

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

**By-Law No. 2017-64**

**Official Plan Amendment No. 17**

**Asimco Textiles Inc. - 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West**

**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.17 to the Official Plan of the City of North Bay Planning Area are hereby adopted.
- 2) The appendices constitute revisions to the appendices only of the Official Plan and shall not constitute part of this Amendment.
- 3)
  - 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 17th Day of October 2017.**

**Read a Second Time in Open Council the 17th Day of October 2017.**

**Read a Third Time in Open Council and Passed this 17th Day of October  
2017.**

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**Mayor, Allan McDonald**

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**City Clerk Karen McIsaac**

Sire/C01/ By-law No. 2017-67 – OPA File #17 – 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West  
Asimco Textiles Inc. – Official Plan Amendment By-law

Amendment No. 17 to the Official Plan  
of the Planning Area of the  
City of North Bay

Asimco Textiles Inc. – 1188 Cassells Street, 309 King Street West, 333 King Street  
West and 335 King Street West

October 2017

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

Amendment No. 17 to the Official Plan  
of the Planning Area of the  
City of North Bay

The attached Schedule "17-A" and explanatory text constitute Amendment No. 17 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. 2017-64 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 October 17, 2017.

Corporate Seal

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**Mayor, Allan McDonald**

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**City Clerk Karen Mclsaac**

Amendment No. 17 to the Official Plan  
of the Planning Area of the  
City of North Bay

The following text and plan designated as Schedule "17-A" attached hereto constitute Amendment No. 17 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 of the Planning area from "Residential" to "Central Business District".

In an application received July 4, 2017, the Applicant applied for an Official Plan Amendment in order to permit the construction of an apartment building.

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

The Amendment applies to LT 37 PLM45 WIDDIFIELD; PT LOT 39 PL M45 WIDDIFIELD AS IN LT30549 & LT34325; LANE PL M45 WIDDIFIELD ABUTTING LT 37, 38 & 39, M45 EXCEPT LT49766, S/T EASEMENT IN GROSS OVER PT 1 & 2 36R12425 AS IN BS48805; CITY OF NORTH BAY, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West. It is 0.135 hectares in area, with a frontage of 18.19 metres on Cassells Street.

The subject property is currently developed with a residential structure and with parking areas.

Surrounding land uses include largely commercial and residential uses.

The intent of this Official Plan Amendment is to construct a new apartment building.

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 "17-A" to this Amendment from "Residential" to "Central Business District".

## **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. 17, but are included only for the purpose of providing information in support of this Amendment.

**Appendix No. 1**

**Report to Council No. CSBU 2017-52**



## City of North Bay

### Report to Council

**Report No.:** CSBU 2017 - 52

**Date:** September 18, 2017

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

**Subject:** Proposed Official Plan Amendment, Zoning By-Law Amendment and Plan of Condominium by Miller & Urso Surveying Inc. o/b Asimco Textiles Inc. (1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West)

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### Recommendation

1. That the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a “Residential” zone to a “Central Business District”, be approved;
2. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a “Residential Third Density (R3)” zone to a “General Commercial Outer Core (C2)” zone, be approved;
3. That the proposed Plan of Condominium by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay for the purpose of constructing a 36 unit condominium apartment building be given Draft Approval subject to the conditions contained in Appendix B attached to Report to Council CSBU 2017-52; and
4. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

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### Background

#### Proposal:

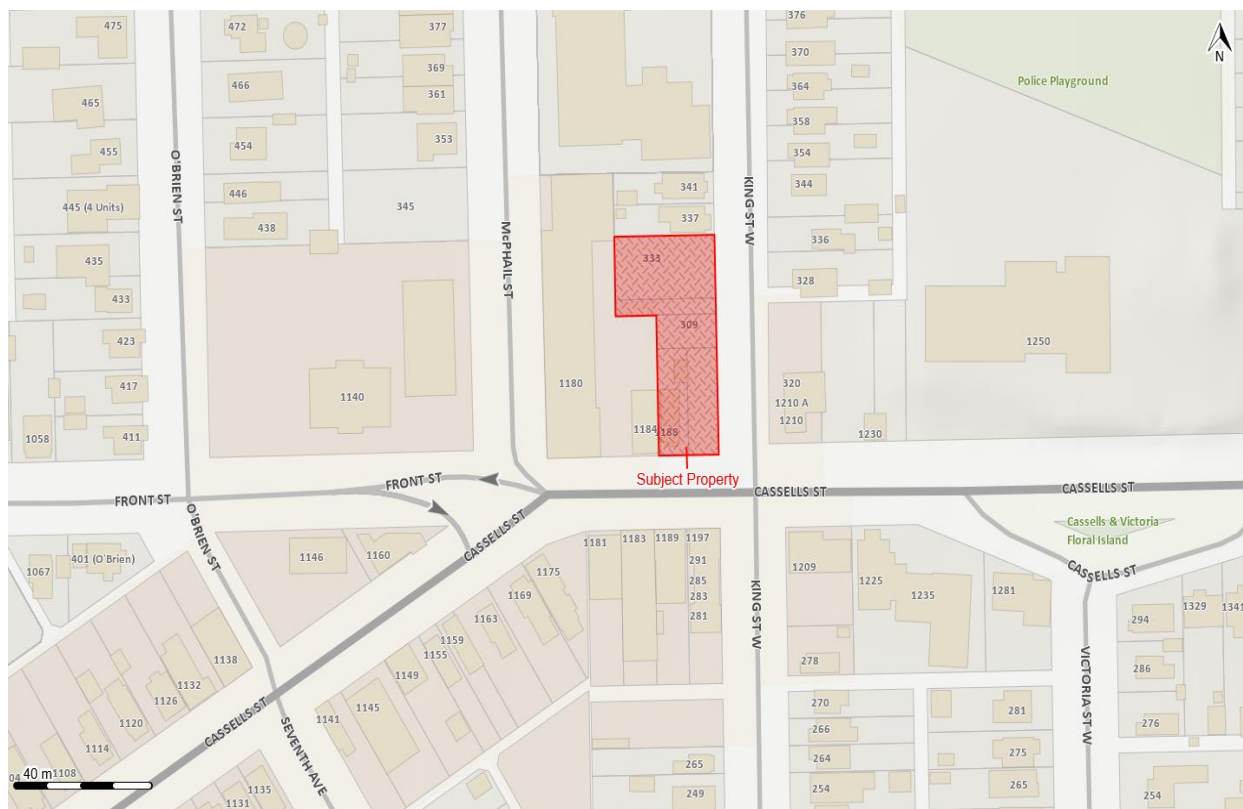
Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. is proposing to amend the Official Plan Designation for 1188 Cassells Street, 309, 333 & 335 King Street from “Residential” to “Central Business District”. The property owner has also filed a concurrent Zoning By-law Amendment application to rezone the property from a “Residential Third Density (R3)” zone to a “General Commercial Outer Core (C2)” zone as well as a Draft Plan of Condominium, both of which would permit the creation of a 36 unit condominium on the subject property.

Site Description:

The subject property is an existing lot of record located south of Cassells Street, as shown below and on attached Appendix C. It is designated “Residential” by the Official Plan and is zoned “Residential Third Density (R3)” under the City’s Zoning By-law No. 2015-30.

The property has a total lot area of 0.135 hectares (0.33 acres) and an existing lot frontage of 18.19 metres (59.7 feet). The property is developed with a one and a half storey dwelling unit, an accessory garage and a billboard at the South end of the property.

The Applicant has outlined that the dwelling and garage will be removed prior to development and that the intent to construct the new building and maintain the current location of the billboard, however should the billboard be relocated, a Sign By-law Variance would be required.



Surrounding Land Uses:

The property is located in a mixed use neighbourhood. The surrounding properties include both high and low density residential uses as well as several different commercial operations.

The properties immediately opposite and West of the subject property are zoned “General Commercial Outer Core (C2)” and are of commercial use, similar to that of the retained portion of the subject property. The property to the north of the retained portion of the subject property is zoned “Residential Multiple Second Density (RM2)” and is developed with residential condominium units. The two properties zoned for residential use to the North of the severed portion of the subject property are both zoned “Residential Third Density (R3)” and are developed with single detached dwellings.

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The properties to the East of the subject property with frontage on King Street West are also zoned for residential use and are developed with single detached dwellings. The property to the East of the subject property with frontage on Cassells Street is zoned “Neighbourhood Commercial (C5)” and is used as office space.

A neighbourhood park is located less than 100 metres North-East of the subject property. Also, along Cassells Street public transportation services can be accessed by Birchaven, Graniteville and Marshall Park transit routes.

Summary:

The Applicant has submitted concurrent Official Plan and Zoning By-law Amendment Applications as well as a Draft Plan of Condominium for 1188 Cassells Street, 309, 333 & 335 King Street to amend the Official Plan Designation from “Residential” to “Central Business District,” rezone the property from a “Residential Third Density (R3)” zone to a “General Commercial Outer Core (C2)” zone and create a 36 unit condominium on the subject property.

Both the Official Plan and the Provincial Policy Statement are supportive of infill developments within the Settlement Area that would efficiently utilize available lands and public services. Concentrating development in this manner limits the amount of land consumed and makes more effective use of public services. The property has access to the full range of public services including water, sewer and public transportation. Planning Staff are of the opinion that this proposal is a form of intensification within the Settlement Area.

The subject property is located on the periphery of the Central Business District. The Official Plan states that an expansion of the Central Business District is generally discouraged. The purpose of this policy is to prevent the gradual advance of commercially designated lands into adjacent residential neighbourhoods. However, the Official Plan also includes policies that allow for minor adjustments to boundaries to be made if proposed developments are appropriate for the area. The proposed increase to the Central Business District area is negligible and would not encourage or facilitate further expansion of the Central Business District. It is Planning Staff’s opinion the proposed use of the land is appropriate for the area and represents a good use of the subject property.

It is my professional opinion that the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium are 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 2014).

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**Analysis / Options**

Provincial Policy:

Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3, 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 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 to the City's Official Plan.

In my professional opinion, the proposed Official Plan and Zoning By-law Amendment is consistent with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

#### Provincial Policy Statement (2014)

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act, which requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act.

The current Provincial Policy Statement issued by the Provincial government came into effect on April 30, 2014. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2014).

The subject property is located within the City's Settlement Area where Section 1.1.3.1 of PPS states, "*Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*"

Sections 1.1.3 and 1.4 of the PPS 2014 further provides policy regarding Settlement Areas and Housing and state:

- "1.1.3.1 Settlement area shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*
- 1.1.3.2 Land use patterns within settlement areas shall be based on:*
- a) densities and a mix of land uses which:*
    - 1. efficiently use land and resources;*
    - 2. are appropriate for, and efficiently use, the infrastructure and public services facilities which are planning or available and avoid the need for their unjustified and/or uneconomical expansion;*
    - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
    - 4. support active transportation;*
    - 5. are transit-supportive, where transit is planned, exists or may be developed; and*

- b) 6. *are freight-supportive; and 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.*

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. ”*

1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) *permitting and facilitating:*
  - 1. *all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
  - 2. *all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*
- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The subject property is located in an established area within the City's Settlement Area. The property has access to a variety of municipal services to support the proposed condominium including water, sanitary services as well as public transportation. The proposed development would be considered a form of residential intensification within the Settlement Area and the Applicant has expressed intention of making said residential development affordable and compact. The proposed application is consistent with the above noted policies in the Provincial Policy Statement as it will efficiently use the land for the proposed parking area and support intensification opportunities in the Settlement Area.

Planning Services Staff are of the opinion that the end use of the proposed Official Plan and 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. The Applicant is requesting to amend the property’s Official Plan designation from “Residential” to “Central Business District” in order to also rezone the property to a “General Commercial Outer Core” zone and create a 36 unit condominium unit.

Section 2.2.1.1 of the Official Plan states “*An expansion of the Central Business District is discouraged*”.

The intent of discouraging the expansion of the Central Business District is to prevent a gradual advance of commercial uses onto properties that are currently residential in nature. As commercial uses begin to advance into residential neighbourhoods, the dividing line between commercial and residential uses becomes arbitrarily drawn.

The subject property and the proposed amendments do not facilitate or otherwise encourage additional expansion to the Central Business District. The property to the immediate west, in the same block, is located within the Central Business District yet the subject property remains Residential. Should Council approve the proposed amendment, there is no adjacent property that would seem like a natural extension of the proposed commercial use or the Central Business District as the expansion would simply include the remainder of the block of Cassells Street between McPhail Street and King Street West.

Though Section 2.2.1.1 of the Official Plan discourages the expansion of the Central Business District, the Official Plan contains provisions to make slight adjustments to boundaries. Section 6: Interpretation states the following with regards to interpreting the Plan:

*“This Official Plan is a policy guide for the long-range planning of the North Bay Planning Area and is used as a policy framework for the evaluation of development proposal. The intent of the Plan shall in all cases be considered flexible and no strict interpretation of any boundary line or any figure is intended. Minor adjustments may be made where such adjustments are deemed necessary for the desirable development of the area, provided that the general intent of the Plan is maintained”.*

Planning Staff are of the opinion that the proposed Official Plan amendment represents a minor adjustment of the boundary line, as permitted by Section 6 of the Official Plan.

Similar to the PPS, the Official Plan encourages development within the Settlement Area where appropriate services exist. Section 2.1.1 states, “*infill and intensification development will be primarily encouraged in the Central Business District and surrounding neighbourhoods where adequate municipal services, facilities, and transit routes exist.*”

The Official Plan also outlines objectives for the Central Business District, as below:

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

The proposed development would represent infill development and have a positive impact on the long term sustainability of the Central Business District.

Planning Staff are of the opinion the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium are appropriate and are consistent with the City of North Bay’s Official Plan.

Zoning By-law No. 2015-30

The subject property is presently zoned “Residential Third Density (R3)”, which permits the following uses:

- Single Detached Dwelling;
- Semi-detached Dwelling;
- Duplex Dwelling;
- Group Home Type 1;
- Accessory Bed and Breakfast;
- Accessory Home Based Business;
- Parks and Playgrounds;
- Day Nursery; and
- Institutional Uses.

The Applicant is proposing to rezone the subject property to a “General Commercial Outer Core (C2)” 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;
- Efficiency Unit;
- Farmer’s Market;
- Financial Institution;
- Flea Market;
- Funeral Home;
- Garden Centre;
- Gas Bar;
- Grocery Store;

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- 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;
  - Speciality Food Store;
  - Transit Terminal;
  - Veterinary Establishment;
  - Wholesale Use;
  - Bed and Breakfast;
  - Apartment Dwelling;
  - Duplex Dwelling;
  - Fourplex Dwelling;
  - Triplex Dwelling; and
  - Retirement Home.

A Minor Variance was previously filed to vary setbacks and parking requirements and as such there are no changes to be made through this rezoning.

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 Economic Development Department, the Municipal Heritage Committee and North Bay-Mattawa Conservation Authority offered no concerns or objections.



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The City's Building Department advised that a demolition permit will be required to remove the existing home on the property.

The City's Engineering Department advised that the developer will need to enter into a Service Contract with the Engineering Department before the services for the existing house located on the property can be decommissioned. The Engineering Department also requires that the sole ingress/egress to the property remain on King Street West.

Through preliminary consultation with the Development Application Review Team (DART), North Bay Hydro identified that the proposed placement of the building might be too close to the 22kV line on Cassells Street. This matter can only be confirmed through elevation drawings, which are submitted to the City at the time of the Site Plan Control Agreement and Building Permit. Staff will relay these comments to the proponent so that they are considered at the time of the Site Plan Control Agreement and Building Permit.

Canada Post contacted the City and advised that they will require the owner to provide, install and maintain communal locked mail box system within the building. This requirement was included as clause 10 of the Conditions of Approval, attached to this report.

Planning Services would like to note that the appeal deadline for the previously submitted Minor Variance was on August 20, 2017 and as of August 21, 2017 Staff was in a position to issue a Certificate of Consent provided that the Applicant's lawyer has submitted a signed Letter of Undertaking. Planning Staff have also requested a copy of the registered plan for their files and will require the owner to identify if the newly created PIN is a condo or parking unit. If the PIN is for a condo, they will require the corresponding unit number and if the PIN is a parking spot, they need to know which unit is assigned the parking space.

No further correspondence was received with regard to this proposal.

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## **Options**

### Option 1:

1. That the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a "Residential" zone to a "Central Business District", be approved;
2. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a "Residential Third Density (R3)" zone to a "General Commercial Outer Core (C2)" zone, be approved;
3. That the proposed Plan of Condominium by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay for the purpose of constructing a 36 unit condominium apartment building be given Draft Approval

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subject to the conditions contained in Appendix B attached to Report to Council CSBU 2017-52; and

4. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

Option 2:

That the proposed Official Plan Amendment, Zoning By-law Amendment and Plan of Condominium applications be denied.

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**Recommended Option**

Option 1 is the recommended option.

1. That the proposed Official Plan Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a “Residential” zone to a “Central Business District”, be approved;
2. That the proposed Zoning By-law Amendment by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay, from a “Residential Third Density (R3)” zone to a “General Commercial Outer Core (C2)” zone, be approved;
3. That the proposed Plan of Condominium by Miller & Urso Surveying Inc. on behalf of Asimco Textiles Inc. for the property legally described in Appendix A attached to Report to Council CSBU 2017-52, known locally as 1188 Cassells Street, 309 King Street West, 333 King Street West and 335 King Street West in the City of North Bay for the purpose of constructing a 36 unit condominium apartment building be given Draft Approval subject to the conditions contained in Appendix B attached to Report to Council CSBU 2017-52; and
4. That the subject property be placed under Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O., 1990 as amended in order to regulate parking, lighting, landscaping, storm water, drainage, ingress and egress and fencing as required.

Respectfully submitted,

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Peter Carello, MCIP, RPP  
Senior Planner, Current Operations

PC/dlb

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attach(s)

We concur with the recommendations contained in this report.

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Beverley Hillier, MCIP, RPP  
Manager, Planning Services

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John Severino, P.Eng., FEC, M.B.A.  
Managing Director, Community Services

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A. Keith Robicheau  
Chief Administration Officer

Personnel designated for continuance: Peter Carello, Senior Planner, Current Operations

**Appendix A – Legal Discription**

LT 37 PLM45 WIDDIFIELD; PT LOT 39 PL M45 WIDDIFIELD AS IN LT30549 & LT34325;  
LANE PL M45 WIDDIFIELD ABUTTING LT 37, 38 & 30, M45 EXCEPT LT49766, S/T  
EASEMENT IN GROSS OVER PT 1 & 2 36R12425 AS IN BS48805; CITY OF NORTH BAY

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**Appendix B - Conditions of Draft Approval**

City File: 48CDM-17103

- 1) That this approval expires five (5) years from the date of approval shown by the “Draft Plan Approval Stamp” on the face of the draft plan. If there is an appeal to the Ontario Municipal Board 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 Ontario Municipal Board 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 Miller and Urso Surveying Inc. as shown in the attached Appendix D dated June 21, 2017 which is comprised of 36 residential apartment units.
- 3) That no removal of trees be undertaken prior to final approval except: within the proposed road allowance; for survey purposes around the boundary of the Draft Approved Lands and for exploratory soils investigations for the purpose of estimating servicing costs.
- 4) That prior to signing the Final Plan by the Municipality, the proposed Condominium conform with the Zoning By-law in effect for the Municipality.
- 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) That the Condominium Agreement between the owner and the Municipality contain wording acceptable to the City Engineer to ensure that:
  - a) the ingress/egress to the property remains on King Street West; and
  - b) that a service contract be obtained for the decommissioning of the services to the existing single detached dwelling on the property
- 8) That the Owner provides full engineering drawings showing the provision of full municipal services including storm, sanitary sewers, water and full curb section, prepared by a qualified engineer, to the satisfaction of, and at no expense to the City of North Bay.
- 9) 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.
- 10) 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.
- 11) 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.
- 12) That development charges be imposed in accordance with the current applicable Municipal Development Charges By-law.

- 13) 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. 5, 6, 7 and 8 have been satisfied.
- 14) That before City Council's Final Approval is given, the Council shall be advised in writing by the Director of Parks, Recreation and Leisure Services how Condition No. 9 has been satisfied.
- 15) That before City Council's Final Approval is given, the Council shall be advised in writing by Canada Post Corporation how Condition No. 10 has been satisfied.

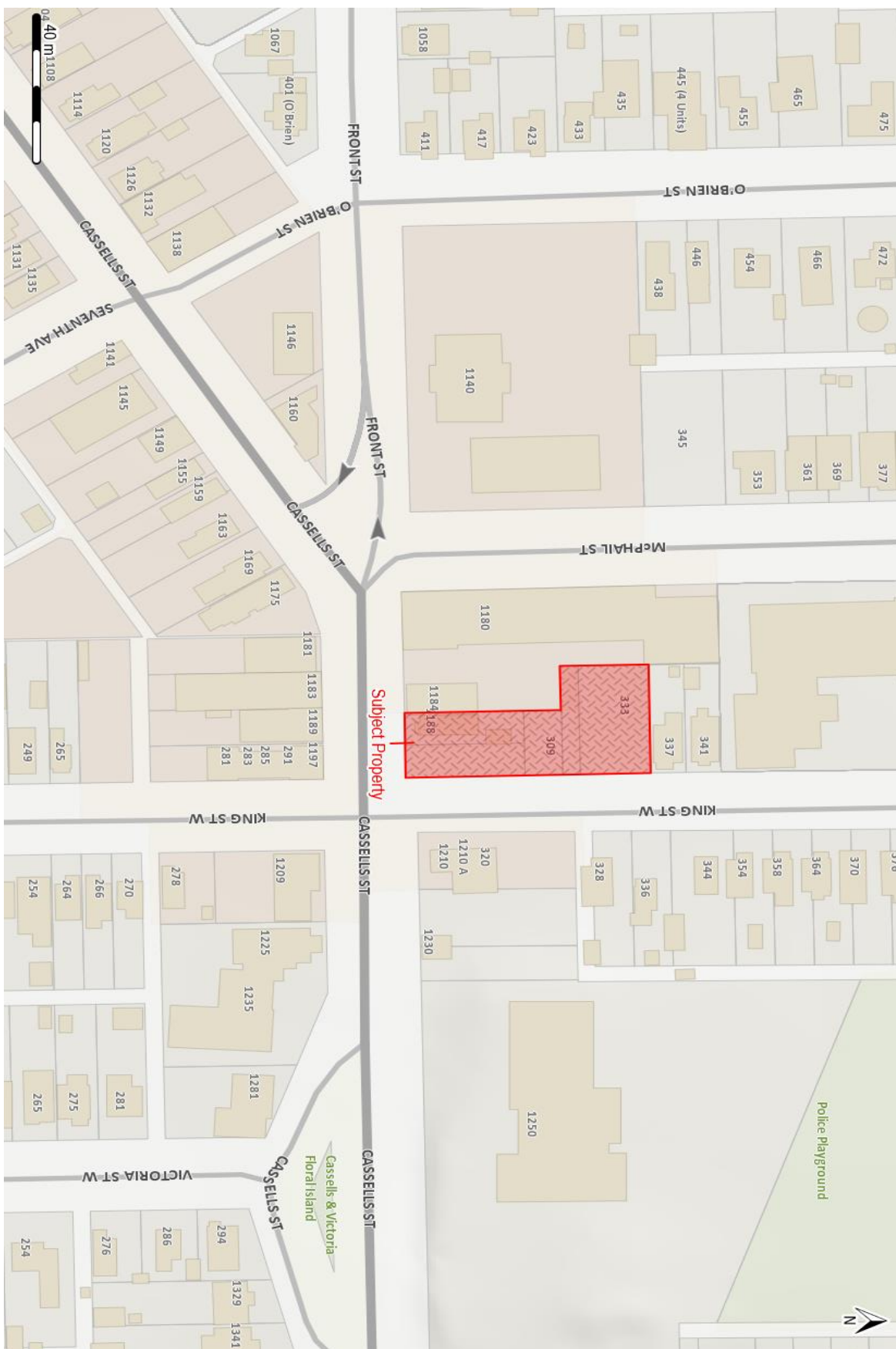
#### NOTES

- 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, a Fill, Construction and Alteration to Waterways Permit is 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.
- 3) 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.
- 4) Private water supply and sewage disposal facilities must be approved by the Ministry of the Environment, or its agent in certain areas, in accordance with Ontario Regulations 229/74 as amended, made under the Environmental Protection Act, 1971, as amended.
- 5) 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).

- 6) The Owner/Developer is hereby advised that prior to commencing any work within the Plan, the Owner/Developer must confirm with North Bay Hydro Distribution Ltd that appropriate electrical services infrastructure is currently available along the proposed development to provide delivery of electrical energy to the proposed development. In the event that such infrastructure is not available, the Owner/Developer is hereby advised that the Owner/Developer may be required to pay for the connection to and/or extension of the existing electrical distribution infrastructure, in accordance with North Bay Hydro policies and the Ontario Distribution System Code.

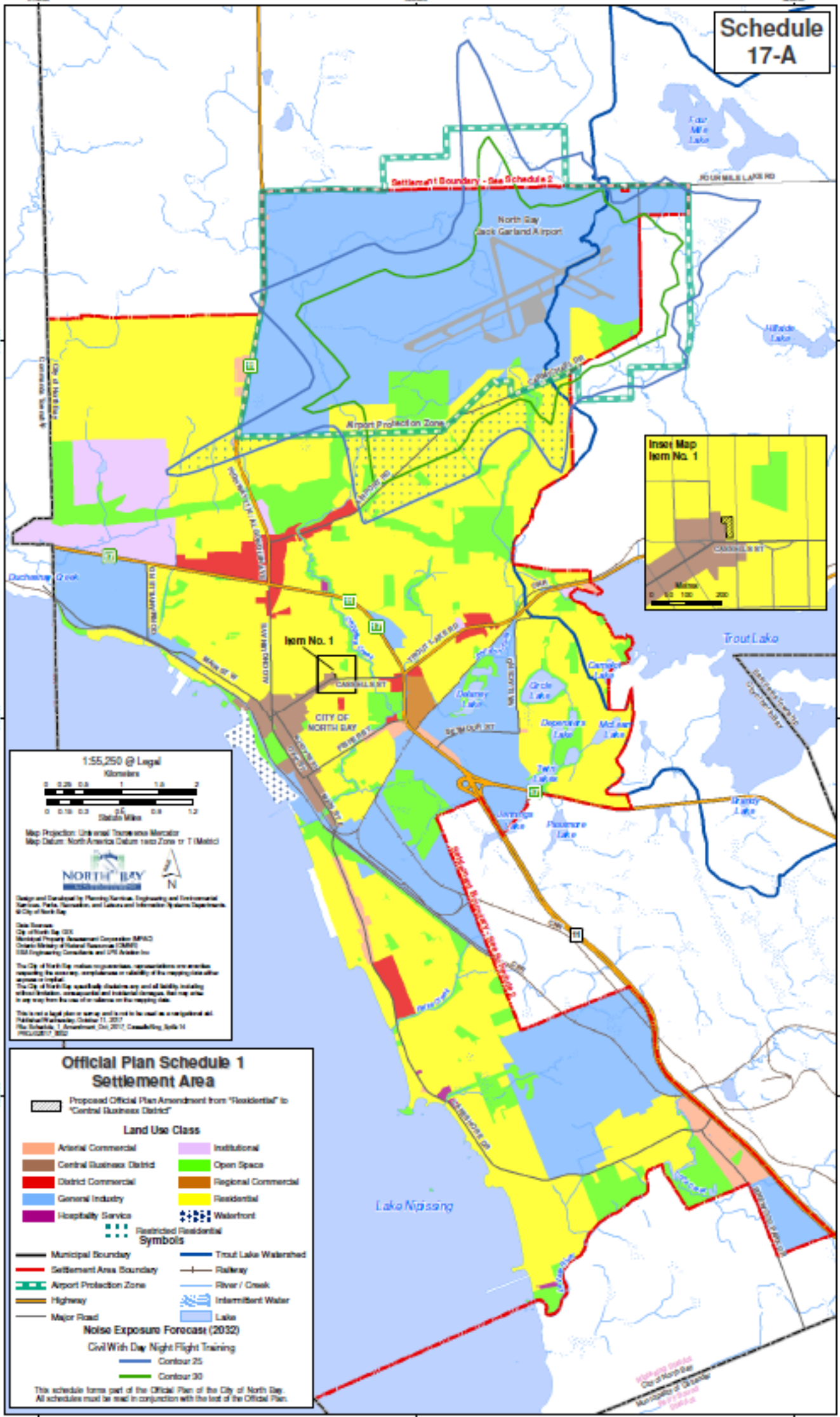
**Appendix C**







# Schedule 17-A



Map Projection: Universal Transverse Mercator  
Map Datum: North America Datum 1983 Zone 17 (Metric)



Design and Developed by Planning Services, Engineering and Environmental Services, Parks, Recreation and Culture and Information Systems Department  
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Date Issued:  
City of North Bay (2017)  
Municipal Property Assessment Commission (MPAC)  
Ontario Ministry of Municipal Affairs and Housing (MMAH)  
ES&E Engineering Consultants and GPS Analysis Inc.

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Published: October 11, 2017  
File Schedule 1 Amendment, Oct 2017, Drawing: 544-14  
P012017-002

### Official Plan Schedule 1 Settlement Area

Proposed Official Plan Amendment from "Residential" to "Central Business District"

Land Use Class	
Aerial Commercial	Institutional
Central Business District	Open Space
District Commercial	Regional Commercial
General Industry	Residential
Hospitality Services	Waterfront
Restricted Residential	

**Symbols**

Municipal Boundary	Trout Lake Watershed
Settlement Area Boundary	Railway
Airport Protection Zone	River / Creek
Highway	Intermittent Water
Major Road	Lake

**Noise Exposure Forecast (2032)**

Civil With Day Night Flight Training

- Contour 25
- Contour 30

This schedule forms part of the Official Plan of the City of North Bay. All schedules must be read in conjunction with the text of the Official Plan.



Michelle Givens  
Dir of North Bay  
Manager of Strategic  
Planning  
544-14