



City of North Bay Report to Council

Report No: CSBU 2021- 33

Date: June 9, 2021

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Community Services

Department:

Planning & Building Department

Subject: Proposed Zoning By-law Amendment by Rebecca MacDonald on behalf of Carole Laforge-Toupin – 879 Cassells St.

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Zoning By-law Amendment by Rebecca MacDonald on behalf of Carole Laforge-Toupin for the property locally known as 879 Cassells Street in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-33 to rezone the property from a “General Commercial Outer Core (C2)” zone to a “General Commercial Outer Core Special (C2 Sp.)” zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Background

Site Information

Legal Description: See Appendix A

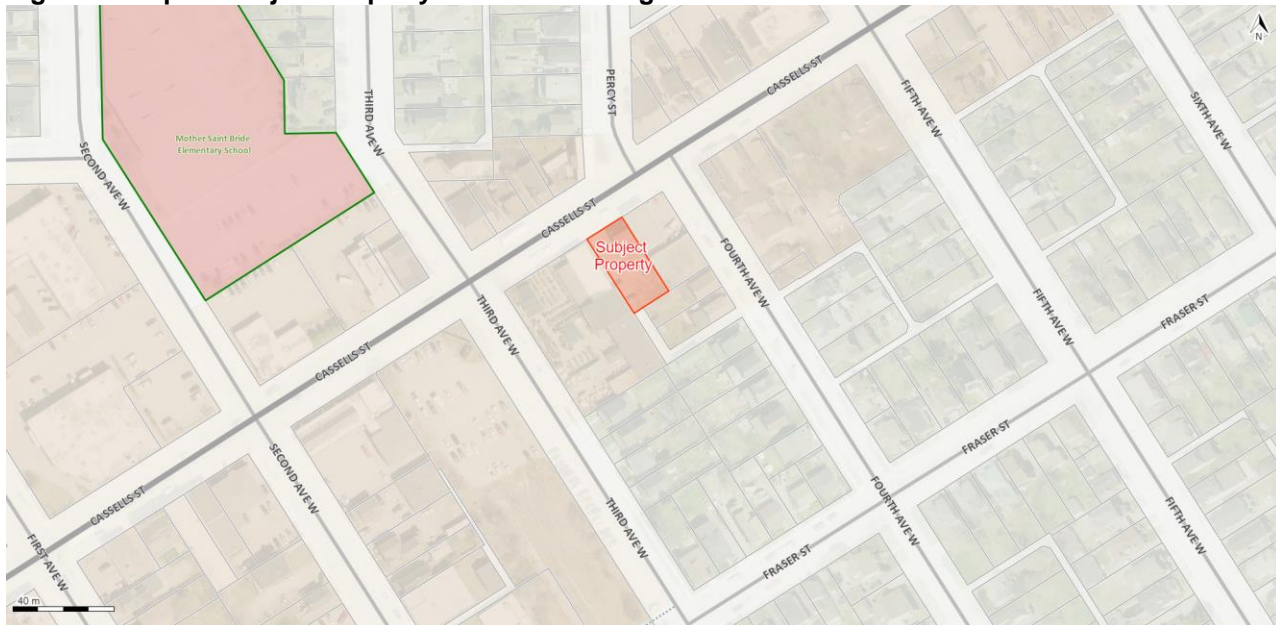
Site Description:

The subject property is an existing lot of record on Cassells Street, located within the Settlement Area, as shown below on Figure 1 and on Schedule ‘A’ attached hereto.

The subject property is designated "Central Business District" by the City of North Bay Official Plan and is zoned "General Commercial Outer Core (C2)" under the City's Zoning By-law No. 2015-30. It has an existing lot area of approximately 580 square metres and lot frontage of 16.3 metres on Cassells St.

The property is currently developed with a two storey residential building with two separate units. The ground floor was most recently used for commercial purposes and is currently vacant. There is a residential unit above.

Figure 1: Map of Subject Property and Surrounding Area



Surrounding Land Uses:

The subject property is located along Cassells Street which is predominately commercial, with some residential units located within mixed use buildings. The lands adjacent to the subject property consist of an automotive repair shop and a garden centre. There are residential uses abutting the property at the rear and within the larger neighbourhood.

Proposal

Rebecca MacDonald on behalf of the property owner, Carole Laforge-Toupin has submitted an application to amend Zoning By-law 2015-30 to rezone the property to a "General Commercial Outer Core Special (C2 Sp.)" zone. The purpose of the application is to convert the vacant commercial space and to permit the use of the entire building as one single detached dwelling.

The Special Zone request would allow a Single Detached Dwelling as a permitted use within a C2 zone. The proposed Zoning By-law Amendment pertains only to the use of the property; there is no construction or

development proposed at this time.

Summary

The purpose of this Zoning By-law amendment is to permit the use of the property as a single detached dwelling. The City's Zoning By-law does not allow single detached dwellings as a permitted use within the "General Commercial Outer Core (C2)" zone. A duplex (2 units) is the minimum level of residential density permitted in a C2 zone.

The applicant has expressed that the existing building and property would be better utilized as a single detached dwelling due to the size of the building being relatively small. The applicant also noted that the existing layout makes it difficult for the space to function appropriately as two separate units.

The applicant has also advanced the argument that the commercial use of the property has proven unfeasible, with a number of commercial tenants occupying and vacating the property over the years.

In general, the intent of the City of North Bay's Official Plan is to increase the residential density within this part of the City. It is Planning Staff's opinion that the applicant's justification for the proposed use as a single detached dwelling is reasonable and is appropriate within these circumstances.

The proposed Zoning By-law amendment would add single detached dwelling as a permitted use but would not remove any of the existing uses permitted in a C2 zone. As a result, the proposed Zoning By-law amendment would not preclude the future use of the property for any of the higher density uses that are encouraged by the Official Plan.

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 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 that the proposed Zoning By-law amendment 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 in May of 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

There are no matters of provincial interest in the subject application.

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 "Central Business District" in the City of North Bay's Official Plan.

The Official Plan encourages greater levels of development in the Central Business District. The Official Plan also encourages a strong residential core to

be located in the Central Business District. Relevant excerpts of the Official Plan that are applicable to this application are outlined below;

Central Business District Objectives

Section 2.2.1.5 reads;

"To encourage, wherever possible, an increase in the amount of residential units within and around the Central Business District through new development or as a result of the rehabilitation of upper storeys of existing buildings. It is recognized that the establishment of market support for uses through residential development is very important to the long-term sustainable health of the Central Business District'.

Central Business District Residential Uses

Section 2.2.1.1.21 reads;

"This Plan encourages the consideration of additional residential development/redevelopment opportunities within and around the Central Business District. Additional housing represents market support for Central Business District retail and service uses: convenient housing relative to Central Business District office and other employment opportunities, and increased pedestrian traffic, vitality and safety within the Central Business District during both daylight and evening hours."

As the above noted policies discuss, it is a general guiding principle to encourage greater levels of density in the Central Business District. The Official Plan also promotes increasing the number of dwelling units in the Central Business District.

The proposed Zoning By-law amendment would allow the property to operate as a single detached dwelling by converting the former commercial floor space into part of the existing residential use. The applicant has argued that the individual characteristics of the subject property and the built form of the existing structure do not lend itself well to a higher density. The applicant also stated that the commercial use of the property is challenging and there has been numerous business tenants that have established and ceased operations.

Planning staff visited the property on June 4, 2021 in advance of the preparation of the report. It was observed that the lot is large but the dwelling itself is smaller in size. It is worth noting that the proposed special zone would not prevent the building from being converted into two separate residential units or from having commercial uses in the future. The proposed zoning would extend the list of permitted uses to include a single detached dwelling,

meaning that any of these uses could take place over the long term.

Planning Staff are of the opinion that 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 "General Commercial Outer Core (C2)".

The C2 zone permits the following uses:

- Automobile Sales, Service and Leasing Establishment;
- Automobile Service Station;
- Automobile Washing Establishment;
- Boarding, Lodging or Rooming House;
- Broadcast Studio or Newsroom;
- Commercial Parking Lot'
- Convenience Store;
- Day Nursery;
- Dry Cleaning Depot;
- Dry Cleaning Establishment;
- Efficiency Unit;
- Farmer's Market;
- Financial Institution;
- Flea Market;
- Funeral Home;
- Garden Centre;
- Gas Bar;
- Grocery Store;
- Group Home Type 2;
- Hotel;
- Library, Museum, or Art Gallery;
- Non-Profit Use;
- Office, Business;
- Office, Corporate Administrative;
- Office, Professional;
- Park, Public;
- Parking Area;
- Personal Service Establishment;
- Pet Daycare Facility;
- Pet Shop;
- Pharmacy;
- Places of Entertainment;
- Places of Worship;
- Post Office;
- Post-Secondary Institution;
- Recreational Facility;
- Restaurant;
- Retail Store;
- Retail Store, Local;
- School, Public or Private;
- Specialty Food Store;
- Transit Terminal;
- Veterinary Establishment;
- Wholesale Use;
- Bed and Breakfast;
- Dwelling, Apartment;
- Dwelling, Duplex;
- Dwelling, Fourplex;
- Dwelling, Triplex; and
- Retirement Home

The proposed Zoning By-law Amendment would add "Single Detached Dwelling" to the above list of permitted uses.

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.

The Ministry of Transportation, the Engineering Department, the North Bay Mattawa Conservation Authority North Bay Hydro, the Parks Department and the Building Department each offered no objections to the proposed development.

No public correspondence was received.

Financial/Legal Implications

None

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

Options Analysis

Option 1

To approve the proposed Zoning By-law Amendment

1. That the proposed Zoning By-law Amendment by Rebecca MacDonald on behalf of Carole Laforge-Toupin for the property locally known as 879 Cassells Street in the City of North Bay and as legally described in Appendix A to Report to Council Number CSBU 2021-33 to rezone the property from a “General Commercial Outer Core (C2)” zone to a “General Commercial Outer Core Special (C2 Sp.)” zone be approved; and
2. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

Option 2

To deny the proposed Zoning By-law Amendment. This option is not recommended

Recommended Option

Option 1 is the recommended option

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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

We concur with this report and recommendations.

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

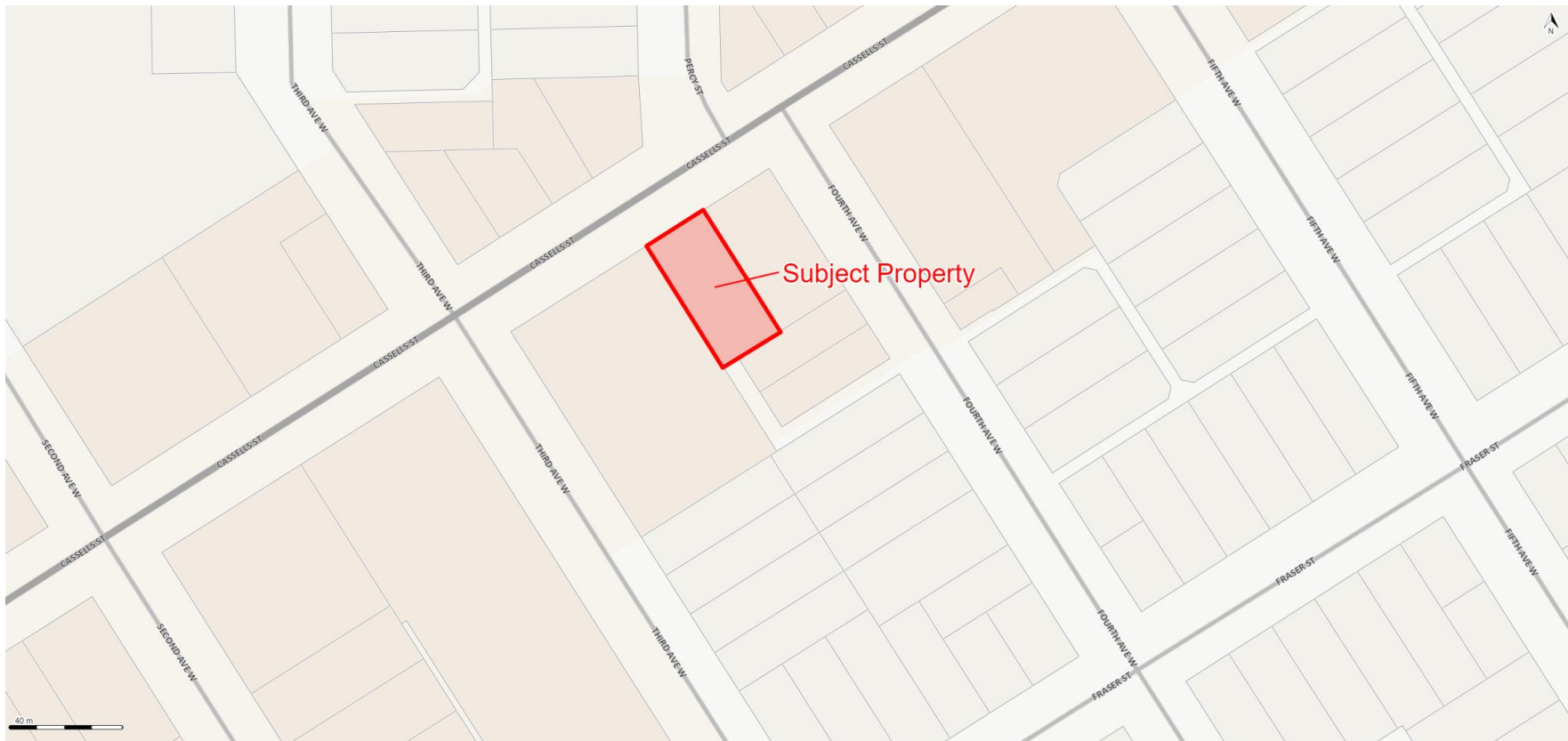
Personnel designated for continuance:

Name: Peter Carello

Title: Senior Planner – Current Operations

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2021\CSBU 2021-33 – ZBLA File #932 – Zoning By-law Amendment – 879 Cassells Street

Schedule A



Appendix A

PIN 49255-0776 (LT)

FIRSTLY: PT LT 5, PL42 WIDDIFIELD AS IN NB161831 SECONDLY: PT OF LANE, PL 42 WIDDIFIELD DES AS PT 1, PL 36R13739; SUBJECT TO AN EASEMENT IN GROSS OVER PT 1, PL 36R13739 AS IN BS134501; SUBJECT TO AN EASEMENT IN GROSS OVER PT 1, PL 36R13739 AS IN BS134502; CITY OF NORTH BAY