



## City of North Bay Report to Council

Report No: CSBU-2022-015

Date: March 10, 2022

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Zoning By-law Amendment By Miller & Urso Surveying Inc.  
on behalf of 1633057 Ontario Ltd. and 1633091 Ontario Ltd. – 490  
Gormanville Road

Closed Session: yes ☐ no ☒

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### Recommendation

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1633057 Ontario Ltd. and 1633091 Ontario Ltd.– 490 Gormanville Road in the City of North Bay to change the permitted uses within the existing “Industrial Commercial Special No. 55 (MC Sp.55)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2022-015 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.

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### Background

#### Site Information

**Legal Description:** See Appendix A, attached hereto.

**Site Description:** The subject property is an existing lot of record on Gormanville Road, located north of the intersection of Main Street West and south of the intersection of Jane Street, as shown below and on Schedule A, attached hereto.

The property once formed part of the CN Rail that traversed through the City. The rail line was previously removed and the property was rezoned in 2010 to allow for the industrial development of the property. A building was constructed several years later with the intention of leasing industrial space. However, the

building has remained vacant since that time. The property was again re-zoned in 2020 from "Industrial Commercial (MC)" to its current zoning of "Industrial Commercial Special No. 55 (MC Sp. 55)".

It is designated "General Industry" by the Official Plan and is zoned "Industrial Commercial Special No. 55 (MC Sp.55)" under the City's Zoning By-law No. 2015-30. The purpose of this re-zoning was to allow for a change in types of uses permitted on the property in order to make the space more suitable for prospective tenants.

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



The property has an existing lot area of 0.81 hectares and lot frontage of 69.6 metres on Gormanville Road, as shown on Schedule B, attached hereto. There is an existing 1559.8m<sup>2</sup>, 1 storey vacant commercial/industrial building on the property.

### **Surrounding Land Uses:**

The property is located within a mixed use neighbourhood, with Gormanville Road largely serving as the delineation between industrial and residential uses. Properties to the west of Gormanville are mostly industrial in nature. There are also industrial uses along Main Street West.

Properties to the east of Gormanville Road (mostly north of Jane Street) are nearly all residential. The dwelling units are mostly low and medium density units, including single-detached and townhouses.

### **Proposal**

Miller & Urso Surveying Inc. on behalf of 1633057 Ontario Ltd. and 1633091 Ontario Ltd. has submitted a Zoning By-law amendment application to rezone the property located at 490 Gormanville Road to amend the list of permitted uses within the existing "Industrial Commercial Special No. 55 (MC Sp.55)" zone. This Special Zone request would amend the list of permitted uses to include Microbrewery and Restaurant.

## **Summary**

The property owner has built an industrial building at 490 Gormanville Road for the initial intent leasing industrial space to a third party business. The property has some characteristics that are somewhat uncommon and presents challenges for development within an industrial zone. The property has 66 metres of frontage at the road, but the property narrows to approximately 30 meters of width at the rear. As a result of the lot layout the building constructed on the property is 42.8 metres wide at the front and tapering to 15.2 metres at the rear. Amongst other challenges, there are difficulties in designing loading bays, limited opportunities for outside storage and proximity to residential uses. As a result of these challenges, the building has remained vacant since its construction.

The applicant has applied to rezone the property in order to modify and expand the list of permitted uses to include "Microbrewery" and "Restaurant" as permitted uses. The purpose of this amendment is to permit a purchaser of the property to relocate their business to this property. This purchaser would operate the business as a Microbrewery with an accessory Restaurant uses.

Staff has considered the requests made through this application and recognizes that the proposed use would result in economic development and new job creation. Both the Official Plan and Provincial Policy Statement encourage land use policies that result in economic activity, investment and job creation.

Staff has also taken into account the composition of the surrounding neighborhood in the analysis of the requested rezoning. It is my professional planning opinion that the list of permitted uses requested by the rezoning would be compatible with the general character of the neighborhood. Further, the proposed use for the property (restaurant and Microbrewery) serves as a compatible use in relation to the residential uses located on the opposite side of Gormanville Road.

Staff did not receive any correspondence from the public in relation to this application.

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 proposed 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.

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).

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

#### **Section 1.1.3 – Settlement Areas:**

- "1.1.3.1     *Settlement areas shall be the focus of growth and development.*
- 1.1.3.2     *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
  - a) efficiently use land and resources;*
  - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.”*

*“Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

The proposed rezoning would allow for the property to be utilized in an efficient manner as it is located within the City’s Settlement Area and is already by the full range of city services, including municipal water and sewer. The property is also served by multiple transit routes and is located along the path of the future ‘Westlink Multi-Use Pathway’ extension which will finalize the connection between the north and south ends of the City.

The Provincial Policy Statement also includes policies supporting economic activity and job growth. Relevant sections of the PPS 2020 are cited below:

*1.3.1 Planning authorities shall promote economic development and competitiveness by: ...*

*a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

*c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*

*1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.*

*Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.*

Section 1.3.1 of the PPS 2020 provides general support to developments that result in new economic activity and job growth.

Section 1.3.2.3 of the PPS 2020 is particularly relevant to the subject application. Gormanville Road serves as the dividing line between industrially designated lands and residentially designated lands. This section of the PPS

2020 would encourage the property to serve as a transition from manufacturing uses found to the west to the residential uses found to the east.

It is my professional planning opinion that a microbrewery and restaurant are appropriate transitional uses, consistent with Section 1.3.2.3. Objectionable elements that are sometimes associated with industrial manufacturing (such as excessive noise, fumes, heavy traffic, etc.) are not as present within a microbrewery. By their nature, microbreweries have a public facing component to their operations that requires customers to attend the site to purchase their product, making it a desirable transitional use.

It is my professional planning opinion that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2020).

### **Official Plan**

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

If approved, the application would amend the list of permitted uses to allow for specific commercial and industrial uses on the subject lands.

Excerpts of the Official Plan applicable to this application are outlined below.

Similar to the PPS 2020, the Official Plan encourages communities to direct higher levels of development to take place within the City's Settlement Area where the full range of public services is available.

#### **Section 1.4.2 – Guiding Principle**

*"North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continues the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas."*

#### **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."*

#### **Section 2.2.2.1.9 – Employment Lands (Industrial)**

The Official Plan makes allowances for the placement of commercial uses within industrially designated areas; Section 2.2.2.1.9, cited below provides these policies:

*"Limited commercial uses that serve the convenience needs of the immediate General Industrial area are suitable for location in the General Industrial areas. Such limited commercial use may be permitted only upon amendment to the Comprehensive Zoning By-law, provided that such amendments shall be approved only when it has been shown to the satisfaction of the City that;*

- a) The commercial use provides a service for adjacent lands or benefit to the area and does not jeopardize the commercial hierarchy of this Plan;*
- b) The site for the proposed commercial use is such that its development:*
  - i. will not prevent the satisfactory development of the area in which it is located for industrial purposes;*
  - ii. is so located with respect to other commercial uses that it will make possible the development of a compact commercial concentration, and not result in the development of an extended strip of commercial uses likely to prevent the satisfactory development of the area for industrial purposes."*

The rezoning in 2020 amended the list of permitted uses to allow for a variety of industrial and commercial uses. The proposed additional permitted uses of the microbrewery and restaurant are compatible with the surrounding neighbourhood and represent a minor change to the previous rezoning.

There is a convenience store and restaurant immediately north of the subject property. This would create a compact commercial concentrated, as directed by the Official Plan.

It is my professional planning 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 "Industrial Commercial Special No. 55 (MC Sp.55)". This zone currently permits the following uses:

- Automobile sales, service, and leasing establishments;
- Automobile service station;
- Automobile washing establishment;
- Body shop;
- Builder's supply yard;
- Commercial parking lot;
- Courier distribution depot;
- Dry cleaning depot;
- Dry cleaning establishment;
- Exhibition building;
- Financial institution;
- Garden centre;
- Group home type 3;
- Industrial equipment sales, service, and leasing establishments;
- Home improvement centre;
- Industrial equipment sales, service, and leasing establishment;
- Laboratory;
- Non-profit use;
- Parks, public;
- Parking area;
- Personal service establishment;
- Pet daycare facility;
- Pet shop;
- Places of entertainment;
- Places of worship;
- Recreational facility;
- Recreational vehicle, sales, service, and leasing establishments;
- Veterinary establishment; and
- Wholesale uses.

The property owner is proposing to amend the list of permitted uses within the existing "Industrial Commercial Special No. 55 (MC Sp. 55)". The proposed zone would still allow the existing permitted uses listed directly above and would add the following;

- Microbrewery and
- Restaurant.

For a complete list of the proposed permitted uses, see Appendix B attached hereto.



Zoning By-law 2015-30 defines "Restaurant" as;

*"An establishment which is primarily engaged in the preparation and sale of food and beverages which are consumed on or off the premises and may or may not be licensed for the sale of alcoholic beverages, and also includes a food catering business, but excludes a bar."*

Microbrewery is not currently defined in Zoning By-law 2015-30 as a permitted use. However, a definition for this use is being proposed as part of a general Zoning By-law amendment as outlined in report CSBU-2022-005. The proposed definition is the following;

*"Brewery, Micro: An establishment which is used for the self-contained manufacturing, production, storage, packaging, bottling, canning and shipping of 50,000 hectolitres or less of beer or similar beverages per year as authorized by a license issued by the Alcohol and Gaming Commission of Ontario."*

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

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

There was no correspondence received from the public.

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

No other correspondence was received on this file.

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### **Financial/Legal Implications**

None to the Corporation of the City of North Bay.

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## 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; and
- Engage the business community in identifying and developing economic opportunities.

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## Options Analysis

Option 1: To approve the Zoning By-law Amendment as requested.

Option 2: To deny the requested Zoning By-law Amendment.

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## Recommended Option

Option 1 is the recommended option.

1. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of 1633057 Ontario Ltd. and 1633091 Ontario Ltd.– 490 Gormanville Road in the City of North Bay to change the permitted uses within the existing “Industrial Commercial Special No. 55 (MC Sp.55)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2022-015 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

**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

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#945 – Zoning By-law Amendment – 490 Gormanville Road

## **Appendix A**

**PIN 49128-0336 (LT)**

PART OF THE CANADIAN NORTHERN ONTARIO RAILWAY RESERVE PLAN  
M167 WIDDIFIELD PART 4 36R13964; CITY OF NORTH BAY

**PIN 49128-0296 (LT)**

PT LTS 110,112 & 113 PL M26 WIDDIFIELD PT 3 36R11393 EXCEPT PT 25  
36R12426; NORTH BAY; DISTRICT OF NIPISSING

**PIN 49128-0340 (LT)**

PART REAR STREET PL M36, CLOSED BY LT134342 WIDDIFIELD, PART 6  
36R13964; CITY OF NORTH BAY

**PIN 49128-0298 (LT)**

PT LTS 95 TO 97 & PT LTS 110 TO 115 PL M36 PT 2 36R11393 EXCEPT PT 26  
36R12426; NORTH BAY; DISTRICT OF NIPISSING

**PIN 49128-0338 (LT)**

PART LOTS 6,7,8,9 & 10, PL M167 WIDDIFIELD PART 5 36R13964; CITY OF  
NORTH BAY

## Appendix B

If the proposed Zoning By-law Amendment is approved, the following uses would be permitted<sup>1</sup>:

- Automobile sales, service, and leasing establishments;
- Automobile service station;
- Automobile washing establishment;
- Body shop;
- Builder's supply yard;
- Commercial parking lot;
- Courier distribution depot;
- Dry cleaning depot;
- Dry cleaning establishment;
- Exhibition building;
- Financial institution;
- Garden centre;
- Group home type 3;
- Home improvement centre;
- Industrial equipment sales, service, and leasing establishment;
- Industrial equipment sales, service, and leasing establishments;
- Laboratory;
- **Micro Brewery;**
- Non-profit use;
- Parking area;
- Parks, public;
- Personal service establishment;
- Pet daycare facility;
- Pet shop;
- Places of entertainment;
- Places of worship;
- Recreational facility;
- Recreational vehicle, sales, service, and leasing establishments;
- **Restaurant;**
- Veterinary establishment; and
- Wholesale uses.

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<sup>1</sup> The proposed permitted uses are in bold.

## **Appendix C – Correspondence**

### **Ministry of Transportation**

The Ministry of Transportation of Ontario (MTO) has reviewed the application for Zoning By-Law Amendment located at 490 Gormanville Road. Although the subject lands fall outside of MTO's permit control area, there may be potential impacts to the Gormanville/Highway 17 intersection. Should the proponent submit a traffic impact study to the City of North Bay for review, would you please circulate to the MTO for review.

Thank you,

Laurel

**Laurel Muldoon, MSc.Environmental**  
Corridor Management Senior Project Manager

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### **Engineering Department**

Engineering has no comments as the work is all internal.

Thank you,

Jonathan

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### **Building Department**

The original building permits issued against this property authorized the construction of a Low Hazard (F3) Industrial building. All files remain open and will need to be brought to completion prior to occupancy of any areas of the building.

If the proposed use of the building is other than an F3 Occupancy, a change of use permit will be required. Notwithstanding the change of use permit, a building permit will be required for any tenant fit-up for the desired use of the building. Due to the size and occupancy of the building, Architect and Engineered designs will be required. Building permit fees will be assigned at \$11.23 per \$1,000.00 value of construction.

Applicants should schedule 2 to 4 week permit processing time from the date of complete application being filed with Building Services.

Thanks,

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**Carly Price, CBCO, CPSO**  
Chief Building Official  
Chief Plan Examiner  
Planning & Building Services

## **North Bay Mattawa Conservation Authority**

Dear Mr. Carello:

**Re: Zoning By-law Amendment – 633057 Ontario Limited and 1633091 Ontario Limited**  
**490 Gormanville Road**  
**City of North Bay**  
**Our File No.: PZB3-NB-22**

This office has received and reviewed the above zoning by-law amendment which proposes to rezone the above-noted property to an amended "Industrial Commercial Special No. 55 (MC Sp.55)" zone. The proposed amendment would add "Industrial Class 1" and "Restaurant" to the list of permitted uses. The purpose of the application is to permit the use of the property as a microbrewery and restaurant. The Special Zone request would allow these uses ("Industrial Class 1" and "Restaurant") as permitted uses in the MC Sp.55 zone.

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 regarding Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS, 2020).

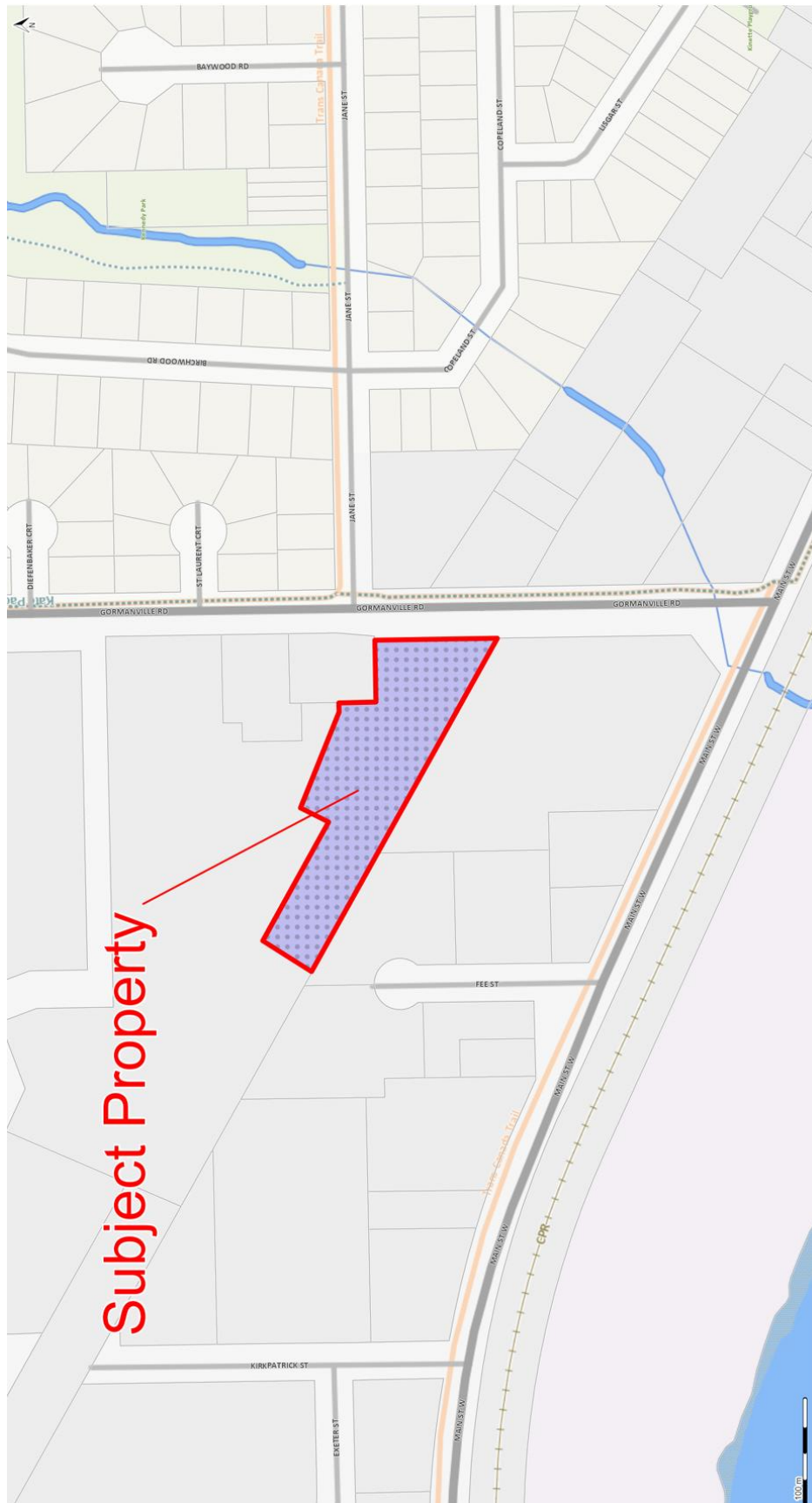
The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest. It is our opinion that the application is consistent with Section 3.1 of the PPS 2020. The property is not subject to Ontario Regulation 177/06 or to the policies of NBMC at this time, and as such, a DIA permit is not required from this office. 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. We have no objection to this application.

Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact me 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

## Schedule A





# Schedule B

