



City of North Bay Report to Council

Report No: CSBU 2021-27

Date: June 8, 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 1558641 Ontario Inc. and 2797720 Ontario Inc. – 4319 Highway 11N

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 1558641 Ontario Inc. and 2797720 Ontario Inc. – 4319 Highway 11 North in the City of North Bay to rezone the property from a “Rural Commercial (RC)” zone to a “Rural Commercial Special No. 21 (RC Sp.21)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-27 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

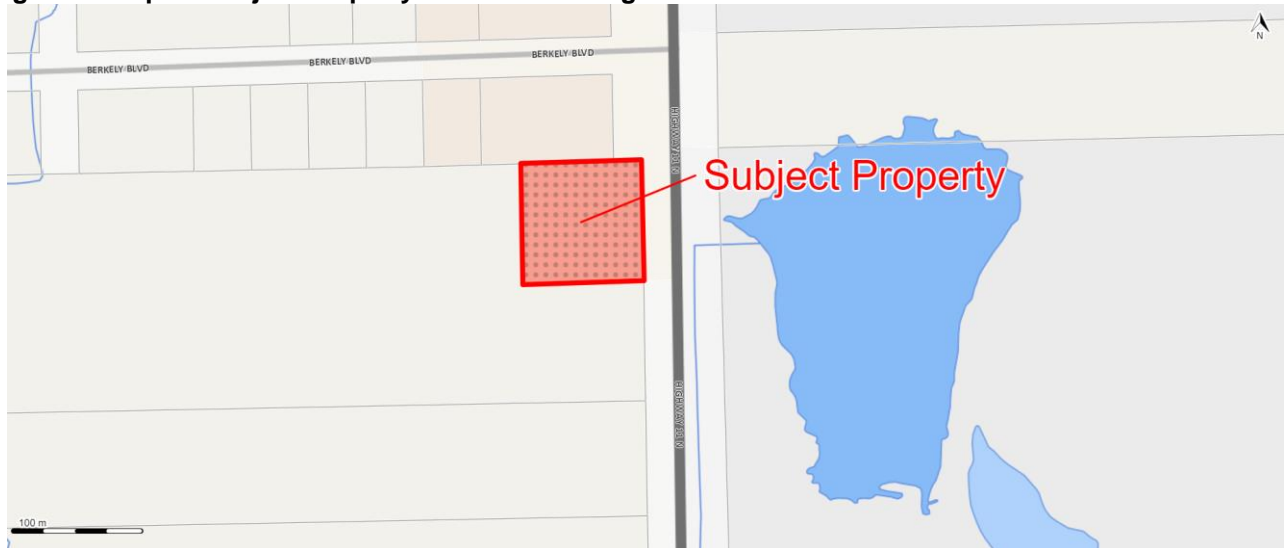
Site Information

Legal Description: See Appendix A

Site Description: The subject property is an existing lot of record on Highway 11 North. The property is located just south of the intersection of Highway 11N and Berkley Boulevard, as shown below and on attached Schedule A.

It is designated "Rural" and "Aggregate" by the Official Plan and is zoned "Rural Commercial (RC)" 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 0.4 hectares and lot frontage of 64 metres, as shown on attached Schedule B. The property is developed with twelve (12) unit motel and an accessory single detached dwelling and separate garage.

Surrounding Land Uses: The subject property is located in a mixed use area. There are a number of residential uses throughout the area, particularly on Berkley Boulevard just north of the subject property. There are some rural commercial uses in the area, including a motel located immediately north of the subject property. There are also a number of industrial uses in the area, particularly along Highway 11N.

Proposal

Miller and Urso Surveying Inc. on behalf of the property owners (1558641 Ontario Inc. and 2797720 Ontario Inc.) has submitted a Zoning By-law Amendment application to rezone the property located at 4319 Highway 11 North from a "Rural Commercial (RC)" zone to a "Rural Commercial Special No. 21 (RC Sp.21)" zone.

The purpose of the application is to allow the conversion of the motel into efficiency units. The Special zone would allow an Efficiency Unit as a permitted use within an RC zone. The Special zone would also recognize the existing built form of the property, as specified in the Zoning By-law section of this report.

There are no exterior changes to the building proposed by this application.

Summary

The property owners are proposing to rezone the property in order to permit the conversion of a motel into efficiency units (an “efficiency unit” is a smaller form of a dwelling unit consisting of a main room and some combination of bathroom, kitchen, closets, dining alcove and hall space).

The conversion of the motel units into efficiency units would result in the creation of new affordable housing units. Both the Provincial Policy Statement and the Official Plan have policies encouraging the creation of new affordable housing units, where possible. The provision of affordable housing provides tenancy opportunities for residents that are continuously in demand.

The City’s land use policies encourage higher levels of density in the Settlement Area where public services are more available. The inverse of this policy direction is that City land use policies discourage higher density uses, including multi-residential uses, from taking place in the rural area.

The subject property is zoned “Rural Commercial (RC)”, which allows for higher intensity uses than typical rural development. In addition to the current Motel use, the RC zone permits such uses as Hotels, Local Retail Stores, Restaurants and Tourist Cabins. The use of the property as for Efficiency Units is comparable to the uses permitted within the RC zone.

In staff’s opinion, the proposed rezoning to permit efficiency units is similar to uses permitted under the existing Rural Commercial zone and is located on a property that is already built in a manner that would accommodate the proposed use.

Generally speaking, motels are a use that has decreased in popularity with the travelling public. Considering the built form of a motel, a conversion to a multi-residential use is an obvious choice for redevelopment. Similar conversions of motel units have occurred throughout the City.

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.

One resident expressed concerns about the septic system’s capacity to accommodate the conversion. The North Bay Mattawa Conservation Authority issues permits for septic systems by considering the size of the development and the corresponding requirements of the septic system to accommodate that development. They have not indicated any opposition to the proposed

development, but did note that a septic review would be required in order to enable the conversion.

There were no other concerns raised through the circulation process.

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 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 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).

The Provincial Policy Statement contains a number of policies that encourage the development of affordable housing.

Part IV

"Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing..."

Section 1.1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

"Healthy, liveable and safe communities are sustained by:...b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

The proposed development would ultimately result in the creation of new affordable units, consistent with these specific sections of the PPS 2020.

The Provincial Policy Statement also includes policies that encourage greater levels of density to locate within the Settlement Area on existing services. Concentrating higher levels of density within the Settlement Area on services is largely considered the preferred approach to development.

In this particular instance, the density of the property is already established by way of the existing "Rural Commercial (RC)" zone. The RC zone permits a variety of higher density uses, including the current motel use. In staff's opinion, the proposed conversion of the motel into efficiency units is very similar in density and therefore does not represent an increase in concentration in the rural area but rather just a new form of development.

The correspondence from the North Bay Mattawa Conservation Authority identifies that that property is adjacent to the Provincially Significant Chippewa Creek Wetland Complex (see Appendix B of this report). The PPS 2020 includes policies that speak to development on lands adjacent to natural heritage features, such as the Chippewa Creek Wetland Complex.

Section 2.1.8 of the PPS 2020 states that *"Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological*

function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

The property owner has indicated that they are not intending any new development or site alterations at present or for the foreseeable future. Should they propose development or site alterations in the future, they would be required to provide environmental studies at that time.

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 "Rural" in the City of North Bay's Official Plan. There is also an "Aggregate" overlay over the property in the Official Plan, which indicates that there is the potential for aggregate being present on the property and in the larger area.

Similar to the PPS 2020, the City's Official Plan has several policies that encourage the development of affordable housing. The Official Plan encourages a range of affordable housing options with the general objective of the creation of new units. The proposed redevelopment would result in new affordable housing, helping achieve this general policy objective.

The City's Official Plan also encourages the concentration of development within the Settlement Area. As noted in the Provincial Policy Statement section of this report, the property's density is established by way of the existing zoning. In staff's opinion, the conversion of the motel into efficiency units does not represent an increase in density in the rural area.

The Official Plan includes policies that largely protect aggregate resource from incompatible uses, while making allowances for limited development where appropriate. The preamble of Section 3.2 of the Official Plan states that "*The City recognizes that mineral resources are a fixed location non-renewable resource found throughout the Planning Area and that their effective management is essential. It is also recognized that a balance must be struck between the competing priorities for the protection of the mineral resource and the need to address the other goals of the Official Plan, such as encouraging growth and prosperity in the City.*"

The proposed Zoning By-law amendment would redevelop the existing motel development, but would not result in any exterior renovations. It is staff's opinion that this conversion would not preclude the development of aggregate

in the area any more than the existing motel unit.

The Official Plan also includes provisions that provide protection to lands adjacent to natural heritage features. Section 4.6 of the Official Plan (Natural Heritage) identifies that lands within 120 metres of a Provincially Significant Wetlands must provide an Environmental Impact Study at the time of development. This section further states that *"Development and site alteration will not be permitted unless an EIS demonstrates no negative impacts on natural heritage features or ecological functions."*

The property owner is not currently proposing any new development. Should the applicant propose new development in the future, they would be required to provide an Environmental Impact Study that demonstrates that there would be no impact to the function of the wetland at that time.

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 "Rural Commercial (RC)".

- Adult Entertainment Parlour
- Automobile Service Station
- Hotel
- Kennel
- Non-Profit Use
- Recreational Facility, Rural
- Restaurant
- Retail Store, Local
- Solar Farm
- Tourist Cabin
- Veterinary Establishments

The applicant is proposing to rezone the property to a "Rural Commercial Special No. 21 (RC Sp.21)" zone.

Should Council approve the proposed rezoning, the above noted list of permitted uses would remain in force. The Special Zone request would add "Efficiency Unit" to the list of permitted uses.

The proposed Special Zone would recognize the existing built form of the property, as specified below:

- Reduce the minimum Lot Frontage from the required 75m to the existing

64m

- Reduce the minimum Side Yard Setback (south) from the required 15m to the existing 5.09 metres
- Reduce the minimum Side Yard Setback (north) from the required 15m to the existing 5.09 metres
- Reduce the minimum Landscaping Buffer from the required 3m to the existing nil.

The subject property is able to meet all other 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, Parks Department, Economic Development Department, the Public Works Department and North Bay Hydro each offered no concerns or objections.

The Conservation Authority offered no objections to the proposed development. However, they did identify that the is adjacent to the Chippewa Creek Wetland Complex and that property owner would be required to obtain a DIA permit from their office prior to undertaking any site alteration activities or construction.

The Conservation Authority also stated that the property owner would be required to undergo an evaluation of their septic system to confirm capacity is appropriate for the proposed use.

A complete copy of the Conservation Authority's comments is attached as Appendix B to this report.

The Planning Department also received one letter from the public. This resident expressed concerns about the septic system's capacity to accommodate the proposed use. Planning Staff relayed the comments from the Conservation Authority related to their requirement that the property owner must undergo a septic review prior to a Building Permit being issued, which seemed to satisfy this resident's concern.

No other correspondence was received on this file.

Financial/Legal Implications

There are no Financial or Legal Implications to the City

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input checked="" 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 entire community, with consideration to socio-economic characteristics of the community
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Options Analysis

Option1

1. That the proposed Zoning By-law Amendment by Miller and Urso Surveying Inc. on behalf of 1558641 Ontario Inc. and 2797720 Ontario Inc. – 4319 Highway 11 North in the City of North Bay to rezone the property from a “Rural Commercial (RC)” zone to a “Rural Commercial Special No. 21 (RC Sp.21)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2021-27 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 Option is recommended for the reasons outlined in this report.

Option 2

This Option is not recommended.

Recommended Option

Option 1 is the recommended option

Respectfully submitted,

Name: Peter Carello, MCIP RPP

Title: Senior Planner – Current Operations

We concur with this report and recommendations.

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

Name: Ian Kilgour
Title: Director of Community Development and Growth

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

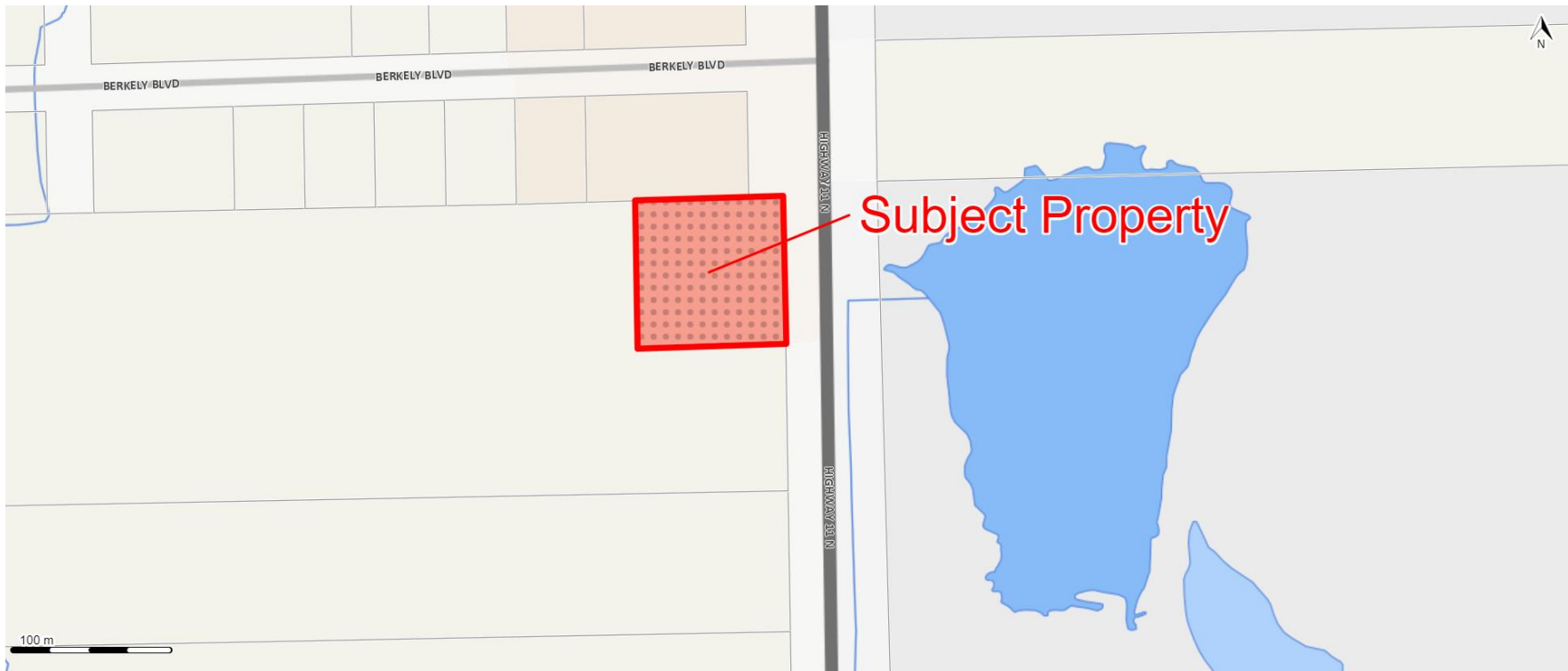
Personnel designated for continuance:

Name: Peter Carello

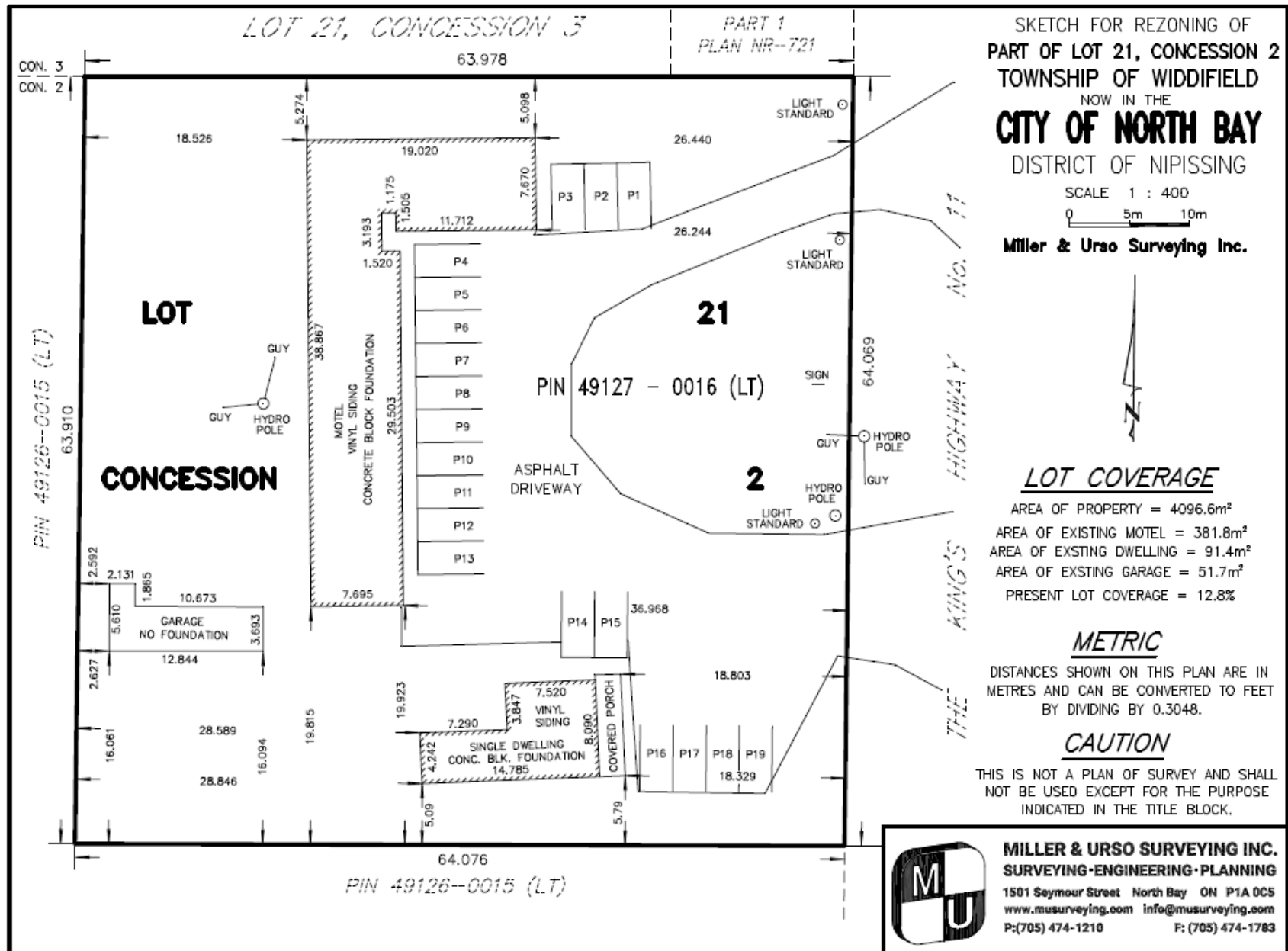
Title: Senior Planner – Current Operations

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By-law Amendment – 4319 Highway 11N

Schedule A



Schedule B



Appendix A

PIN 49127-0016(LT)

PCL 2137 SEC WF; PT E 1/2 LT 21 CON 2 Widdifield As In LT46410 ; North Bay; District of Nipissing

Appendix B – Correspondence

North Bay Mattawa Conservation Authority

March 10, 2021

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 – 1558641 Ontario Inc & 2797720 Ont. Inc.
 4319 Highway 11 N
 Pt. Lot 21 Con. 2, Pcl. 2137 W/F
 City of North Bay
 Our File No.: PZB3-NB-21**

This office has received and reviewed the above zoning by-law amendment which proposes to rezone the property from a "Rural Commercial (RC)" zone to a "Rural Commercial Special (RC Sp.)" zone. The purpose of the application is to convert the existing motel units into Efficiency Units. The Special Zone request would permit the Efficiency Unit use in an RC zone and would recognize the existing built form of the property. The property is developed with twelve (12) unit motel and an accessory single detached dwelling and separate garage.

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).

The subject property falls within the adjacent lands of the Provincially Significant Chippewa Creek Wetland Complex. This area is regulated by the Conservation Authority as per Ontario Regulation 177/06. See attached sketch. It is required that the property owner(s) obtain a Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (DIA) Permit from this office prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include: the placement or removal of fill material of any kind, and/or the alteration of existing grades on the subject property. Internal renovations may not require a permit. Pre-consultation with the Conservation Authority is recommended.

Please note that this change of use on the property would necessitate a review of the existing private sewage disposal system, as per Division B 11.4.2.5 (4) of the Ontario Building Code. Prior to construction, a **File Review** must be undertaken to ensure that the existing sewage system capacity is adequate to accommodate the daily design sanitary sewage flow generated by the proposed use.

For your information we were unable to find a record of a sewage system permit for this property in our

database. In the absence of a sewage system permit, a detailed report, completed by a licensed sewage system installer, is required outlining the construction details of the bed as well as information on the tank. Pre-consultation with the Conservation Authority is highly recommended.

Subject to the required permits from the Conservation Authority, we are satisfied that the application will be 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) 471-7636. For administrative purposes, please forward any decisions and resolutions regarding this matter.

Yours truly,

Paula Scott
Director, Planning & Development/Deputy CAO

Encl. (1)

Public Correspondence

Dear Sir,

This letter is with regards to your letter of February 19, 2021 concerning the application for a zoning by-law ammendment for 4319, Highway 11 North.. The White Fawn Motel.

Our 11 acres abut to and surround this property.

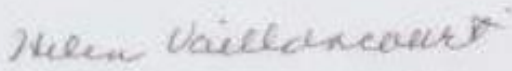
While I realize that the owner is attempting to use all her units as monthly rentals, she is paying an exorbitant amount of property taxes as the property is assessed as a motel.

The single detached dwelling is uninhabitable and even if rebuilt, there is not space for a septic bed (too close our line)

The septic bed for the motel units was rebuilt some years ago, I understand without a permit. It is small but is the proper distance from the back property line and was built to support the occasional short term motel units. I don't think it would support 12 efficiency units (with a laundry room available) on such a full time basis.

Before this amendment is passed, the septic bed at the back of the motel must be assessed to see if it meets the requirements for fulltime occupancy of 12 efficiency units.

Helen Vaillancourt



Ben Vaillancourt

