



City of North Bay Report to Council

Report No: CSBU-2022-004

Date: January 12, 2022

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Draft Plan of Condominium by Miller and Urso Surveying Inc.
on behalf of New Vision Park Property Inc.

Closed Session: yes ☐ no ☒

Recommendation

1. That the proposed Plan of Condominium (63 units, Plan of Condominium File No. 48CDM-21102) by Miller & Urso Surveying Inc. on behalf of New Vision Park Property Inc. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2022-04, shown as on Schedule "B" attached hereto, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2022-04 prepared by Peter Carello dated January 12, 2022.
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

Summary

The subject property was previously an industrial operation. This use ceased and the buildings were demolished and removed, and remains vacant

The City acquired the lands in the 1990's to ensure future development would fit the overall vision for the area. The property zoned in 2008 to a "General Commercial Outer Core (C2)" to facilitate the redevelopment of the property. The property was marketed and several development opportunities were considered over the years.

In 2017, the City completed the Downtown Waterfront Master Plan. The intention of this document was to create a vision for these strategically

important lands of the City.

The Master Plan was codified into the City's Official Plan and Zoning By-law in 2018. These limits are now prevailing law that governs the development of this property.

More recently, the City has sold the lands to a developer, who is planning three separate buildings to take place in phases. This developer is in the preliminary stages of the first phase, an eight storey, sixty-three unit multi-residential building.

The property owner has submitted an application for a Draft Plan of Condominium. The purpose of this application is to allow the individual units within the building to be separately transferrable.. The sixty-three unit multi-residential building is permitted to be constructed under the existing zoning.

The subject property is a brownfield site, in that it was previously used for industrial purposes and it now sits vacant.

The Provincial Policy Statement and the Official Plan are both supportive of the redevelopment of brownfield sites. Specific policies from these documents are cited later in this report. The proposed Plan of Condominium would enhance the property owner's ability to develop the subject lands.

The City has received some correspondence from the public. The concerns focused primarily on the environmental condition of the subject lands.

Provincial legislation requires the property owner to undertake a Record of Site Condition (RSC) prior to a Building Permit being obtained. The purpose of the RSC is to ensure that the lands are sufficiently remediated to allow for human habitation on the subject property. Completion of the RSC is managed through the Provincial Government (and more specifically through the Ministry of Environment, Conservation and Parks). It involves engaging the services of environmental professionals who evaluate the condition of the property, identify the potential risk factors and propose measures that ensure the lands are safely remediated and environmentally safe prior to any construction taking place.

The City does not have an active role in the Record of Site Condition process. However, the City does confirm the completion of the RSC and acceptance by the Ministry of Environment, Conservation and Parks prior to the issuance of a Building Permit.

This process shall ensure that the lands are sufficiently remediated in order to allow the proposed development to proceed.

It is my professional opinion that the proposed Plan of Condominium 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 Plan of Condominium 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).

Since the proposed Draft Plan of Condominium application pertains only to the form of ownership (rental units vs. individually transferrable units), many of the provisions of the PPS 2020 are not applicable to the review of this application.

The PPS 2020 defines a Brownfield as *"undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant."*

The subject property was previously used for industrial purposes. There is some level of contamination that remains from this past industrial use.

There are several passages of the PPS 2020 that encourage the redevelopment of brownfield sites. This objective is most clearly expressed in Section 1.7 (Long Term Prosperity)", which states:

1.7.1 Long-term economic prosperity should be supported by:...
f) promoting the redevelopment of brownfield sites;

The proposed Plan of Condominium facilitates the redevelopment of the subject brownfield, as encouraged by the PPS 2020.

Planning Services Staff are of the opinion that the end use of the proposed Plan of Condominium is consistent with the Provincial Policy Statement (PPS 2020) with the safe remediation of the property for the proposed use

Official Plan

The property is currently designated "Central Business District" in the City of North Bay's Official Plan.

Redevelopment of brownfield sites has long been a municipal priority. The Official Plan contains a number of policies that encourages the redevelopment of brownfield sites. The development of this site helps to achieve this goal and the applicants are in the process of finalizing all environmental studies that are required for the construction on site.

Official Plan policy was amended in 2018 to include the directions established in the Downtown Waterfront Master Plan. The property is identified on Schedule 12A (Downtown Waterfront Districts) as being part of the "Downtown Living District" and on Schedule 12B (Downtown Waterfront Character Areas) as being part of the "Western Waterfront". The policy directives of the Official Plan encourage residential development on the subject property.

The proposed redevelopment of the subject property and the requested Plan of Condominium helps fulfill this vision for the property as established by the Official Plan.

Planning Staff are of the opinion the Plan of Condominium 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 existing 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
- Retirement Home

Schedule F of the Zoning By-law 2015-30 limits the height of the building to eight storeys. The applicant achieved a minor variance through the Committee of Adjustment process reduce the setback to 2.78m, including the balconies, and to vary the definition of a Storey to include the words: A Storey shall only include habitable space and not include at grade parking garage or utility space. This went through a full public process and was approved by the Committee of Adjustment on October 5, 2021.

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 Department received the following comments:

Of the agencies that provided comments, Hydro One, the Ministry of Transportation both offered no concerns or objections.

Bell Canada and Union Gas offered no objections but asked for an easement to be granted to each of their organizations. This requirement is reflected in the Conditions of Approval attached hereto.

CP Rail has no objections, provided that the development follows the requirements of the "Guidelines for New Development in Proximity to Railway Operations" document. The applicant is aware of this requirement and has worked these requirements into their site design.

There was one item of correspondence received from the public. The concerns expressed centred on the environmental condition of the property and the changing nature of the plans.

Regarding the environmental condition of the property, staff would note that the developer will need to submit a Record of Site Condition to the Provincial Government as part of the building permit process. This is a standard requirement any time a property that was once used for industrial purposes is being redeveloped into a residential use. The Provincial Government oversees this process.

A complete copy of this correspondence is attached to this Report as Appendix B.

No other correspondence was received on this file.

Financial/Legal Implications

None to the City

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" 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

- Promote and support public and private sector investment
- Define the development of the waterfront and the revitalization of downtown
- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community
- Facilitate the development of housing options to service the needs of the community

Options Analysis

Option 1:

1. That the proposed Plan of Condominium (63 units, Plan of Condominium File No. 48CDM-21102) by Miller & Urso Surveying Inc. on behalf of New Vision Park Property Inc. in the City of North Bay for lands described in Appendix A to Report to Council Number CSBU 2022-04, shown as on Schedule "B" attached hereto, be given Draft Approval subject to the conditions in Appendix B to Report to Council Number CSBU 2022-04 prepared by Peter Carello dated January 12, 2022.
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:

That the request for Draft Plan of Condominium be denied.

Recommended Option

Option 1 is the recommended option.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP

Title: Director, Community Development and Growth

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

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP
Title: Senior Planner

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2022\CSBU 2022-04 –
Condominium File No. 48CDM-21102– Memorial Drive

Appendix A

PIN 49163-0062 (LT)

PT LT 21 CON D Widdifield SRO PT 1, 2 & 3, 36R5207 Except PT 1, 2, 3, 4, 5 & 6, 36R7525; S/T NB97116, NB97254; North Bay; District of Nipissing

Appendix B – Correspondence

Good Afternoon,

RE: RE: Notice of Complete Application for a Plan of Condominium - Memorial Drive, North Bay, within 500m of CP Rail line

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

Hello Peter,

The Ministry of Transportation of Ontario (MTO) has reviewed the application for a Plan of Condominium along Memorial Drive. The MTO has determined that the subject lands are not located within MTO's permit control area, therefore the MTO does not have any comments to provide.

Have a great day,

Laurel

Laurel Muldoon, MSc.Environmental
Corridor Management Senior Project Manager

Operations Division, Northeast Region
Ministry of Transportation
447 McKewon Ave, Suite 301
North Bay, Ontario, P1B 9S9
T. 705-491-0757 | E. laurel.muldoon@ontario.ca

Hello,

We are in receipt of Application Memorial Drive dated November 25, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map

If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty
Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.
185 Clegg Road (R32)
Markham, ON | L6G 1B7
Email: Dolly.Shetty@HydroOne.com

2021-12-13

Peter Carello

**North Bay
North Bay, Ontario, P1B 8V6**

Attention: Peter Carello

Re: 0 Memorial Dr., North Bay, Draft Plan of Condominium (48CDM-21102); Your File No. 48CDM-21102

Our File No. 92112

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

Barbara M.J. Baranow
Analyst Land Support

Enbridge Gas Inc.
50 Keil Drive North, Chatham, ON N7M 5M1

10 January 2022

To Whom It May Concern -

I write in reference to the New Vision Park project on Memorial Drive and the application before Council. Because the project keeps changing, I am concerned that your understanding of it is not current.

The site map attached to the application shows some of the changes, but the map itself appears to be an old one, with the CP line indicated where it is now OVR, and perhaps other errors, depending on the date of the original.

I spoke last week to the City Planner, Peter Carello. He does not have an updated proposal for the development. The schema originally posted on Memorial Dr has been gone for some time, and the company has not responded to requests for information. There is nothing on the website.

There have obviously been a number of important changes. The current map shows one building of 8 storeys, with the adjusted setback closer to the riparian zone allowed by Council last year. The old schema had 3 buildings of 7 storeys each set further back. Are other buildings in the plan, will they also be condos, and will they also be allowed closer to the riparian zone?

My biggest concern is site remediation. Mr. Carello tells me this is a Ministry of Environment responsibility that the city has no role in. However, I as a neighbor am concerned about whether the site was properly remediated, and whether or not run-off into the lake and onto Marathon Beach was properly assessed. As you know, the site was heavily contaminated and my understanding it that the extremely low purchase price was an acknowledgment of the large amount needed to clean it up. I have not noticed extensive cleanup work being down there. Will prospective owners be informed of the original contamination?

This proposed development has been tweaked repeatedly since its inception. I hope you all are updated on what is planned now. I have always assumed that this development would be condo units for sale, not rental. I am curious as to why this change is before Council now. I think you all need a clearer picture of what the plan is, as do we citizens and neighbours.

Sincerely,

Martha Gould
630 Bell St
North Bay, ON P1B4J6

Appendix C – Conditions of Approval

- 1) That this approval expires five (5) years from the date of approval. If there is an appeal to the Local Planning Appeal Tribunal under section 51 (39) of the *Planning Act*, the five (5) year expiration period does not begin until the date of the order of the Local Planning Appeal Tribunal issued in respect of the appeal or from the date of a notice issued by the Board under section 52(51) of the *Planning Act*.
- 2) This Draft Approval applies to the Plan of Condominium prepared by R.D. Miller as shown on the attached Schedule B dated June 21, 2021 which is comprised of sixty-three residential units.
- 3) That prior to signing the Final Plan by the Municipality, the proposed condominium shall conform with the Zoning By-law in effect for the Municipality.
- 4) The owner agrees that the development shall comply with all requirements and regulations of the “Guidelines for New Development in Proximity to Railway Operations” (2013) published by The Federation of Canadian Municipalities and the Railway Association of Canada or any successor documents.
- 5) That the owner agrees in writing to satisfy all requirements, financial and otherwise of the City of North Bay concerning provision of roads, installation of services, and drainage.
- 6) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- 7) The Owner shall grant all necessary easements to utility companies at no cost to said utility companies.
- 8) That the Condominium Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
 - a) the owner agrees that a Stormwater Management Plan shall be undertaken by a professional engineer with respect to the Subdivision describing best management practices and appropriate measures to maintain quality storm runoff, both during and after construction; and
 - b) The Stormwater Management report shall also address any slope stability or any hydrogeological issues associated with this development
 - c) Any recommendations forthcoming from the Stormwater Management Study shall be incorporated into the final Subdivision site design and implemented to the ongoing satisfaction of, and at no expense to, the Municipality.
- 9) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, including sidewalks if required, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.

- 10) That the owner agrees to convey up to 5% of the land included in the plan or cash-in-lieu to the Municipality for park or other public recreational purposes.
- 11) That the owner agrees to provide locations for centralized mail delivery acceptable to Canada Post Corporation or other alternative systems as may be normally required by Canada Post.
- 12) That the Condominium Agreement between the owner and the Municipality be registered by the Municipality against lands to which it applies once the Plan of Condominium has been registered prior to any encumbrances.
- 13) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.
- 14) That the owner acknowledges that a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit may be required from the North Bay-Mattawa Conservation Authority. The subject lands are within an area regulated by the North Bay-Mattawa Conservation Authority under Ontario Regulation 162/90. This regulation is pursuant to Section 28 of the Conservation Authorities Act of Ontario.
- 15) That before City Council's Final Approval is given; the Council shall be advised in writing by the City of North Bay's Engineering and Environmental Services how Conditions No. 8 and 9 has been satisfied.
- 16) That before City Council's Final Approval is given; the Council shall be advised in writing how Condition No. 10 has been satisfied.
- 17) That before City Council's Final Approval is given; the Council shall be advised in writing how Condition No. 11 has been satisfied.
- 18) That before City Council's Final Approval is given; the Council shall be advised in writing by the North Bay-Mattawa Conservation Authority how Condition No.14 has been satisfied.

NOTES

- 1) We suggest you make yourself aware of the following:
 - a) Section 143(1) of The Land Titles Act, R.S.O. 1980 as amended, which requires all new plans to be registered in a land titles system.
 - b) Section 143(2) allows certain exceptions.
- 2) Prior to any construction, the Owner should contact the North Bay Mattawa Conservation Authority to discuss specific concerns identified by the Conservation Authority.
- 3) Prior to any construction, the Owner/Developer should contact the Ministry of Environment, Conservation and Parks (MECP) to determine if Species at Risk and/or their habitat is present in the general vicinity of the development area.

- 4) The Owner shall obtain a Record of Site Condition from the Ministry of Environment, Conservation and Parks (MECP) for the proposed use of a sixty-three unit Plan of Condominium.
- 5) An electrical distribution line operating below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on wood poles supporting conductors stating "*Danger – Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
- 6) We recommend you make yourself aware of applicable Federal and Provincial laws regarding construction in proximity to waterbodies.
- 7) The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).