

**The Corporation of the City of North Bay**

**By-Law No. 2016-36**

**Official Plan Amendment No. 14**

**Trout Lake Mall Inc. – 2653 Trout Lake Road**

**Whereas** the owner of the subject property has requested an amendment to the Official Plan of the North Bay Planning Area;

**And whereas** the Council of The Corporation of the City of North Bay has ensured that adequate information has been made available to the public and has held at least one public meeting after due notice for the purpose of informing the public of this By-law;

**And whereas** it is deemed desirable to amend the land use designation shown on Schedule "1" to the Official Plan of the North Bay Planning Area pursuant to Section 17 of the Planning Act R.S.O. 1990, as amended.

**Now therefore the Council of the Corporation of the City of North Bay hereby enacts as follows:**

- 1) The attached Schedules and explanatory text constituting Amendment No.14 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2)
  - a) Notice of this By-law shall be given by the Clerk in the manner and form and to the persons prescribed by Section 4 of O. Reg. 543/06 as amended.
  - b) Where no notice of appeal is filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, then this By-law shall be deemed to have come into force on the day after the last day for filing an appeal.
  - c) Where one or more notices of appeal are filed with the Clerk of The Corporation of the City of North Bay within twenty (20) days after the day that the giving of written notice as required by the Act is completed, setting out the objection to the By-law and the reasons in support of the objection, then this By-law shall not come into force until all appeals have been finally disposed of, whereupon the By-law shall be deemed to have come into force on the day after the last day all appeals have been finally disposed of.

**Read a First Time in Open Council the 21st Day of March 2016.**

**Read a Second Time in Open Council the 21st Day of March 2016.**

**Read a Third Time in Open Council and Passed this 21st Day of March 2016.**

---

**Mayor, Allan McDonald**

---

**City Clerk Karen McIsaac**

Amendment No. 14 to the Official Plan  
of the Planning Area of the  
City of North Bay

Trout Lake Mall Inc.

February 2016

The Corporation of the City of North Bay  
North Bay, Ontario

Amendment No. 14 to the Official Plan  
of the Planning Area of the  
City of North Bay

The attached Schedule "14-A" and explanatory text constitute Amendment No. 14 to the Official Plan of the City of North Bay. This Amendment was adopted by The Corporation of the City of North Bay by By-law No. 2016-36 in accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 as amended by Statutes of Ontario 19101, Chapter 4, Section 9 pursuant to O. Reg. 543/06 on March 21, 2016.

Corporate Seal

---

**Mayor, Allan McDonald**

---

**City Clerk Karen McIsaac**

Amendment No. 14 to the Official Plan  
of the Planning Area of the  
City of North Bay

The following text and plan designated as Schedule "14-A" attached hereto constitute Amendment No. 14 to the Official Plan of the Planning Area of the City of North Bay.

## **A) Purpose of the Amendment**

It is the intention of this Amendment to change the designation on certain property within the Settlement Area from "Residential" to "District Commercial".

In an application received October 9, 2015, the Applicant applied for an Official Plan Amendment in order to permit the commercial development of the property.

## **B) Basis of the Amendment**

The Amendment applies to PIN # 49146-0200, PCL 3122 SEC WF; PT LT 17 CON C WIDDIFIELD AS IN LT55644 EXCEPT LT109594; S/T LT320898; NORTH BAY ; DISTRICT OF NIPISSING, PIN# 49146-0201, PCL 3228 SEC WF; PT LT 17 CON C WIDDIFIELD AS IN LT56634 EXCEPT LT109594; S/T LT320898; NORTH BAY ; DISTRICT OF NIPISSING, PIN# 49146-0202, PCL 3540 SEC WF ; PT LT 17 CON C WIDDIFIELD AS IN LT59165 EXCEPT LT109594 S/T LT109594 AS AMENDED BY LT152671; S/T LT320898, LT336855, LT342655; NORTH BAY ; DISTRICT OF NIPISSING, known locally as 2653 Trout Lake Road. It is 0.5 hectares (1.2 acres) in area, with a frontage of 42 metres on Trout Lake Road.

The subject property is currently undeveloped.

Surrounding land uses are mixed use. There is a considerable amount of commercial development along Trout Lake Road, including a strip mall (featuring a grocery store as the anchor tenant), a former gas station and a specialty grocery store to the west, a restaurant and auto dealership to the north and a motorcycle and boat sales establishment to the east. There are also two apartment building located to the east, one of which has commercial uses along the ground floor. South of the subject property are low density residential properties. The North Bay Jail is also nearby.

The intent of this Official Plan Amendment is to allow the commercial development of the property.

City Council has indicated their support of this proposed Amendment.

## **C) Details of the Amendment**

The Official Plan is hereby amended in accordance with the following:

Item No. 1 Schedule "1" - "Settlement Area" to the Official Plan is hereby amended by changing the designation of the lands shown on

Schedule "14-A" to this Amendment from "Residential" to "District Commercial".

**D) Implementation**

This Amendment to the Official Plan shall be implemented in accordance with the implementation policy contained in Part 5 of the Official Plan.

**E) Interpretation**

This Amendment to the Official Plan shall be interpreted in accordance with the interpretation policy contained in Part 6 of the Official Plan.

## APPENDICES

The following Appendices are not intended to form part of the approved Amendment No. 14, but are included only for the purpose of providing information in support of this Amendment.

**Appendix No. 1**

**Resolution No. 4 passed by the Planning Advisory Committee on  
January 13, 2016.**



## North Bay Planning Advisory Committee

Resolution No. 4

Date: January 13, 2016

Moved By: Daryl Vaillancourt

Seconded By: BJ Szabicot

“That the Planning Advisory Committee recommends the following to City Council:

1. That the proposed Official Plan Amendment by Christian Fortin on behalf of Trout Lake Mall Inc. to amend the Official Plan designation for the property known locally as 2653 Trout Lake Road in the City of North Bay from “Residential” to “District Commercial” be approved;
2. That the proposed Zoning By-law Amendment by Christian Fortin on behalf of Trout Lake Mall Inc. to rezone the property known locally as 2653 Trout Lake Road in the City of North Bay from a “Residential Multiple First Density (RM1)” zone to a “District Commercial (C4)” zone, be approved; and
3. That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.”

“Carried”

Original Signature on File

Robert Lewis

Chair

**Appendix No. 2**

**Staff report dated January 8, 2016**

# Inter Office Memo

## Planning Services

---

**To:** Chair and Members, Planning Advisory Committee

**From:** Peter Carello – Senior Planner, Current Operations

**Subject:** Proposed Official Plan Amendment and Zoning By-law Amendment by Christian Fortin on behalf of Trout Lake Mall Inc. – 2653 Trout Lake Road in the City of North Bay.

**Date:** January 8th, 2016

### **Recommendations**

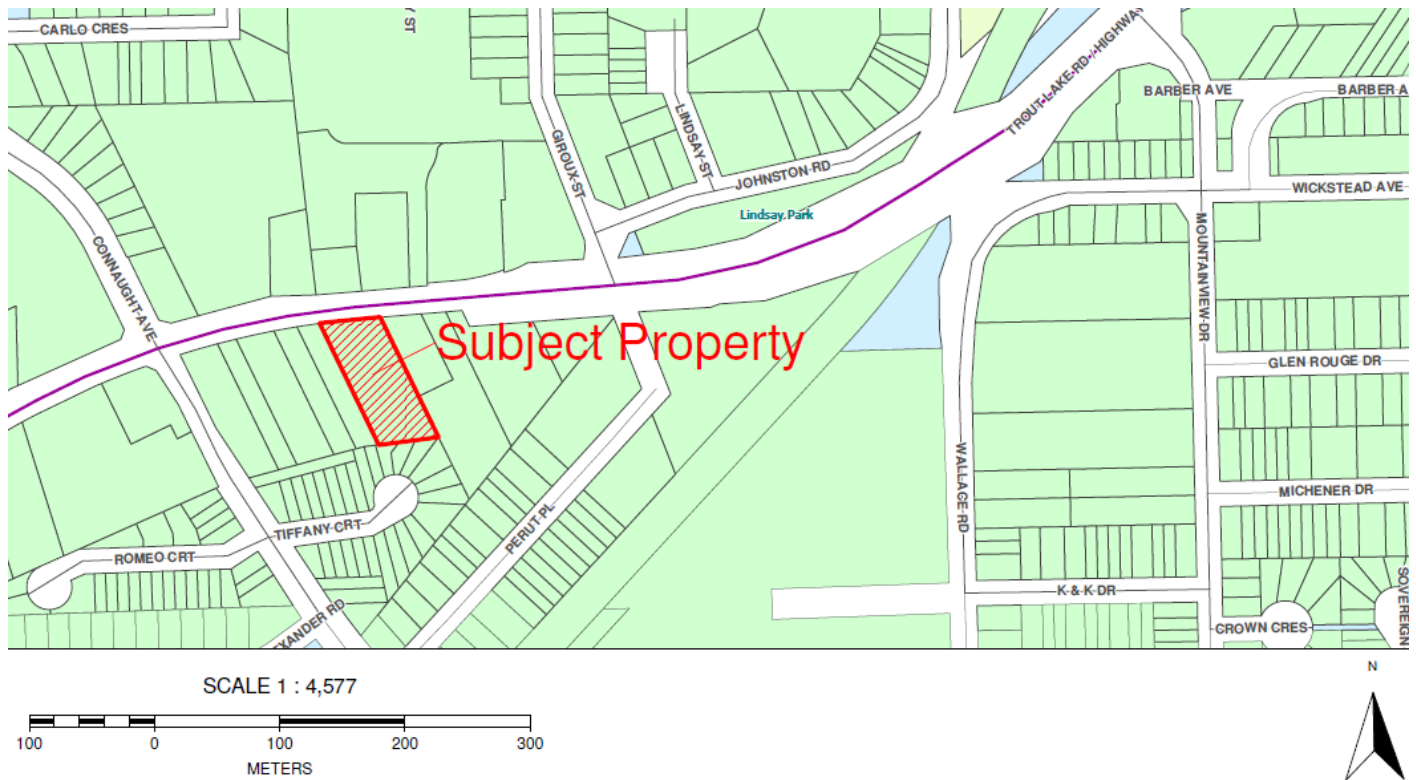
1. That the proposed Official Plan Amendment by Christian Fortin on behalf of Trout Lake Mall Inc. to amend the Official Plan designation for the property known locally as 2653 Trout Lake Road in the City of North Bay from "Residential" to "District Commercial" be approved;
2. That the proposed Zoning By-law Amendment by Christian Fortin on behalf of Trout Lake Mall Inc. to rezone the property known locally as 2653 Trout Lake Road in the City of North Bay from a "Residential Multiple First Density (RM1)" zone to a "District Commercial (C4)" zone, be approved; and
3. That the subject properties be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended.

### **Site Information**

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

**Site Description:** The subject property is an existing lot of record located at 2653 Trout Lake Road, as shown below and on attached Schedule A. It is designated "Residential" by the Official Plan and is zoned "Residential Multiple First Density (RM1)" under the City's Zoning By-law No. 2015-15.

The property was previously designated and zoned "District Commercial" by the Official Plan and Zoning By-law. The property owner requested that the parcel's Official Plan designation be changed to "Residential" and it be rezoned "Residential Multiple First Density (RM1)". This request was approved in 2013. At that time, the owner proposed the construction of an apartment building. This development has not proceeded.



The property has an existing lot area of 0.5 hectares and lot frontage of 42 metres on Trout Lake Road. The property has over 100 metres in depth. It is currently vacant.

### **Surrounding Land Uses:**

The property is located in a mixed use neighbourhood. There is a considerable amount of commercial development along Trout Lake Road, including a strip mall (featuring a grocery store as the anchor tenant), a former gas station and a specialty grocery store to the west, a restaurant and auto dealership to the north and a motorcycle and boat sales establishment to the east. There are also two apartment building located to the east, one of which has commercial uses along the ground floor.

South of the subject property are low density residential properties. The North Bay Jail is also nearby.

### **Proposal**

Christian Fortin on behalf of Trout Lake Mall Inc. is proposing to amend the Official Plan designation of a property located at 2653 Trout Lake Road from "Residential" to "District Commercial". The applicant has also submitted a concurrent application to rezone the property from "Residential Multiple First Density (RM1)" to "District Commercial".

These applications would permit the commercial development of the property. The

City has not received a Site Plan Control Agreement application at this time, but the applicant's agent has stated that the proposed use of the property would be an automobile dealership.

### **Summary and Staff Recommendation**

The applicant is requesting an Official Plan amendment to convert the designation of a vacant property located at 2653 Trout Lake Road from "Residential" to "District Commercial". The applicant has also submitted a concurrent Zoning By-law Amendment to rezone the property from "Residential Multiple First Density (RM1)" to "District Commercial (C4)".

The property was previously designated and zoned "District Commercial". The property has previously undergone an Official Plan and Zoning By-law amendment, which was initiated in 2012 and received final approval in 2013. These current applications would revert the property to its original Official Plan and Zoning By-law designations.

The subject property is located in a mixed use neighbourhood. Major uses in the neighbourhood include a strip mall, North Bay Jail and two multi-storey apartment buildings. At the time of the 2012 application Staff was of the opinion that an apartment building would be consistent with the character of the area, given the presence of other apartment buildings. Similarly, staff is of the opinion that a commercial use would also be consistent with the character of the neighbourhood, given the presence of other commercial operations of a similar size and scale.

Staff recognizes the presence of low density residential units at the rear of the subject property. At the time of the development, the owner will be required to enter into a Site Plan Control Agreement prior to the issuance of a Building Permit. Conditions of this agreement will include landscaping requirements, lighting restrictions, garbage collection facilities, preparation and implementation of a grading plan, as well as the provision of financial security to ensure all of these requirements are met. Through the execution of the Site Plan Control Agreement, neighbouring residential uses will be buffered from the commercial use on Trout Lake Road.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the end use is consistent with Provincial Policy, as set out by the Growth Plan for Northern Ontario (GPNO 2011) and the Provincial Policy Statement (PPS 2014).

## **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 them, 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 the communities' 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 to 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 2014)**

This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2014). The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development.

The PPS 2014 supports the infilling of vacant lands within the Settlement Area that have access to public services. This type of development is considered to be an efficient and economical use of lands and is generally considered to be desirable. There are several passages of the PPS 2014 that encourage this type of development, several passages are cited below:

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second units, 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;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:*
- a) promote compact form and a structure of nodes and corridors;*
  - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
  - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*

- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

Surrounding properties are largely developed, making the proposed development infill, as supported by the PPS 2014. The subject property does have access to the full range of public services, including municipal sewer/water and transit (which is further discussed in the Official Plan section of this report).

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

## **Official Plan**

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

Similar to the PPS 2014, the Official Plan also encourages development within the Settlement Area where public infrastructure levels are appropriate for the proposed development. There are several passages of the Official Plan that state this objective. Section 1.4 (Vision and Guiding Principles) states that "...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". Section 2.1.1 further states that infill and intensification developments will also be promoted in other areas of the City where there is appropriate infrastructure and the proposed new development or redevelopment is compatible with surrounding land uses.

It is Planning Services' opinion that the proposed development of the subject lands is consistent with these policies of the Official Plan. The property is located on a major arterial in a developed neighbourhood that has access to the full range of public services. Below are some examples of public services that are available to the property:

- Major Road Access: The property fronts onto Trout Lake Road, a four laned arterial.
- Public Utilities and Services: Municipal water and sanitary sewer infrastructure are available to the subject property without any extensions to trunk services. The property is serviced by North Bay Hydro.
- Public Transit: The property has direct access to the Birchaven bus route and the Graniteville bus route twice passes within 200 metres of the subject property.

The applicant is requesting to amend the property's Official Plan designation from "Residential" to "District Commercial". Sections 2.2.1.3.5 and 2.2.1.3.6 discuss the designation of new "District Commercial" lands. These sections state:

- 2.2.1.3.5 Any application to re-designate land for district commercial purposes shall be accompanied by a detailed market impact study justifying the proposed size and type of commercial use and establishing the fact that limited adverse economic effects on the planned function of other commercial areas in the City that would jeopardize their long-term economic viability.*
- 2.2.1.3.6 Additional district commercial lands beyond those designated on Schedule "1" will only be permitted by an amendment to the Official Plan. Such an*



*amendment will only be considered if it has been adequately demonstrated by the developer of the proposed centre, and to the satisfaction of the City that:*

- a) the need for an additional shopping is justified by supporting studies including market impact, traffic and servicing;*
- b) cannot be suitably accommodated in designated commercial areas;*
- c) limited adverse economic effects will be felt by existing commercial designated areas in the City that would jeopardize their long-term economic viability;*
- d) that the new commercial development will be compatible with surrounding land uses and it can be demonstrated that the community will benefit as a whole because of the location chosen for a new district commercial area*

When the City's Official Plan came into effect in January 2012, the subject property was designated "District Commercial". Included in the preparation of the City's Official Plan was a comprehensive Commercial Strategy Study.

When the property's designation was changed from "District Commercial" to "Residential" in 2013, a site specific review of the property and its role in the City's commercial hierarchy was completed. This third party opinion on the property formed the basis of the City's support of the previous conversion of the lands from "District Commercial" to "Residential". Given the history of the property and the relatively recent site specific review, staff was of the opinion that adequate data existed to consider the requested amendment. As such, staff accepted the application as being complete without requiring a new commercial market impact study.

This site specific commercial analysis report submitted as part of the previous amendment in 2012 determined that the "*Trout Lake commercial sector represents a very small portion of the city's retail/commercial land inventory*" and that the specific property's overall role in the City's commercial hierarchy was minimal. It is staff's opinion that this conclusion remains relevant. The proposed Official Plan and Zoning By-law amendments will not have a significant effect on the community's larger commercial sector.

The Official Plan directs the City to be cognizant of the effect that District Commercial uses have on adjacent land uses. Section 2.2.1.3.9 states that "*District Commercial areas shall be developed at a scale that is compatible with adjacent land uses such that the adjacent land uses are not negatively impacted by the massing and height of District Commercial development. Good urban design will be achieved through the implementation of Site Plan Control. It is intended that new District Commercial development will be designed in a manner that provides vehicular and pedestrian*

---

*connections to and through adjacent lands.”*

Development plans have not been submitted to the City at this time. However, when the property owner is prepared to construct on the subject lands, they will be required to enter into a Site Plan Control Agreement with the City. In addition to standard concerns that are regulated through the SPCA (i.e. stormwater management, lighting, access/egress, etc.), the Zoning By-law requires that a 3 metre landscaping strip is in place to buffer adjacent residential uses at the rear.

Planning Staff are of the opinion the Zoning By-law Amendment is appropriate and is consistent with the intent of the City of North Bay's Official Plan.

### **Zoning By-Law No. 2015-30**

The subject property is presently zoned "Residential Multiple First Density (RM1)", which permits the following uses:

- Apartment dwellings;
- Boarding, lodging or rooming house;
- Group home type 2;
- Accessory home based business;
- Parks, playground and non-profit uses;
- Day nursery; and
- Institutional uses.

The Applicant is proposing to rezone the subject property to a "District Commercial (C4)" zone which 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;
- Financial institution;
- Flea market;
- Funeral home;
- Garden centre;
- Gas bar;

- 
- Grocery store;
  - Group home type 2;
  - Home improvement centre;
  - Hotel;
  - Non-profit use;
  - Office, business;
  - Office, professional;
  - Parking area;
  - Personal service establishment;
  - Pet daycare facility;
  - Pet shop;
  - Pharmacy;
  - Places of entertainment;
  - Places of worship;
  - Post office;
  - Recreational facility;
  - Restaurant;
  - Retail store;
  - Retail store, local;
  - Specialty food store; and
  - Veterinary establishment.

No Special zone requests were made as part of this application. As such, the property owner will be required to meet all regulations of the Zoning By-law at the time of the development.

### **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, North Bay Hydro, North Bay Mattawa Conservation Authority, the Zoning Administrator, the Municipal Heritage Committee and the Chief Building Official offered no concerns or objections.

The City did receive one letter from a member of the public. They offered no objections to the conversion but did have a list of items they wished to see regulated through Site Plan Control. These are:

- Landscaping buffer

- Privacy fence
- Lighting restrictions
- Snow storage at the front of the building
- Grading
- Garbage bins at the front of the building
- No stackable storage units

Planning staff agrees with several of the above. The Site Plan Control Agreement will require a 3 metre landscaping buffer. Lighting restrictions and site grading are also requirements. Storage containers are permitted adjacent to residential zones, but must meet the minimum setback requirement of the C4 zone (10 metres).

However, staff will not require snow storage or garbage bins to be located at the front of the building. This would contradict other certain sections of the Official Plan requiring a high level of visual amenity along entranceways to the City.

No further correspondence was received with regard to this proposal.

Respectfully submitted,

---

Peter Carello, MCIP, RPP  
Senior Planner – Current Operations

PC/

D14/2016 – ZBLA #871 – 2653 Trout Lake Road – Trout Lake Mall Inc. – PAC Report

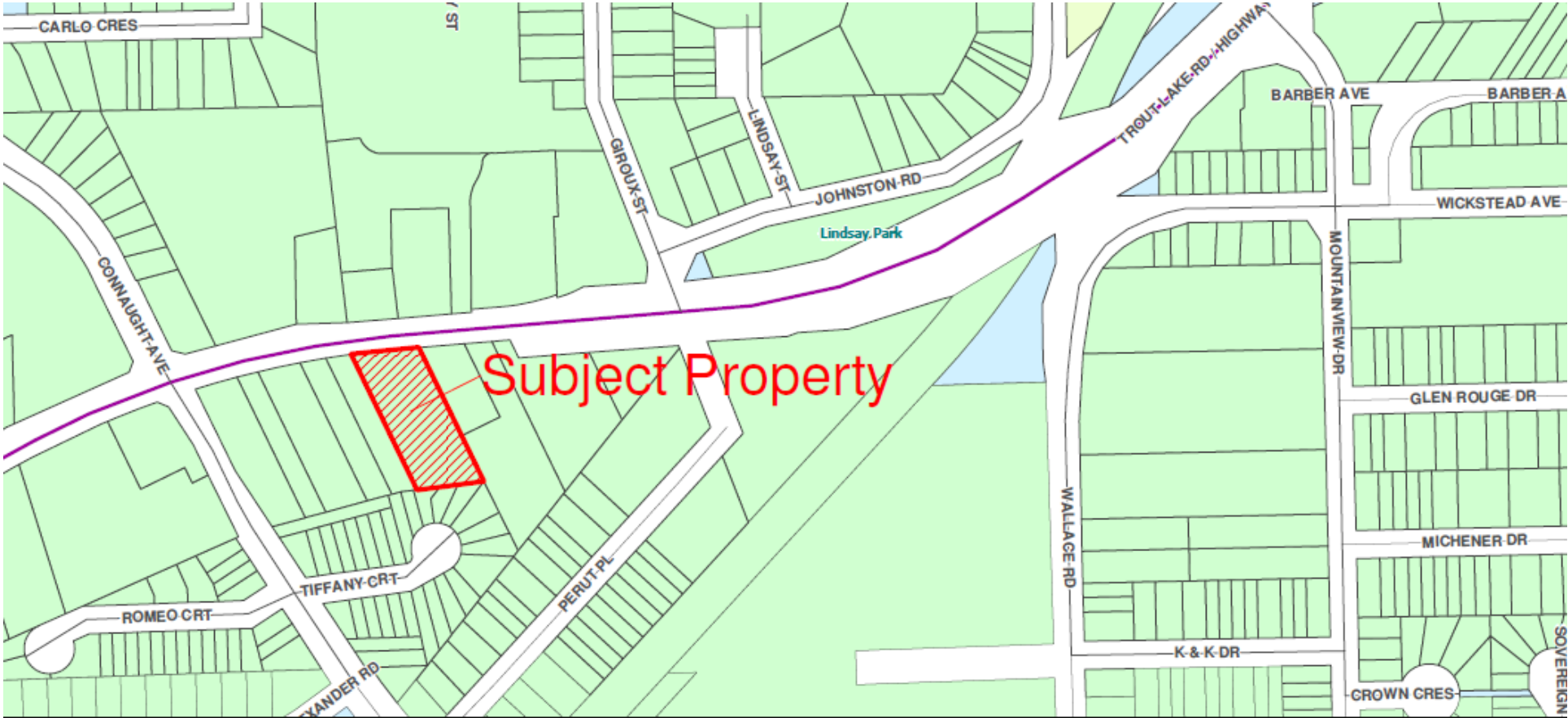
attach.

I concur with the recommendations contained in this report.

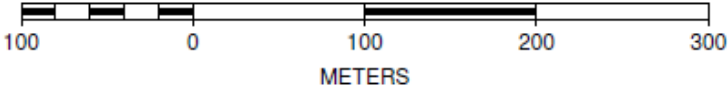
---

Beverley Hillier, MCIP, RPP  
Manager, Planning Services

# Schedule A



SCALE 1 : 4,577



## Appendix A

**PIN # 49146-0200**

PCL 3122 SEC WF; PT LT 17 CON C WIDDIFIELD AS IN LT55644 EXCEPT  
LT109594; S/T LT320898; NORTH BAY ; DISTRICT OF NIPISSING

**PIN# 49146-0201**

PCL 3228 SEC WF; PT LT 17 CON C WIDDIFIELD AS IN LT56634 EXCEPT  
LT109594; S/T LT320898; NORTH BAY ; DISTRICT OF NIPISSING

**PIN# 49146-0202**

PCL 3540 SEC WF ; PT LT 17 CON C WIDDIFIELD AS IN LT59165 EXCEPT  
LT109594 S/T LT109594 AS AMENDED BY LT152671; S/T LT320898,  
LT336855, LT342655; NORTH BAY ; DISTRICT OF NIPISSING



