section of the PPS 2020 categorizes a transportation terminal as a “Major Facility” and residential uses as a “Sensitive Land Use”. Relevant sections of the PPS 2020 include:

Section 1.2.6.1

“Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.”

Section 1.2.6.2

“Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

a) there is an identified need for the proposed use;

- b) *alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) *adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) *potential impacts to industrial, manufacturing or other uses are minimized and mitigated."*

Considering the property's proximity to Highway 11 and Highway 17 as well as the area's general industrial nature, it is staff's opinion that the proposed location is an appropriate location for a transportation terminal.

However, there are residential uses that are already located in the area that should be protected from adverse effects as much as possible. Section 1.2.6.2 c) (cited above) requires mitigation measures be put in place to reduce the transportation terminal's effect these residential uses. Through correspondence between the applicant, Planning staff and a property owner neighboring the subject lands, it was suggested that the applicant should implement a sound dampening/privacy fence on the South/West corner of the subject lands.

Both Planning Staff and the applicant have agreed that such a measure is appropriate and shall be incorporated into any Site Plan Control Agreement. Furthermore, the Site Plan Control Agreement (SPCA) process, required for all industrial properties within the City of North Bay, would implement a number of mitigation strategies to minimize potential adverse effects such as noise. This can be accomplished through a combination of the aforementioned fence, landscaping and site layout and building massing being done in such a manner that development is further away from the residential uses.

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

Official Plan

The property is currently designated "General Industry" in the City of North Bay's Official Plan.

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 property is located within the Settlement Area and is located in an established neighbourhood with mixed uses including; industrial, commercial and residential.

Section 2.2.2 – Employment Lands – Industrial;

The subject property is designated “General Industry” in the Official Plan. Section 2.2.2.1.5 provides high-level direction as to the type of development that is envisioned in these areas. This section states that *“In general, the major uses of land in the General Industry areas shall be all forms of manufacturing, processing of goods, data and materials, warehousing, storage, builders’ yards, transportation and communication related facilities and public utilities.”*

The proposed development would result in the construction of a Transportation Terminal, consistent with the intended uses of General Industry designated lands outlined by Section 2.2.2.1.5.

Section 2.2.2.1.11 recognizes the possibility of the potential of land use conflict between employment lands and sensitive land uses. This Section of the Official Plan states that *“To ensure that the development of new employment lands are designed in a manner to avoid public health and safety concerns and to minimize the risk to public health and safety, the Ministry of Environments D-Series Guideline for Land Use Compatibility will be used as a resource for the review of new industrial development. The same review will be undertaken where residential uses are proposed in proximity to industrial uses.”*

Although the Subject Property is located within an industrially designated area in the Urban Settlement Area (meaning that it is not a new employment land), there are adjacent residential uses that should be taken into consideration. Use of the D-Series Guidelines is appropriate to minimize the possibility of land use conflict between the subject property and area homes. The *Ministry of Environment D Series Guidelines for Land Use Compatibility* was reviewed in the preparation of this report. Guideline D-1-1 (Land Use Compatibility: Implementation) provides guidance on how mitigation measures can be incorporated into either Zoning By-law Amendments or Site Plan Control Agreements.

The Zoning By-law section of the D-1-1 Guideline discusses using Holding Zones while the municipality determines what specific uses will take place and on-site buffers (setbacks) to achieve separation and mitigation. With respect

to the subject application, these measures would not achieve the desired mitigation.

However, Section 7.6 of the D-Series Guidelines (Site Plan Control Agreements) did contain direction that could be applicable and beneficial. This section recommends using measures such as fencing or walls as well as massing and conceptual design of buildings in order to mitigate adverse effects. Considering that the property must undergo a Site Plan Control Agreement to achieve a building permit, these are measures that can be put in place to reduce the effect of the proposed industrial use on the homes located in the area.

Section 4.8 – Environmental Protection Policy;

The north end of the subject property is located within the *Floodplain One Zone Policy Area*. The Official Plan contains policies within Section 4.8 that prevents land use without the approval of the North Bay- Mattawa Conservation Authority (NBMCA).

The NBMCA has reviewed the application and has concluded that a *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* (DIA) permit would be required for any site alteration or grading at the north end of this property. As can be seen in the correspondence sections of this report, the NBMCA is of the opinion that the application is consistent with the policies as set out in Sections 2 and 3 of the Provincial Policy Statement, 2020 and has no objections to the application.

Section 5.1.5 – Site Plan Control;

The Official Plan contains policies outlining the use of Site Plan Control Agreements to achieve desirable development.

The proposed development would be subject to Site Plan Control and would be required to enter into a Site Plan Control Agreement (SPCA). This requirement for the SPCA would ensure that the proposed development would be based on sound planning and design principles and that the development would integrate in a harmonious fashion with the surrounding area and provide for a safe, environmentally sound and accessible development.

Specifically, it would be an opportunity to implement a sound dampening fence along the property line, locate entrances and buildings in a fashion that minimizes the impact on the neighbourhood and to put in place appropriate landscaping.

Planning Staff are of the opinion the Zoning By-law Amendment 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 "Arterial Commercial (C6)".

Permitted uses within the "Arterial Commercial (C6)" zone are:

- Automobile Sales, Service, and leasing Establishment;
- Automobile Service Station;
- Automobile Washing Establishment;
- Body Shop;
- Commercial Parking Lot;
- Convenience Store;
- Day Nursery;
- Dry Cleaning Depot;
- Dry Cleaning Establishment;
- Financial Institution;
- Flea Market;
- Funeral Home;
- Garden Centre;
- Gas Bar;
- Hotel;
- Industrial Equipment Sales, Service, and Leasing Establishment;
- Non-Profit Use;
- Park, Public;
- Parking Area;
- Personal Service Establishment;
- Pet Daycare Facility;
- Pet Shop;
- Pharmacy;
- Places of Entertainment;
- Places of Worship;
- Recreational Facility;
- Recreational Vehicle and Equipment Sales, Service, and Leasing;
- Restaurant;
- Transit Terminal;
- Transportation Terminal; and
- Veterinary Establishment.

Permitted uses within the "General Industrial (M2)" zone are:

- Automobile Sales, Service, and leasing Establishment;
- Automobile Service Station;
- Body Shop;
- Builders Supply Yard;
- Bulk Sales Establishment;

- Card lock Gas Facility;
- Contractor's Yard;
- Courier Distribution Depot;
- Data Storage and Processing Firm;
- Group Home Type 3;
- Industrial Equipment Sales, Service, and Leasing Establishments;
- Industrial Class 1;
- Industrial Class 2;
- Laboratory;
- Pet Daycare Facility;
- Recreational Facility;
- Recreational Vehicle Sales, Service, and Leasing Establishments;
- Recycling Centre;
- Self-Storage Use;
- Transportation Terminal;
- Warehouse;
- Waste Transfer Station; and
- Wholesale Uses.

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. In terms of correspondence received from these departments and agencies, the Planning Services Department received the following comments:

Of the agencies that provided comments, the Engineering Services Department and Building Services Department, Economic Development Department, North Bay Hydro and the Zoning Administrator each offered no concerns or objections.

The Ministry of Environment, Conservation and Parks had noted no objections to the application but advised that the proponent would require a permit from their office if the property owner were discharging stormwater from their property.

The North Bay – Mattawa Conservation Authority (NBMCA) provided the following comments;

"For your information the north end of this property, at the intersection of Patton and Station Road, is subject to the regulatory flood of Chippewa Creek. This is a one-zone floodplain in this area. It would

appear that flooding is limited to the existing ditches. A DIA permit is required for any site alteration or grading at the north end of this property. See attached sketch.

The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS, 2020; and therefore, we have no objection to this application."

The Planning Services Department also received comments from a residential property and a letter from Ontario Northland Bus Service.

The correspondence from the residential property expressed concerns that a Transportation Terminal would create an increase in noise for the residential dwellings in the area. They offered two suggestions. Either the property owner could acquire their lands or they build a sound dampening/privacy fence. Planning staff has put the two property owners in contact with one another to discuss the possibility of a land sale.

Should a sale not occur, it is staff's opinion that the requested fencing is reasonable, appropriate and consistent with the guidance provided by the D-Series Guidelines referenced in the Official Plan section of this report. Planning staff has been in contact with the owner, who has indicated their willingness to construct a sound dampening fence. This design feature would be incorporated into the Site Plan Control Agreement (SPCA) process.

The correspondence received from Ontario Northland (ONTC) expressed a number of concerns about the application and ultimately, opposes the proposed use and the current site plan configuration. Ontario Northland identified five specific areas of concern:

1. Current Motor Coach Traffic: The ONTC stated that their existing motor coach traffic is delayed 2-3 minutes due to traffic volumes on Station Road and their maneuvering onto Seymour Street. Their opinion is that additional truck traffic would further exacerbate this situation
2. Future Traffic: The ONTC identified the possibility of future traffic increases as a result of the potential return of passenger rail service and City transit establishing a bus stop.
3. Width of Station Road: The ONTC expressed concerns that Station Road's current configuration is not wide enough to accommodate large vehicles. It was concerned that adding transport trucks onto Station Road would create problems for their motor coaches
4. Pedestrian Traffic: The ONTC identified that pedestrians use Station Road to travel to and from destinations in the area. They were concerned about the potential for conflict between pedestrians and heavy vehicle traffic, specifically those pedestrians crossing Seymour

Street.

5. Accesses onto Station Road: The ONTC were concerned about the possibility of additional accesses onto Station Road. They also expressed skepticism about the transportation trucks' ability to gain access onto Station Road without encroaching onto more than one lane of traffic.

Ontario Northland's concluding comments read;

"The application to amend the Zoning By-law should be refused by Council or deferred by Council until a traffic impact assessment and other necessary studies are provided by the proponent. Any approval by Council or City staff relating to the proposed use for the subject property, whether for a zoning amendment or site plan, should be conditional upon the proponent being required to obtain a traffic impact assessment and any other necessary studies and implementing appropriate measures to mitigate the negative impacts, including the widening of Station Road, improving pedestrian walkways, providing a protected pedestrian crossing across Seymour Street, and limiting the number of parking spaces for vehicles on the subject property."

Planning Services does not agree with the ONTC's request to delay the evaluation of the Zoning By-law request. The applicant can presently apply for a Site Plan Control Agreement and a Building Permit, regardless of this Zoning By-law amendment. These applications would trigger the consideration of all the issues outlined in the ONTC's letter. Delaying the evaluation of the rezoning application would ultimately have no bearing on the evaluation of the matters raised by the ONTC.

The City of North Bay's Engineering Department responded to each of the five items identified above.

- Traffic, both current and future (Items 1 & 2): Engineering noted the applicant has begun work on a traffic study. Engineering also stated that the traffic generated by the new development will largely work around the primary hours of operation and traffic generation by the ONTC. The Engineering Department commented that the expected traffic volumes remain below what was initially contemplated as part of previous traffic studies and what the design of recent improvements at the intersection of Highway 11/17 and Seymour Street.
- Width of Station Road: Station Road is 7 metres wide providing 3.5 m lanes in each direction. Industry guidelines indicate that lane widths are to be a minimum of 3.3 metres where roads are regularly used by buses and larger trucks. The road exceeds minimum width requirements and it is not an uncommon configuration for roads with similar types of traffic in the City.

- Pedestrian Traffic: Pedestrians crossing Seymour would be encouraged to use the traffic signals at the Highway 11/17 intersection. The additional truck traffic added to Seymour from this development will be minimal compared to the total traffic on Seymour and will not contribute in any significant manner to the matter.
- Accesses onto Station Road: The City has a by-law that regulates size, number, and placements of access points for properties within the City. The by-law allows for two access points for the new site, which will be required to be designed in accordance with the by-law.

A complete copy of both the correspondence received from the Conservation Authority, the neighbouring residential property, the MTO, the Ontario Northland and the City’s Engineering Department’s response are contained all within Appendix B of this report.

No other correspondence was received on this file.

Financial/Legal Implications

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

Corporate Strategic Plan

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

Specific Objectives

- Promote and support public and private sector investment
- Diversify the property tax base

Options Analysis

Option 1

To approve the proposed Zoning By-law Amendment.

1. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 9200-8069 Quebec Inc. – Station Road (unaddressed) in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-14 to rezone the property from an “Arterial Commercial (C6)” zone to a “General Industrial (M2)” 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.

This is the recommended option, as the proposed Zoning By-law amendment meets all applicable policy documents.

Option 2

To deny the requested Zoning By-law amendment. This is not the recommended option

Recommended Option

Option 1 is the recommended option

1. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 9200-8069 Quebec Inc. – Station Road (unaddressed) in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-14 to rezone the property from an “Arterial Commercial (C6)” zone to a “General Industrial (M2)” 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.

Respectfully submitted,

Name: Peter Carello, MCIP RPP
Title: Senior Planner – Current Operations

I concur with this report and recommendation.

Name: Beverley Hillier, MCIP RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP RPP
Title: Director of Community Development and Growth

Name: David Euler, P.Eng
Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello

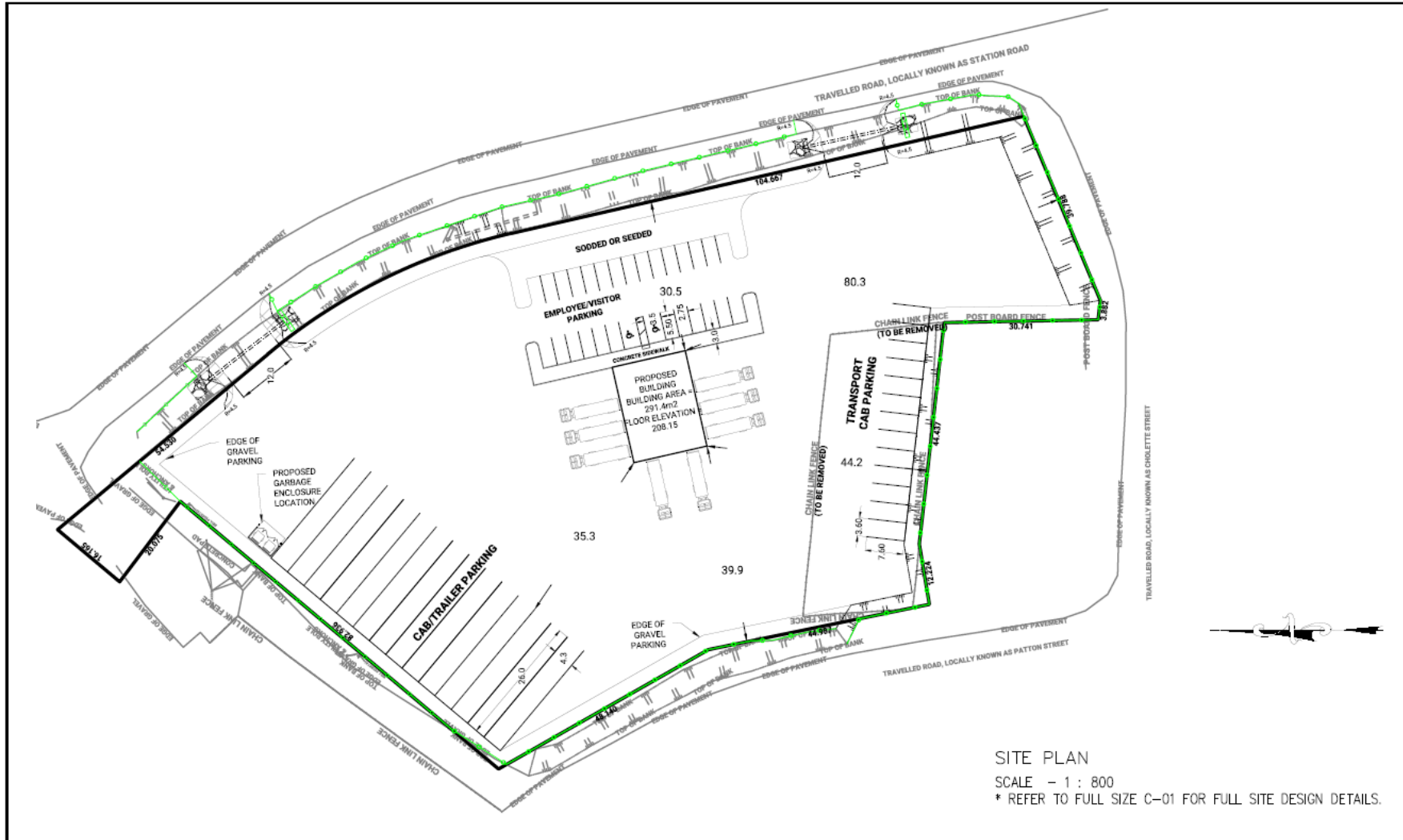
Title: Senior Planner – Current Operations

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Schedule A



Schedule B



Appendix A

PIN 49142-0088 (LT)

PCL 11090 SEC WF; PT N1/2 LT 18 CON D Widdifield PT 5, 10 to 16, 1 & 18, NR515 Except Unit 2, D45 & PT 8 36R8621; North Bay; District of Nipissing

Appendix B – Correspondence

Conservation Authority

November 27, 2020

Corporation of the City of North Bay
200 McIntyre St. E., P. O. Box 360
NORTH BAY, Ontario P1B 8H8

Attention: Peter Carello, Senior Planner-Current Operations

Dear Mr. Carello:

**Re: Zoning By-law Amendment – 9200-8069 Quebec Inc.
Station Road
City of North Bay
Our File No.: PZB6-NB-20**

This office has received and reviewed the above zoning by-law amendment which proposes to rezone the property from an "Arterial Commercial (C6)" zone to a "General Industrial (M2)" zone. The purpose of the application is to permit the industrial use of the property as well as to allow the property owner to apply for incentive programs under the City of North Bay's Community Improvement Plan.

The following comments are based on a review of the application with respect to our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS, 2020) and our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA). The Conservation Authority also provides advice as per our Plan Review Agreement with the Municipality with regard to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS, 2020).

For your information the north end of this property, at the intersection of Patton and Station Road, is subject to the regulatory flood of Chippewa Creek. This is a one-zone floodplain in this area. It would appear that flooding is limited to the existing ditches. A DIA permit is required for any site alteration or grading at the north end of this property. See attached sketch.

The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS, 2020; and therefore, we have no objection to this application.

Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact this office at (705) 474-5420. For administrative purposes, please forward any decisions and resolutions regarding this matter.

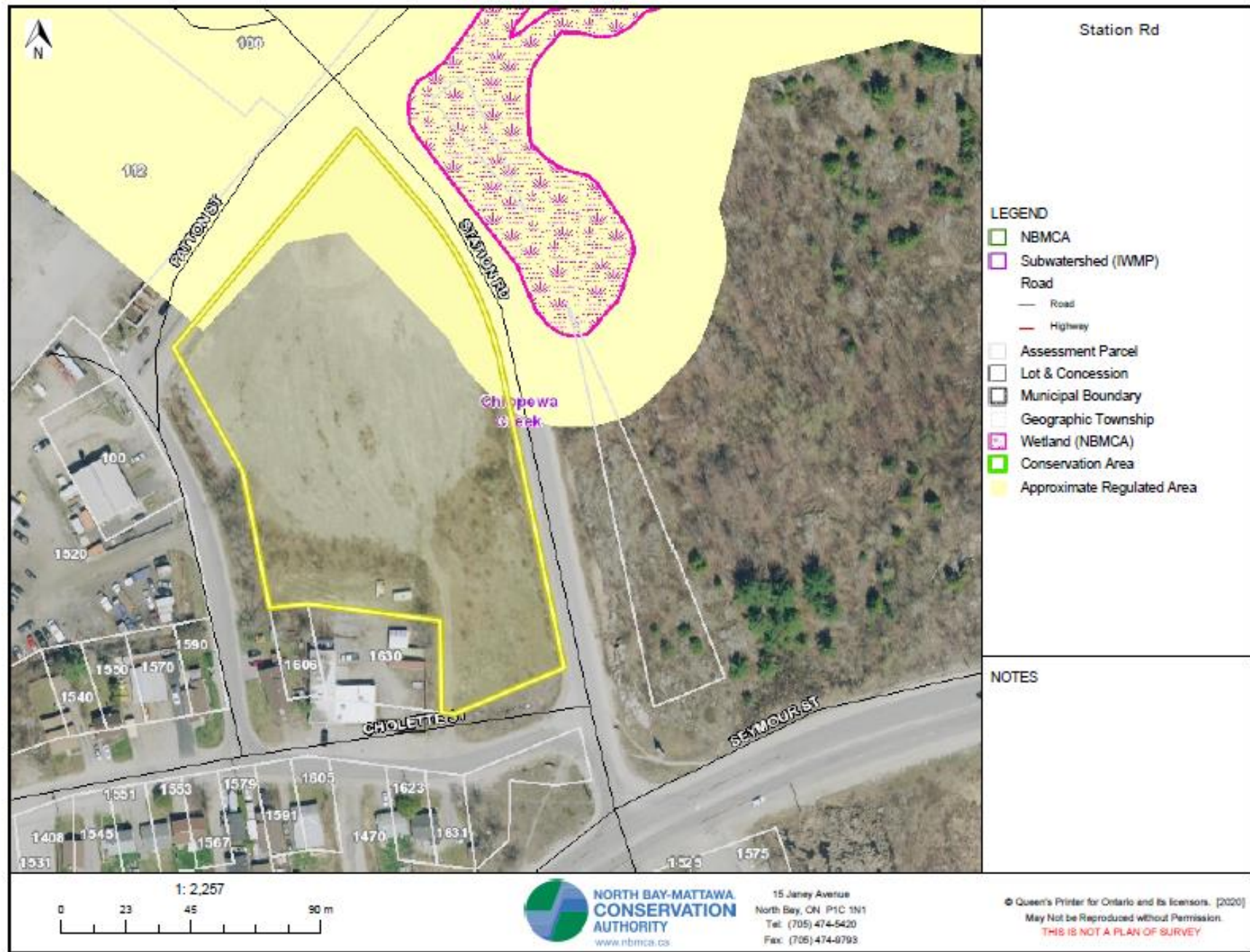
Yours truly,

Paula Scott
Director, Planning & Development/Deputy CAO

Encl. (1)

Date: March 11, 2021
Report Number: CSBU No. 2021-14

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Robert Bazinet

Hi Peter,

My name is Rob Bazinet owner of (redacted). North Bay. I have received the notice of complete application for Zoning By-law amendment for Station Road (unaddressed). After review I would like to propose a sound dampening/privacy fence on the South/West corner of the proposed property (see attached). My concern being that (redacted) is a residential property and on this Amendment which looks to be a trucking company typical start very early in the morning if not 24/7 operation which could be disruptive to the well being of the people who live adjacent to the company. My proposed fence also keeps the other residential neighbours in mind.

I have a second option in mind as well; I would be willing to sell the property at (redacted) at fair market value to the company planning to build in behind my property, if that is something they would be willing to consider.

Please let me know your thoughts on this. You can also contact me by phone (details below).

Thanks,

Rob Bazinet
(redacted)

Ministry of Transportation

- Ministry of Transportation of Ontario (MTO) building/land use permits are required for any proposed buildings, septic systems, wells etc. located within 45 metres of the limit of the highway or within a 395 metres of any intersections along the highway. The property is within 45 metres of the future North Bay Bypass. No direct access to the future highway would be permitted.
- MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway.

Prior to the issuance of MTO permits the following will be required for MTO review and approval:

- The Traffic Impact Study, must detail any implications (and mitigation measures as needed) for the highway/ Seymour Street intersection. The study must also be completed by a RAQS qualified traffic consultant. A listing of RAQS qualified traffic consultants can be found online at <https://www.raqs.merx.com/public/main/whatsNew.jsf>.
- The Stormwater Management plan, must clearly identify that stormwater will not flow into MTO infrastructure and will also not flow towards the future North Bay Bypass. Additional information can be obtained online at <http://www.mto.gov.on.ca/english/publications/drainage/stormwater/>

Please contact Diane Villneff, Corridor Management Officer, at our North Bay office by e-mail at Diane.Villneff@ontario.ca for further information with respect to MTO permit and setback requirements. Once the ministry concerns have been addressed MTO permits can be obtained by applying online at <https://www.hcms.mto.gov.on.ca/>.

If there are any questions regarding these comments please contact Carla Riche, Corridor Management Planner, at our North Bay office by email at Carla.Riche@ontario.ca

Ontario Northland



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North Bay, Ontario
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January 6, 2021

City of North Bay
200 McIntyre Street East
P.O. Box 360
North Bay ON P1B 8H8
Attention: Peter Carello, Senior Planner, Planning Services

Sent by email to: peter.carello@northbay.ca

**RE: ZBLA #930 – Station Road (unaddressed) – 9200-8069 Quebec Inc.
Notice of Application**

Mayor McDonald and Members of Council:

Ontario Northland provides provincially mandated transportation services to Northern Ontario, including intercommunity bus and passenger rail services in accordance with the Growth Plan for Northern Ontario and the Provincial Policy Statement, 2020. Future transportation services to be provided by Ontario Northland will be guided by "Connecting the North: A transportation plan for Northern Ontario, December 2020". The transportation services delivered by Ontario Northland provide a vital link for Northern Ontario residents to access health and education services and allow Northern Ontario businesses to be integrated into the global supply chain.

Ontario Northland operates a bus and train station (the "Station") located at the end of Station Road in North Bay. Access to the Station is on Station Road via Seymour Street to and from Highway 11/17. The proposed zoning by-law amendment requested in ZBLA #930 and the proposed use for the subject property will create a substantial negative impact on Ontario Northland and its customers. There will also be a negative impact on the pedestrian traffic that accesses North Bay Transit and other business and personal services at Northgate Mall, through the tunnel that connects the station to the mall.

The proposed use is for a truck rest area where drivers of transport trucks would be able to sleep and change drivers. We have been advised that there would be a minimum of 12 transport trucks using the rest area via Station Road each day, resulting in 24 trips on Station Road. There is no restriction on the number of trucks and

employees that could be accessing and using the location. The site plan shows parking for 14 cabs with trailers, 11 cabs without trailers, and 28 employees/visitors.

Ontario Northland is opposed to the proposed use and the proposed site plan for the property for the following reasons:

1. **Current Motor Coach Traffic:** Ontario Northland, during current COVID 19 restrictions, has 16 to 20 arrivals and departures of motor coaches per day at the Station, the majority of which occur between 11:30 a.m. and 6:10 p.m. Post-COVID 19 restrictions, there may be up to four additional trips by third party carriers. Station Road is used by customers and taxi services to pick up and drop off passengers and/or parcels at the Station. Buses are currently delayed 3 to 5 minutes exiting Station Road onto Seymour Street between 3:30 p.m. to 5:30 p.m. and about 2 minutes at other times. Traffic on Seymour Street often has to stop to accommodate the motor coach's maneuvering onto Seymour Street. Having a minimum of 24 daily trips by transport trucks on Station Road will more than double the current number of heavy commercial vehicles using this road between Cholette Street and Patton Street/Mud Lake Road.
2. **Future Traffic:** If passenger rail returns to North Bay, it is anticipated, based on historical data, that vehicle traffic to and from the North Bay Station would increase 100%. Also, Ontario Northland and North Bay Transit have discussed locating a city transit stop at the Station to accommodate passengers and pedestrians from the commercial area on Seymour. While this has not transpired yet, we would anticipate hourly service. Both these potential future uses will increase the traffic on Station Road.
3. **Width of Station Road:** Station Road is approximately 7 metres wide with a limited shoulder on the west side of the road and the sidewalk on the east side of the road. There is sufficient room for a motor coach, which is 2.6 metres wide, and a car or SUV to share the road, however, two motor coaches need to be careful when meeting on the road from opposite directions. Unless similar care is taken by the transport truck operators, it is unlikely that a motor coach and transport truck or two transport trucks would be able to share the road if coming from opposite directions without dangerous encroachments on the shoulder or the sidewalk. The proposed increase in the use of Station Road by heavy commercial vehicles would be more than double the current use, creating more

interactions between heavy commercial vehicles. These additional commercial vehicle interactions have the potential to harm the safety of pedestrians and motor coach passengers accessing the Station. Station Road was not designed to be used as a shared transit corridor along with transport truck traffic.

- 4. Pedestrian Traffic:** The sidewalk on Station Road is located on the east side abutting the road. The sidewalk is frequently used by many people, including mall employees and other pedestrians from the Seymour Street area, to access the Station, the mall or the North Bay Transit stop at the mall.

Canadian Career College students regularly cross Seymour Street to use the Station Road sidewalk to access the tunnel to the mall. There is already a safety risk for pedestrians crossing at this location due to the four lanes of vehicle traffic and the merging of the two eastbound lanes into one, where drivers 'compete' to get to the front of the merging lane. Adding additional transport trucks to this already congested area (the entrance to Station Road) will increase the risk for the safety of pedestrians using this unmarked and unprotected crossing.

- 5. Accesses onto Station Road:** As shown on the map attached to the application, there are currently two accesses to Station Road between Seymour Street and the Station. Cholette Street is the main access road to the City recycling centre with Patton Street as a secondary access road to the centre. Patton Street merges into Mud Lake Road on the east side of Station Road. The proposal adds two more accesses onto Station Road between Cholette Street and Patton Street/Mud Lake Road. These two additional accesses on a short stretch of the road increases the impact of the proposed use on the existing uses of Station Road. In addition, the ability of transport trucks to enter or exit the subject property without encroaching on more than one lane of Station Road is questionable.

It is our understanding that the proponent for the application has not prepared a traffic impact assessment or other studies that would delineate the above impacts, as well as the impact on the Seymour Street/Highway 11/17 interchange.

Provincial Plans and Policies

In considering zoning amendment applications, Council is required to consider matters of provincial interest, provincial plans, and consistency of the proposal with policy statements.

Provincial Interest: The Planning Act requires the City to consider matters of provincial interest in making decisions on applications under the Act. The matters of provincial interest listed in section 2 of the Act relevant to this application are:

- (f) The adequate provision and efficient use of transportation systems
- (h) The orderly development of safe and healthy communities
- (m) The coordination of planning activities of public bodies
- (n) The resolution of planning conflicts involving public and private interests
- (o) The protection of public health and safety
- (p) The appropriate location of growth and development
- (q) The promotion of development that is designed to be sustainable, to support public transit, and to be oriented to pedestrians

Ontario Northland is an Ontario Crown Corporation solely owned by the province. The province's plan for maintaining and improving transportation services for goods and people in Northern Ontario, including through Ontario Northland, is clearly set out in *Connecting the North: A transportation plan for Northern Ontario, December, 2020*.

The provincial interests set out above and as expressed in the transportation plan are impacted by the current application and the proposed use of the subject property. The City has an obligation to consider public safety, coordination of its planning with the province and its agencies, and the impact of a proposed development on public transit and pedestrians now and in the future.

Growth Plan for Northern Ontario: One of the guiding principles of this growth plan is to deliver a complete network of transportation infrastructure to support strong, vibrant communities. Throughout the growth plan, the importance of the transportation system in Northern Ontario to achieving the objectives of the plan are set out, including to "optimize the capacity, efficiency, and safety of the existing transportation system" and

to “create or strengthen linkages between economic and service hubs and rural and remote communities.”

Transportation Plan for Northern Ontario, December 2020: The plan recognizes the critical role that intercommunity bus (ICB) services have in Northern Ontario’s transportation system and the need for communities to work together with the province and its agencies to ensure safe transportation options for the people of Northern Ontario. The plan also describes the current status and next steps for returning passenger rail to Northeastern Ontario.

Provincial Policy Statement: The PPS has the following policy statements relevant to this application:

- 1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way infrastructure, including transportation.... to meet current and projected needs.
- 1.7.1 (g) Long-term economic prosperity should be supported by Providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address projected needs to support the movement of goods and people.

Introduction of the proposed use to the existing transportation corridor will impact the safety of the users of the corridor, including pedestrians, passengers and Station customers, impact the efficient movement of people and will not address the projected needs for the use of the transportation corridor. Further, the approval of the proposed use will not protect the existing transportation corridor nor support the existing system that is integrated with adjacent systems such as North Bay Transit.

City of North Bay Official Plan

The City’s Official Plan requires that an assessment of the transportation impacts to the municipal road network and transportation systems be completed within the development approval process. In particular, traffic impact assessments are required

for zoning by-law amendments and site plan approvals where there is a potential impact on the municipal road network. The developer must ensure that suitable mitigation measures will be implemented to minimize any adverse impacts associated with the proposed development.

The Official Plan states that the City will encourage the increased use of passenger transportation systems with the appropriate design of roadways to accommodate transit vehicles.

The Official Plan also states that the City will endeavor to improve pedestrian safety and promote pedestrian activity within existing and newly developing areas of the City.

At a minimum, to ensure the policies of the Official Plan are complied with, the City should be requiring the proponent to provide a traffic impact assessment and other relevant studies that identify any impacts on pedestrian safety, traffic flow, or the existing and proposed uses of the transit corridor along Station Road and at the Station.

Conclusion

It is the position of Ontario Northland that the proposed development and use are not supported by Provincial Policy documents or the Official Plan and if approved would negatively impact the safety of pedestrians, Ontario Northland employees, passengers, customers and vehicles, including transit and intercommunity bus vehicles, using the transportation corridor on Station Road. These impacts have the potential to increase due to the proposal to increase connectivity between North Bay transit service and Ontario Northland transportation service at the Station and the proposed reinstatement of passenger rail service to Northeastern Ontario. The development and use are not desirable or appropriate at this location.

The application to amend the Zoning By-law should be refused by Council or deferred by Council until a traffic impact assessment and other necessary studies are provided by the proponent. Any approval by Council or City staff relating to the proposed use for the subject property, whether for a zoning amendment or site plan, should be conditional upon the proponent being required to obtain a traffic impact assessment and any other necessary studies and implementing appropriate measures to mitigate the negative impacts, including the widening of Station Road, improving pedestrian walkways, providing a protected pedestrian crossing across Seymour Street, and limiting the number of parking spaces for vehicles on the subject property.

Ontario Northland is committed to ensuring the safety of its employees, passengers, customers, and other users of its premises and services.

Ontario Northland intends to attend the public hearing on the application. If further information on our position is required prior to the public hearing, please contact the writer.

Regards,



Tracy MacPhee
Senior Director Passenger Operations

cc: Chad Evans, VP Corporate Services / Acting President & CEO
Donna Jaques, General Counsel

Engineering Department Reply to the ONTC

March 10, 2021

Ontario Northland
555 Oak Street East
North Bay ON P1B 8L3

Attention: Tracy MacPhee, Senior Director Passenger Operations

RE: ZBLA #930 – Station Road (unaddressed) – 9200-8069 Quebec Inc. Notice of Application – Letter from ONTC to City of North Bay

Dear Tracy MacPhee,

This is in response to your letter dated January 6th 2021 to Peter Carello regarding “ZBL #930 – Station Road (unaddressed) – 9200-8069 Quebec Inc. Notice of Application”.

As part of the rezoning, a traffic impact study was completed for the proposed development. In combination with the City’s review and information from the traffic study, this letter addresses the concerns that were raised in your letter.

1. Current Motor Coach Traffic & 2. Future Traffic:

Traffic to and from the site will be a combination of staff personal vehicles and commercial trucks. The traffic study indicates there will be 16 total commercial truck trips per day, 8 departures in the morning and 8 arrivals in the afternoon, with 6 of the morning departures occurring during the morning peak hour (7:30 am to 8:30 am). For the afternoon, there will be a peak of 8 commercial trucks arriving to the site between 4:00 pm and 6:00 pm (i.e. about 4 trucks per hour).

Based on the information provided in your letter regarding traffic to and from the ONTC Station, the traffic generated in the morning due to the new development will not interfere with the ONTC Station operations. Additionally, the traffic study indicates that there will be negligible mid-day traffic from the proposed development site. The afternoon trips generated by the development may interact with motor coaches, but the frequency should be low.

Based on the zoning, previous traffic impact studies that were done for the Seymour/Hwy 11/17 intersection used an expected trip generation rate of 150 morning peak hour trips and 300 afternoon peak hour trips for this site. Actual traffic generation from this development will be significantly less than was previously expected.

3. Width of Station Road:

Station Road is 7 m wide providing 3.5 m lanes in each direction. Industry guidelines indicate that lane widths are to be a minimum of 3.3 m where roads are regularly used by buses and larger trucks. The road exceeds minimum width requirements and it is not an uncommon configuration for roads with similar types of traffic in the City. Based on the expected truck traffic, the potential for commercial truck traffic interacting with motor coaches on Station Road should be minimal.

4. Pedestrian Traffic:

Pedestrians crossing Seymour would be encouraged to use the traffic signals at the Highway 11/17 intersection. The additional truck traffic added to Seymour from this development will be minimal compared to the total traffic on Seymour, and will not contribute in any significant manner to the matter.

5. Access onto Station Road:

The City has a by-law that regulates size, number, and placements of access points for properties within the City. The by-law allows for two access points for the new site, which will be required to be designed in accordance with the by-law.

To conclude, the traffic study for the proposed development indicates that the development will not cause any operational issues and will not add significant delay or congestion to the local roadway network.

We trust the above is satisfactory.

Regards,

Adam Lacombe
Senior Capital Programs Engineer

Cc: Peter Carello, Senior Planner
John Severino, City Engineer