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**MEETING:** City Council (Public Meeting)

**DATE: &** Monday, August 27, 2018 *Reference No. CCP - 10/49*

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**OPEN SESSION in the S.H. Blake Memorial Auditorium at 6:30 p.m.**

City Council (Public Meeting)  
Chair: Mayor K. Hobbs

**DISCLOSURES OF INTEREST**

**CONFIRMATION OF AGENDA**

Confirmation of Agenda - August 27, 2018 - City Council (Public Meeting)

With respect to the August 27, 2018 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

**PUBLIC MEETING PROCEDURES**

**CITY COUNCIL (PUBLIC MEETING)**

**Draft Plan of Subdivision - 2160 West Arthur Street**

Report No. R 105/2018 (Development Emergency Services - Planning Services) presenting an application from Copper Crescent Holdings Limited, for draft plan approval for a residential plan of subdivision on a 3.1 hectare property located on the west side of 20th Side Road, north of Lacewood Drive.

**Draft Plan of Subdivision**

**(For consideration by Council on September 17, 2018)**

THAT a Public Meeting having been held with respect to the application by Copper Crescent Holdings Limited, to create 9 lots for single detached dwellings on Concession 3 NKR, Part of Lot 21, 2160 West Arthur Street (58T-18501), Draft Plan Approval is hereby issued for a period of 3 years, subject to the conditions outlined in Attachment "A" and on the plan to Report No. R 105/2018 (Planning Services) as shown in Attachment "C" ;

AND THAT the Plan of Subdivision proceeds to Registration to the satisfaction of Administration;

AND THAT the necessary By-laws be presented to City Council for ratification;

ALL as contained in Report No. R 105/2018 (Planning Services), as submitted by the Development Emergency Services Department.

### **Removal of Holding Symbol - 3120 Fairview Avenue**

Report No. 111/2018 (Development Emergency Services - Planning Services) recommending that the H - Holding Symbol be removed from a portion of the property, municipally known as 3120 Fairview Avenue. Removing the holding symbol from this portion of the property will not compromise the future development of the remaining lands by plan of subdivision and will permit the owner to construct a single-detached dwelling that maintains an appropriate distance from the adjacent railway line.

THAT with respect to the request by Christina Thiessen, relative to Registered Plan 218, Part of Lot 6, North Part of Lot 8 and Plan 55R9032, PARTS 2 and 4, municipally known as 3120 Fairview Avenue, we recommend:

1. That the Holding Symbol be removed from the subject property.

AND THAT the necessary By-law be presented to City Council for ratification.

ALL as contained in Report No. R 111/2018 (Planning Services) as submitted by the Development Emergency Services Department.

### **Zoning By-law Amendment - 1805 and 1825 Arthur Street East (Immeubles Eindev Inc.)**

Report No. 112/2018 (Development Emergency Services - Planning Services) presenting an application requesting a site-specific Zoning By-law amendment to add "office" as a permitted use in the "MI" – Major Institutional Zone, municipally known as 1805 and 1825 Arthur Street East.

The Applicant's request is supported by the Provincial Policy Statement and the Official Plan's objective to promote sustainability and resilient development through the re-purposing of existing buildings. The design of the existing buildings is well-suited to office use and the property is well-located for office use, adjacent to the Business Area designation in the adopted 2018 Official Plan.

Administration supports the approval of the proposed Zoning By-law amendment and recommends that this property be designated as an area of Site Plan Control as it borders the Arthur Street Image Route.

THAT a Public Meeting having been held with respect to the application by Immeubles Eindev Incorporated, relative to Part of Lot 3, Concession 3, Registered Plan M47, Part of Donald Street, PARTS 1-7 on Plan FWR 48, PART 1 on Plan FWR 180A, PART 1 on Plan 55R1225, municipally known as 1805 and 1825 Arthur Street East, we recommend that the Zoning By-law be amended as follows:

1. That an OFFICE be added as a permitted USE in the "MI" – Major Institutional ZONE within the two existing MAIN BUILDINGS at this location.

Subject to the following condition:

That prior to the passing of the amending by-law:

1. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control.

Unless otherwise rescinded or extended, this approval in principle shall be valid for a period of six (6) months from the date of ratification by City Council. Thereafter, the file shall be considered closed and a new application will be required if the condition to be fulfilled prior to the passing of the amending by-law has not been completed.

AND THAT the necessary By-laws are presented to City Council for ratification.

ALL as contained in Report No. R 112/2018 (Planning Services) as submitted by the Development Emergency Services Department.

### **Official Plan Amendment - 464 Belton Road (V. Desando)**

Report No. 117/2018 (Development Emergency Services - Planning Services) presenting an application for an amendment to the Official Plan, as submitted by V. DeSando, seeking to amend the policies of the Official Plan to permit the severance of one additional lot with a frontage of less than the 60 metres lot frontage required in the Official Plan for the Rural Residential Designation.

The Planning Services Division recommends that the Official Plan not be amended, as the proposed development is not consistent with the direction of the Provincial Policy Statement and does meet the letter nor intent of the Rural Residential policies in the Official Plan. Furthermore, the request does not conform to direction in the recently adopted Official Plan.

THAT a Public Meeting having been held with respect to the application from V. Desando to amend the Official Plan as it applies to the lands on the east side of Belton Road, and further described as Registered Plan 762, Lot 15 and the adjacent Brighton Avenue Allowance, no change be made to the Official Plan.

ALL as contained in Report R117/2018 (Planning Services) as submitted by the Development Emergency Services Department.

**Temporary Use By-law - 1060 Lithium Drive (TbayTel)**

Report No. 120/2018 (Development and Emergency Services - Planning Services) presenting an application to amend the Zoning By-law to extend a Temporary Use By-law for an additional three (3) years to permit general office uses in a building on the subject lands. Administration has reviewed the application against applicable Official Plan policies and the site context, and does not object to the extension of the Temporary Use By-law.

The Official Plan 2002 identifies the Downtown Core designation as the preferred location for new offices, and states that applications for planning approval to permit offices beyond the extent to which they are already permitted will not be supported. The intent of the Official Plan regarding office uses is to concentrate them where they can synergize with surrounding businesses, and benefit from civic infrastructure. This proposal does not conform to intent of the Official Plan in this regard; however, Temporary Use By-laws may be granted if they meet criteria in the Temporary Use section of the Official Plan. Administration finds this application in line with these criteria, and therefore does not object to the extension of the Temporary Use By-law.

THAT a Public Meeting having been held with respect to the application by TBayTel, relative to Plan 55M446, Part Lot 17, Reference Plan 55R9817 Parts 8 and 9, subject to an Easement, municipally known as 1060 Lithium Drive, shown as "Property Location" on Attachment "B" to Report No. 120/2018 (Planning Services), the Zoning By-law be amended as follows:

1. A Temporary Use By-law be extended for the subject lands for a period of three (3) years in order to permit office use of the existing building in the "IN2" – Medium Industrial Zone.

AND THAT the necessary By-law is presented to City Council for ratification.

ALL as contained in Report No. R 120/2018 (Planning Services) as submitted by the Development Emergency Services Department.

**BY-LAWS**

**BL 79/2018 - Holding Symbol Removal (3120 Fairview Avenue)**

A By-law to remove a Holding Symbol pursuant to Section 36 of the Planning Act R.S.O., as amended (3120 Fairview Avenue)

**BL 80/2018 - Site Plan Control Designation - 1805 and 1825 Arthur Street East (Immeubles Eindex Inc)**

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1805 and 1825 Arthur Street East)

**BL 81/2018 - Zoning By-law Amendment - 1805 and 1825 Arthur Street East (Immeubles Eindex Inc)**

A By-law to amend By-law 100-2010 (The Zoning By-law) of the Corporation of the City of Thunder Bay (1805 and 1825 Arthur Street East)

**BL 82/2018 - Closing of Lane Allowance**

A By-law to close a portion of the Lane adjacent to 649 & 653 Hodder Avenue, in the City of Thunder Bay, in the District of Thunder Bay.

**BL 84/2018 - Temporary Use By-law - 1060 Lithium Drive (TbayTel)**

A By-law to amend By-law Number 100-2010, as amended (The Zoning By-law) of The Corporation of the City of Thunder Bay (1060 Lithium Drive) for a Temporary USE for three (3) years.

**By-law Resolution**

By-law Resolution - August 27, 2018

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to remove a Holding Symbol pursuant to Section 36 of the Planning Act R.S.O., as amended (3120 Fairview Avenue)

By-law Number: BL 79/2018

2. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1805 and 1825 Arthur Street East)

By-law Number: BL 80/2018

3. A By-law to amend By-law 100-2010 (The Zoning By-law) of the Corporation of the City of Thunder Bay (1805 and 1825 Arthur Street East)

By-law Number: BL 81/2018

4. A By-law to close a portion of the Lane adjacent to 649 & 653 Hodder Avenue, in the City of Thunder Bay, in the District of Thunder Bay

By-law Number: BL 82/2018

City Council (Public Meeting) - Meeting Date 08/27/2018

5. & A By-law to amend By-law Number 100-2010, as amended (The Zoning By-law) of The Corporation of the City of Thunder Bay (1060 Lithium Drive) for a Temporary USE for three (3) years

& By-law Number: BL 84/2018

**ADJOURNMENT**



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**MEETING DATE**      08/27/2018 (mm/dd/yyyy)

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**SUBJECT**              Confirmation of Agenda

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***SUMMARY***

Confirmation of Agenda - August 27, 2018 - City Council (Public Meeting)

***RECOMMENDATION***

With respect to the August 27, 2018 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

<b>DEPARTMENT/ DIVISION</b>	Development      Emergency Services - Planning      Services	<b>REPORT NO.</b>	R 105/2018
<b>DATE PREPARED</b>	07/10/2018	<b>FILE NO.</b>	58T-18501
<b>MEETING DATE</b>	08/27/2018 (mm/dd/yyyy)		
<b>SUBJECT</b>	Draft Plan of Subdivision - 2160 West Arthur Street		

**RECOMMENDATION**

**Draft Plan of Subdivision**

**(For consideration by Council on September 17, 2018)**

THAT a Public Meeting having been held with respect to the application by Copper Crescent Holdings Limited, to create 9 lots for single detached dwellings on Concession 3 NKR, Part of Lot 21, 2160 West Arthur Street (58T-18501), Draft Plan Approval is hereby issued for a period of 3 years, subject to the conditions outlined in Attachment "A" and on the plan to Report No. R 105/2018 (Planning Services) as shown in Attachment "C" ;

AND THAT the Plan of Subdivision proceeds to Registration to the satisfaction of Administration;

AND THAT the necessary By-laws be presented to City Council for ratification;

ALL as contained in Report No. R 105/2018 (Planning Services), as submitted by the Development      Emergency Services Department.

**EXECUTIVE SUMMARY**

The applicant, Copper Crescent Holdings Limited, has applied for Draft Plan Approval for a residential Plan of Subdivision on a 3.1 hectare property located on the west side of 20<sup>th</sup> Side Road, north of Lacewood Drive and represents development of a portion of the back lands as contemplated in the Fairview Community Plan. The proposed plan is comprised of 9 lots for single detached dwellings, one block for stormwater management/parkland, and 1 new street. The subdivision is to be serviced by municipal piped water and individual private septic systems.

As stated in Section 51(20) of the Planning Act, no decision can be made on the application for Draft Plan Approval of this subdivision until at least 14 days have elapsed

from the holding of the public meeting. The recommendation for Approval of the Draft Plan will be presented to Council for consideration on September 17, 2018.

Administration is recommending that this application be approved.

## ***DISCUSSION***

### Description of Proposal

The applicant proposes to develop a plan of subdivision that is serviced with municipal piped water, storm sewers, and private septic systems. The proposed plan of subdivision is comprised of 9 lots for single detached dwellings, one block for stormwater management/parkland, and one new street. The property is currently zoned "R1-H" – Residential Zone One – Holding. The removal of the Holding Symbol would occur once a Subdivision Agreement has been executed.

The layout of the Draft Plan of Subdivision is shown on Attachment "B" to this Report.

### Description of Subject Property

The vacant subject property is 3.1 hectares in area and is located on the west side of 20<sup>TH</sup> Side Road, north of Lacewood Drive.

Surrounding lands have been developed at a suburban scale by plans of subdivision to the south and other nearby lands by consent. The property is identified in the Fairview Community Plan for development by plan of subdivision.

### Consultation

Notice of Application was sent to area residents, departments, and agencies on January 18, 2018 and Notice of Public Meeting was provided on August 2, 2018.

### Neighbourhood Comments

Two letters of concern were received. The concerns submitted are as follows:

- Increased drainage problems with the additional proposed development
- Existing ditches are poorly maintained and full of water
- The existing water table is high and there are concerns that additional development will further increase the water table and further exasperate the roadway damage during freeze/thaw cycles.

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Administration Responses to public comments:

Planning and Engineering staff agree that an unlimited water supply with private septic systems will contribute to a higher water table in the area when home owners use city supplied water in the same fashion as within the fully serviced urban setting.

The preliminary hydrogeological report indicated that groundwater levels may rise over time; therefore, a permanent, maintainable groundwater control system will be required. In addition to the standard drainage system within the road allowance, the study included the recommendation for a sub-surface perforated drain and surface drainage system along the rear property lines between the existing and proposed developments to address this concern.

Planning and Engineering staff note that the road construction in the proposed subdivision will be to a standard similar to the urban serviced area; that is curb and gutter with a storm sewer system, and stormwater management facilities instead of the open ditches that were permitted and built in the current surrounding subdivision. Furthermore, as the construction standards are higher today for suburban development than what they were decades ago, this subdivision would have to be designed so that the drainage does not impact the existing development.

Planning and Engineering staff also recommend that the Subdivision Agreement include appropriate notification to future homeowners advising that overuse of city water can affect the local level of ground water. References to best practises would also be included, such as discouraging the use of in-ground sprinkler systems. As the Subdivision Agreement is registered on Title, these notices would be passed on to future owners and purchasers.

Agency Comments

The following civic departments and outside agencies reviewed the proposed Plan of Subdivision and offered no comments or objections, although some may have requested standard conditions including easement and facility requirements:

- Hydro One Networks Inc. '
- Reality Services '
- Ministry of Transportation '
- Lakehead District School Board '
- Lakehead Region Conservation Authority '
- Canada Post '
- Tbaytel '
- Thunder Bay Police Service '
- Thunder Bay Hydro '
- Union Gas '

Those agencies that provided comment are discussed below.

- EarthCare

The EarthCare Sustainability Plan does not prohibit this subdivision application; however this development is contrary to EarthCare's objective which encourages growth in a manner that optimizes the use of existing infrastructure and public services, reduces the need to construct new infrastructure or extend public services.

The Sustainability Plan also encourages infill, intensification, and redevelopment of existing built areas (over greenfield development).

- Parks Open Spaces Section

Through the approval of the subdivision the Parks Open Spaces Section will require the dedication of land for parkland in addition to Block 10 that is identified for stormwater management/parkland.

The Applicant has also been provided with information on a number of items with regards to tree plantings, tree retention, and storm water management that will be contained in the Subdivision Agreement.

- Thunder Bay District Health Unit (TBDHU) – Healthy Living

TBDHU opposes the subdivision for the following reasons:

- There is no trail or sidewalk connections for residents to promote walkability or active transportation;
- Distance from commercial areas has potential for food inaccessibility;
- Distance from commercial areas will promote an auto dependent lifestyle; and
- Infill and intensification in the urban area should be focus of new housing.

The Planning Services Division notes that residential development beyond the urban area provides a component of the overall housing needs of the community. The Planning Services Division concurs with the statements provided by the TBDHU, however, this type of development remains in demand by the housing market and is supported by Official Plan Policies.

- Ministry of Tourism, Culture and Sport

There has been no correspondence received from the Ministry of Tourism, Culture and Sport, however the Planning Services Division notes that the property exhibits low archaeological potential based on the Ministry's evaluation criteria. As such, no archaeological assessment is recommended. However, the Planning Services Division

further recommends a standard condition that would require the developer to stop operations and contact the Police, the Ministry of Tourism, Culture and Sport, and the Registrar of Cemeteries should any cultural heritage artifacts and/or human remains be discovered during construction.

#### Engineering Operations Division

Engineering confirms the applicant has provided a preliminary servicing design and stormwater management report, a preliminary water distribution model, and a preliminary hydrogeological report, which have outlined the overall development and servicing requirements for the development. Based on this information, the Engineering Operations Division has no objection to the Draft Plan of Subdivision; provided the Draft Plan conditions listed in Attachment "A" are imposed:

#### Planning Division Comments

- Provincial Policy Statement 2014 (PPS)

The PPS defines "*Settlement Area*" as:

"Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated."

Policy 1.6.6.5 of the PPS states:

"*Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*."

The term "negative impacts" in the PPS: means:

- a) "in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water, sensitive surface water features* and *sensitive ground*

*water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;"

The phrase "infilling and minor rounding out" is not defined in the PPS. The Planning Services Division believes that the intent of this policy is to provide opportunities for development that will finish the balance of concentrated development. The proposed development is located within a rural *settlement area*, and is adjacent to an existing built up area that contains low density residential uses. Furthermore, in the recently adopted Official Plan, the lands form part of a Rural Settlement Area where such development will be permitted.

The Planning Services Division is of the opinion that the proposed Draft Plan of Subdivision is considered infilling and minor rounding out of existing development and therefore consistent with the PPS.

In terms of demonstrating that the site conditions are suitable for the long-term provision of such services with no *negative impacts*, the Planning Services Division recommends that prior to entering into a Subdivision Agreement the Final Hydrogeological Study clearly address the PPS requirement as to whether site conditions are suitable for the long-term provision of partial services with no *negative impacts* as contemplated in the PPS.

The Planning Services Division is satisfied that the subject proposal is consistent with the PPS provided the requirement noted in the preceding paragraph is satisfied.

- Growth Plan for Northern Ontario, 2011

The proposed Draft Plan of Subdivision does not conflict with the Growth Plan for Northern Ontario.

- City of Thunder Bay Official Plan 2002

The subject property is designated "Suburban Residential Stage 2" on Schedule "C" of the Official Plan. Lands designated as "Suburban Residential" are intended to provide a low-density form of residential development as an alternative living environment to urban settings. Lands designated "Suburban Residential Stage 2" are lands where development will occur once lands with "Stage 1" are built out. As nearby lands in this area have been largely built out, development of "Stage 2" Lands may proceed.

Given the amount of natural vegetation within the lands, Planning Services recommends that prior to entering into a Subdivision Agreement that a Tree Inventory and Retention Plan be submitted prior to any earth works or vegetation removal.

An abandoned Canadian Pacific Railway right of way exists on proposed Lots 4, 5, and 6 and Block 10. Given the history of past use, in accordance with Official Plan Policies and Provincial Regulations, the Planning Services Division recommends that a Record of Site Condition be completed prior to the entering of a Subdivision Agreement confirming that site conditions are appropriate for residential development.

The Planning Services Division concludes that the application conforms to the 2002 Official Plan.

- City of Thunder Bay Official Plan 2018

On April 30<sup>th</sup>, a new Official Plan for the City of Thunder Bay was adopted and has been submitted to the Province for approval. The subject property is located within the Rural Settlement Area where residential development on partial services may proceed by plan of subdivision. The Planning Services Division concludes that the application conforms to the 2018 Official Plan.

- Zoning By-law

The property is zoned "R1-H" – Residential Zone One - Holding and the proposed plan does not require any amendments to the Zoning By-law. Where municipal water is the only service available, the "R1" Zone permits single detached dwellings on lots with a minimum lot area of 2,100 square metres and minimum lot frontage of 30.0 metres. The proposed plan complies with these minimum requirements. Prior to registration, confirmation from the Land Surveyor that all lots conform to the Zoning By-law will be required. The Holding Symbol may be removed once a Subdivision Agreement has been executed.

- Draft Plan

The Planning Services Division, Engineering Operations Division, and Parks Open Spaces Section are all satisfied with the Draft Plan will provide road connection to existing and future development.

As with all recent subdivisions, Planning Services staff recommends that Draft Plan Approval be subject to a 3 year lapsing provision to ensure that the plan is developed within a reasonable time frame and in accordance with current requirements.

The conditions associated with Draft Plan Approval are detailed in Attachment A. Once the necessary studies and requirements have been complete, the owner and the City will enter into a Subdivision Agreement.

#### Planning Act Requirements:

As stated in Section 51(20) of the Planning Act, no decision can be made on the application for Draft Plan Approval of this subdivision until at least 14 days after the

holding of the public meeting. Council must close the public meeting and consider the recommendation on the subdivision application at the next appropriate Council meeting after 14 days which would be September 17, 2018.

### ***FINANCIAL IMPLICATIONS***

All of the costs associated with the proposed development will be borne by the applicant. In addition, increased capital and operating costs are expected to service and maintain the development. There is no verifiable evidence that the increased assessment on the lands will defray these additional costs. Based on an assessment of \$390,000 per lot, this development would result in municipal taxes of approximately \$54,000 annually.

The City of Thunder Bay has a significant capital infrastructure gap that will continue to grow as new facilities are added to the inventory. For example, in 2018 roads renewal was underfunded by approximately \$5 million and there was a \$3 million shortfall in stormwater funding needed to maintain our existing infrastructure. Over the last 3 years less than 1% of the City's overall operating budget was spent maintaining roads, water, and sanitary and storm sewers.

Staff estimates that the proposed plan of subdivision will result in an additional 250 metres of traveled road (road allowance of 0.18 hectares), 5 new street lights, and 0.3 hectares of storm water management lands / open space to the City's infrastructure. All will require maintenance at the expense of the tax base.

It is challenging to determine the actual on-going maintenance and lifecycle renewal costs of a specific development area in isolation. Generally, the City spends an average of approximately \$7,800 per kilometre on summer and winter road maintenance and stormwater operations. Based on current service levels and costs it can be expected that the proposed subdivision would require a minimum of \$2,750 annually to be allocated for on-going maintenance of the new roads, street lighting and stormwater management. This represents over 5% of the expected municipal taxes projected for this subdivision. This does not include capital rehabilitation costs and additional stormwater management maintenance needs as identified in the stormwater management plan. There would be additional costs attributable to this proposed development associated with a variety of soft services like police and fire protection, community centres and waste collection.

### ***CONCLUSION***

It is concluded that the application for Draft Plan Approval represents good planning and should be approved, subject to the conditions set out in ATTACHMENT "A" to this Report. The Draft Plan of Subdivision conforms to the Official Plan, is consistent with the Provincial Policy Statement, and Growth Plan for Northern Ontario, and complies with minimum zoning requirements.

**REFERENCE MATERIAL ATTACHED**

- Attachment A - Draft Approval Conditions for File 58T-18501
- Attachment B - Plan showing Proposed Draft Plan of Subdivision
- Attachment C – Property Location
- Attachment D – Fairview Community Plan – Development Scheme

***PREPARED BY: Decio Lopes, MCIP, RPP., Senior Planner***

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)  Mark Smith GM – Development    Emergency Services	DATE:  August 17, 2018
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## **ATTACHMENT A - Draft Approval Conditions for File 58T-18501**

DRAFT APPROVAL CONDITIONS FOR 58T-18501 apply for a period of 3 years, ending on September 17, 2021 for the plan, as redlined, shown on Attachment "C" of Report R105/2018 (Planning Services), which shows a total of 9 lots for single detached dwellings, one street, and one block for storm water management and parkland.:

### **STANDARD CONDITIONS:**

1. That the streets be shown and dedicated as a public highway on the final plan.
2. That the streets be named to the satisfaction of the City of Thunder Bay.
3. That the owner retains an Ontario Land Surveyor's Certificate confirming that all lots conform to the requirements of By-law 100-2010, as amended.
4. That the owner enter into a Subdivision Agreement satisfactory to the City of Thunder Bay to satisfy all the requirements, financial and otherwise, concerning the provision of roads, installation of services and drainage.
5. That the owner satisfies the Parks & Open Spaces Section with respect to parkland dedication.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

### **CONDITIONS TO BE COMPLETED PRIOR TO A SUBDIVISION AGREEMENT:**

7. That to prior to any earth works or vegetation removal, the owner shall submit a tree inventory and retention plan and that any recommendations are included in Subdivision Agreement between the City and the owner.
8. That the Owner shall provide a final servicing study prepared by a Professional Engineer, to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the owner.
9. That the Owner shall provide a final hydrogeological and geotechnical Study prepared by a Professional Engineer for the design of the road system and septic systems, and shall include an appraisal on groundwater conditions in the area with recommendations for permanent groundwater control measures, to the satisfaction of the City Engineer. This updated Study shall include addressing the Provincial Policy Statement that site conditions are suitable for the long-term provision of partial services with no *negative impacts*, to the satisfaction of the City Engineer, Planning Services Division, and the Thunder Bay District Health Unit and that the City is to be advised in writing, by the Thunder Bay District Health Unit how this

**ATTACHMENT A - Draft Approval Conditions for File 58T-18501**

condition has been met, and that any requirements are included in Subdivision Agreement between the City and the owner.

10. That the Owner shall prepare a final lot grading and drainage plan to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the owner
11. That the Owner shall provide a satisfactory final stormwater management report, erosion control plan, and an assessment on the existing cross-culvert under 20<sup>th</sup> Side Road (immediately downstream of the lands), prepared by a Professional Engineer, confirming the stormwater management quantity and quality control requirements, and identifying any off-site drainage improvements to be completed by the owner, to the satisfaction of the City Engineer and the Lakehead Region Conservation Authority, and that any requirements are included in Subdivision Agreement between the City and the owner.
12. That the Owner shall provide confirmation of a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition for the lands.

**CONDITIONS TO BE INCLUDED IN A SUBDIVISION AGREEMENT:**

13. That the Subdivision Agreement contain a provision wherein the Owner agrees to include in all offers of purchase and sale the following notices:
  - (a) For all lots, notice that postal services is via community mailboxes.
  - (b) For all lots, notice that homeowners should utilize water conservation features and techniques as the lands are serviced with an unlimited supply of City water that will ultimately discharge into the natural environment through their private septic systems.
  - (c) For all lots, notice that the septic system design must include an advanced nitrate treatment system capable of removing a minimum of 50 to 65% of nitrogen compounds from the effluent.
  - (d) For all lots, these lots may be subject to higher than normal water pressures, and the dwellings on these lots shall be equipped with a pressure regulating device to maintain water pressure in the dwelling at less than 550KPa (80 psi).
  - (d) For all lots, notice that raised septic beds may be required.
14. That the Subdivision Agreement between the City and the Owner contain a provision:
  - (i) wherein the Owner agrees to stop all work and notify the Ministry of Tourism, Culture and Sport in the event that cultural heritage features are uncovered during construction;

**ATTACHMENT A - Draft Approval Conditions for File 58T-18501**

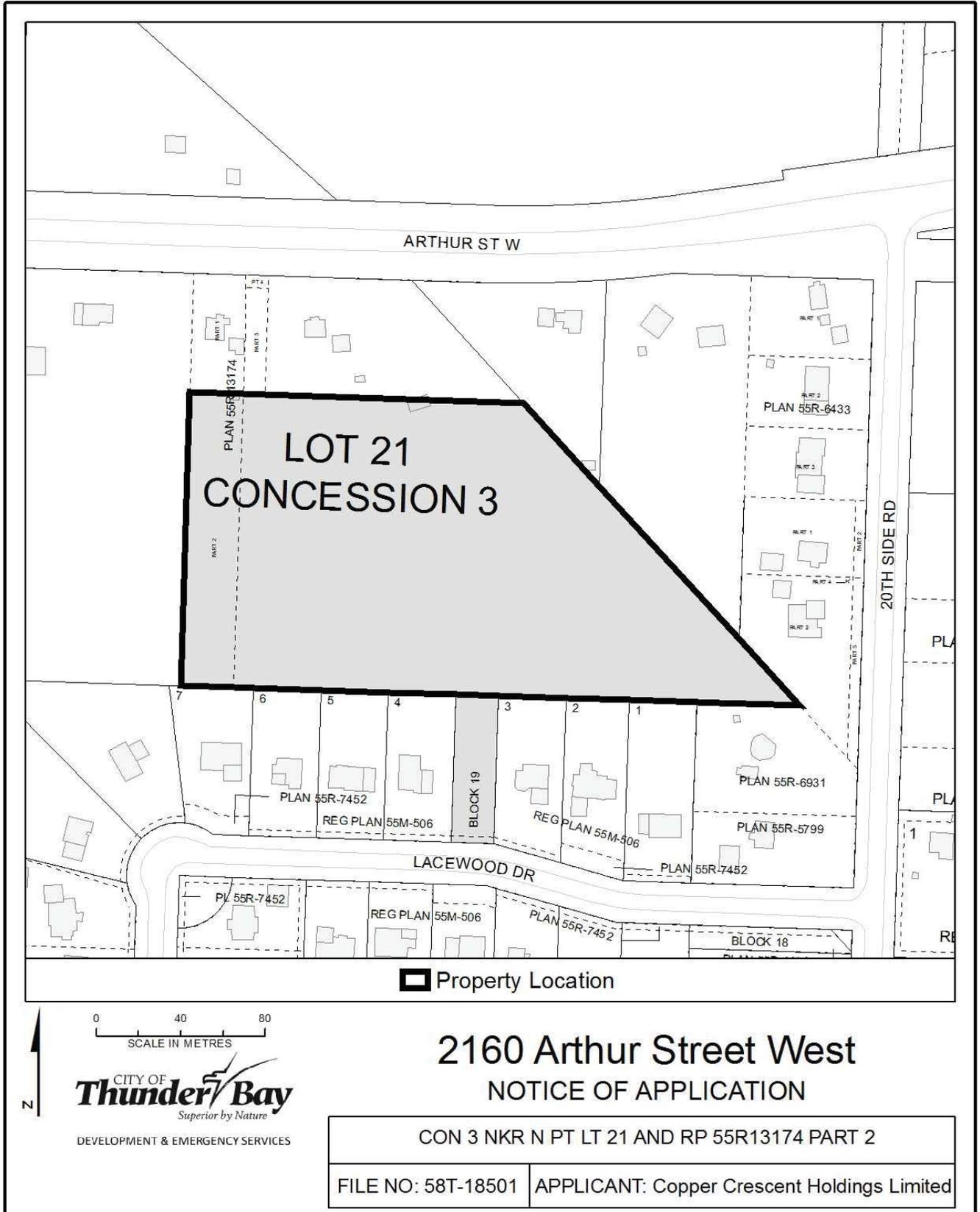
- (ii) wherein the Owner agrees to stop all work and notify the Police, Ministry of Tourism, Culture and Sport, and the Registrar of Cemeteries - Ministry of Government and Consumer Services in the event human remains are uncovered during construction;
- (iii) for the construction of fences along all park blocks, walkway blocks, and stormwater management facilities, if required, to the satisfaction of the Parks & Open Spaces Section and the City Engineer; and
- (iv) to contain any recommendations in the updated Hydrogeological Study be incorporated into the Subdivision Agreement.

**CONDITIONS TO BE COMPLETED PRIOR TO THE REGISTRATION OF THE SUBDIVISION:**

- 15. The Subdivision Agreement be registered against the title of the lands to which it applies.
- 16. The owner shall:
  - (i) enter into an agreement with Thunder Bay Hydro Electricity Distribution Inc. for the costs of supplying electricity service to the development and that the City is to be advised in writing, by Thunder Bay Hydro Electricity Distribution Inc. how this condition has been met.
  - (ii) enter into an agreement with Thunder Bay Telephone for the provision of telephone service to the development and that the City is to be advised in writing, by Thunder Bay Telephone how this condition has been met.
  - (iii) enter into an agreement with Union Gas Limited for the provision of natural gas service to the development and that the City is to be advised in writing, by Union Gas Limited how this condition has been met.
  - (iv) shall satisfy the City Engineer that the applicable requirements of the *Environmental Assessment Act* have been met.
  - (v) satisfy the City Engineer with respect to the dedication of land for drainage and stormwater management purposes.
  - (vi) satisfy the City Engineer with respect to servicing the subdivision and providing all required easements and for releasing or modifying any existing easements.



ATTACHMENT C- Property Location



2160 Arthur Street West  
NOTICE OF APPLICATION

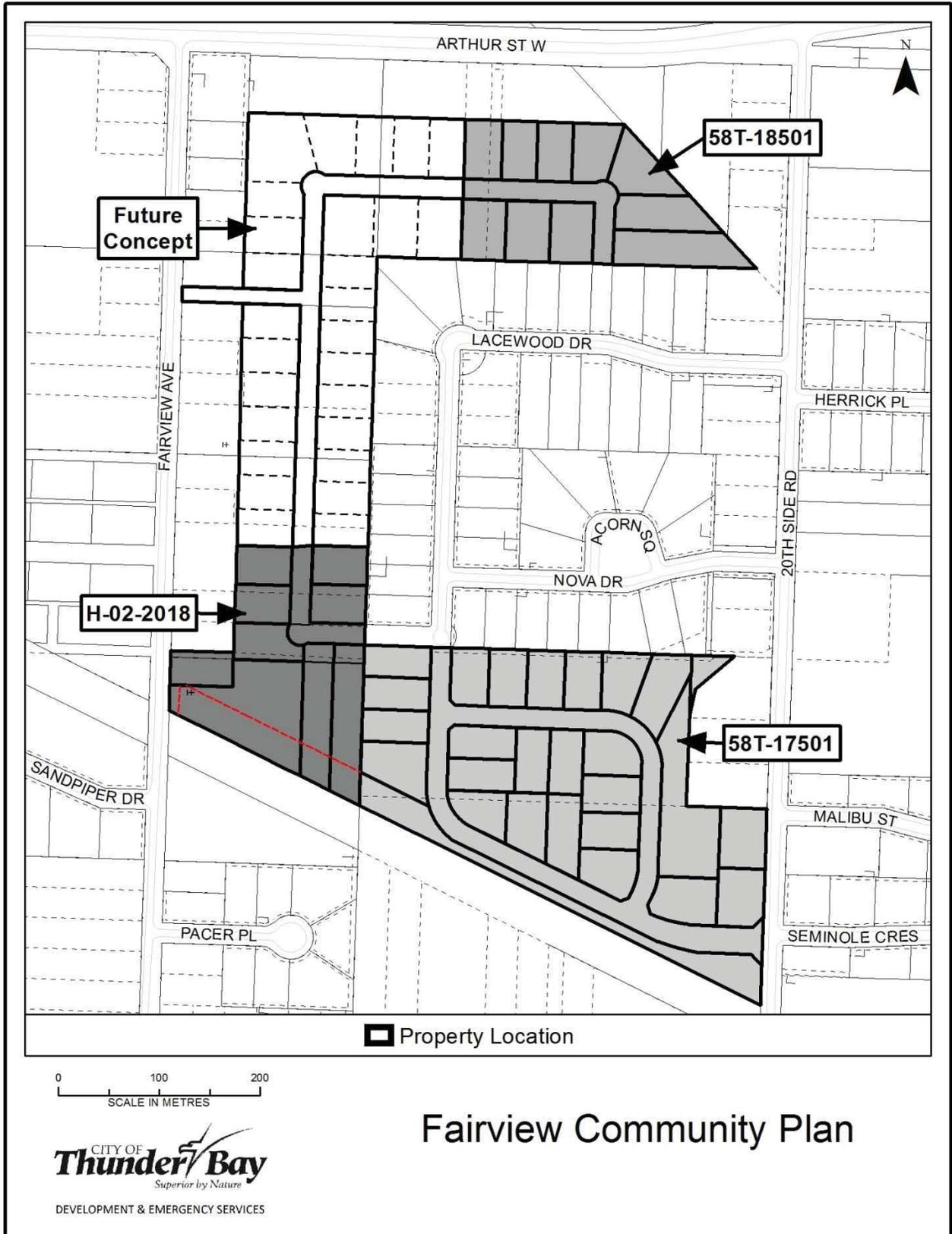
CON 3 NKR N PT LT 21 AND RP 55R13174 PART 2

FILE NO: 58T-18501

APPLICANT: Copper Crescent Holdings Limited

TITLE: <b>Property Location</b>	SCALE <b>As Noted</b>	FILE NO. 58T-18501	Date: <b>AUGUST/2018</b>
PREPARED BY <b>DL</b>			

ATTACHMENT D – Fairview Community Plan – Development Scheme



TITLE: Fairview Community Plan – Development Scheme		Date: AUGUST/2018
PREPARED BY DL	SCALE As Noted	FILE NO. 58T-18501

<b>DEPARTMENT/ DIVISION</b>	Development      Emergency Services - Planning Services	<b>REPORT NO.</b>	R 111/2018
<b>DATE PREPARED</b>	25/07/2018	<b>FILE NO.</b>	H-02-2018
<b>MEETING DATE</b>	8/27/2018 (mm/dd/yyyy)		
<b>SUBJECT</b>	Removal of Holding Symbol - 3120 Fairview Avenue		

**RECOMMENDATION**

THAT with respect to the request by Christina Thiessen , relative to Registered Plan 218, Part of Lot 6, North Part of Lot 8 and Plan 55R9032, PARTS 2 and 4, municipally known as 3120 Fairview Avenue, we recommend:

1. That the Holding Symbol be removed from the subject property.

AND THAT the necessary By-law be presented to City Council for ratification.

ALL as contained in Report No. R 111/2018 (Planning Services) as submitted by the Development      Emergency Services Department.

**EXECUTIVE SUMMARY**

Planning Services recommends that the H - Holding Symbol be removed from a portion of the property, municipally known as 3120 Fairview Avenue. Removing the holding symbol from this portion of the property will not compromise the future development of the remaining lands by plan of subdivision and will permit the owner to construct a single-detached dwelling that maintains an appropriate distance from the adjacent railway line.

**DISCUSSION**

Background

The portion of the subject property, fronting on Fairview Avenue, is zoned “R1” – Residential Zone One and is large enough for a single-detached dwelling to be developed. The remainder of the property, although mapped as “R1-H” – Residential Zone One – Holding in By-law 100-2010, is subject to Surviving Paragraph ‘383’ of the former Zoning By-law. Under the surviving paragraph, the property is zoned "RS-H" – Residential Suburban Zone – Holding. Removing the holding symbol (H) from these lands will permit development, in accordance with the former Zoning By-law’s "RS" Zone regulations.

By-law 237-1992 applied the H - Holding Symbol to several properties in back land area between Lacewood Drive and Fairview Avenue. This was in accordance with the Fairview Community Plan which identified these lands as an area to be developed through a Plan of Subdivision. As such, a holding symbol was applied to all these properties, to be removed once they are included in a draft approved plan of subdivision and the owners have entered in to the required subdivision agreement. Until such a time, no development would be permitted on these lands.

### Description of Property and Proposal

The Applicant is requesting that the H - Holding Symbol be removed from a portion of their property zoned "RS-H" – Residential Suburban Zone – Holding. This is to facilitate the construction of a single-detached dwelling that can be an appropriate distance from the adjacent railway line.

Attachment A demonstrates the Applicant's property boundary while Attachment B outlines the portion of the property where the Holding Symbol is to be removed.

Attachment C has been developed to demonstrate the Applicant's proposal as well as to show a conceptual layout for future lots and streets. This depicts how the remainder of the lands under the holding symbol could be developed without the subject portion of the Applicant's land.

### Planning Services Division Comments

- *Provincial Policy Statement and Growth Plan for Northern Ontario*

The proposal does not conflict with the Provincial Policy Statement or the Growth Plan for Northern Ontario.

- *2002 Official Plan*

The subject property is designated as "Suburban Residential – Stage I" and "Suburban Residential – Stage II". The portion of lands where the holding symbol applies is designated as "Stage II". Areas considered appropriate for suburban residential development, at some point in the future, are identified as "Stage II" areas. The property is also part of the Fairview Community Plan. Holding symbols have been applied to a portion of the subject property in accordance with the Plan's objective to ensure appropriate phasing of development and/or redevelopment. The back land area between Lacewood Drive and Fairview Avenue is identified as an area to be developed by plan of subdivision for this reason.

Attachment C demonstrates that orderly development through a future plan of subdivision will not be compromised by the Applicant's proposal. A conceptual drawing in the Fairview Community Plan depicts a cul de sac extending from a proposed future street running parallel between Fairview Avenue and Lacewood Drive. The drawing shows the cul de sac as extending south from this street toward the railway line that runs northwest. However, there is also an alternative drawing which has Aurora Street extending west to connect Lacewood Drive to the

proposed future street. The Applicant's proposal does not conflict with this drawing. Planning Services is of the opinion that this concept is most logical as the streets are better connected, without dead ends, and lots immediately adjacent to the railway line are larger. This permits future residents to build their homes more north and away from the noise and vibrations of the railway.

- *2018 Official Plan*

The subject property is designated as part of the "Rural Settlement Area." This designation is where low density residential growth will be focused. Lots in the "Rural Settlement Area" are generally serviced with municipally piped water and private sewage systems. As such, new lots should have a minimum 30 metres of frontage and 2100m<sup>2</sup> of area. Attachment C demonstrates that a plan of subdivision can still create lots of this size in a logical manner. Planning Services is of the opinion that the Applicant's proposal is consistent with the 2018 Official Plan.

- *Zoning By-law*

The proposal does not conflict with the provisions of the Zoning By-law.

### ***FINANCIAL IMPLICATION***

It is anticipated that there will be an increase in assessment value. It is estimated that a \$100,000 increase in the assessed value of a property would provide the City with an approximate additional tax levy of \$1505 dollars. All design and construction costs are to be borne by the Applicant.

### ***CONCLUSION***

Removing the holding symbol from this portion of the property will permit the owner to construct a single-detached dwelling farther from the adjacent railway line. It has been demonstrated that this will not compromise the orderly development and phasing of the area. The proposal is consistent with the both the 2002 and 2018 Official Plans and does not conflict with the Provincial Policy Statement or the Growth Plan for Northern Ontario. For these reasons, Planning Services recommends that the H - Holding Symbol be removed from a portion of the property, municipally known as 3120 Fairview Avenue.

### ***REFERENCE MATERIAL ATTACHED***

Attachment A – Applicant's Property

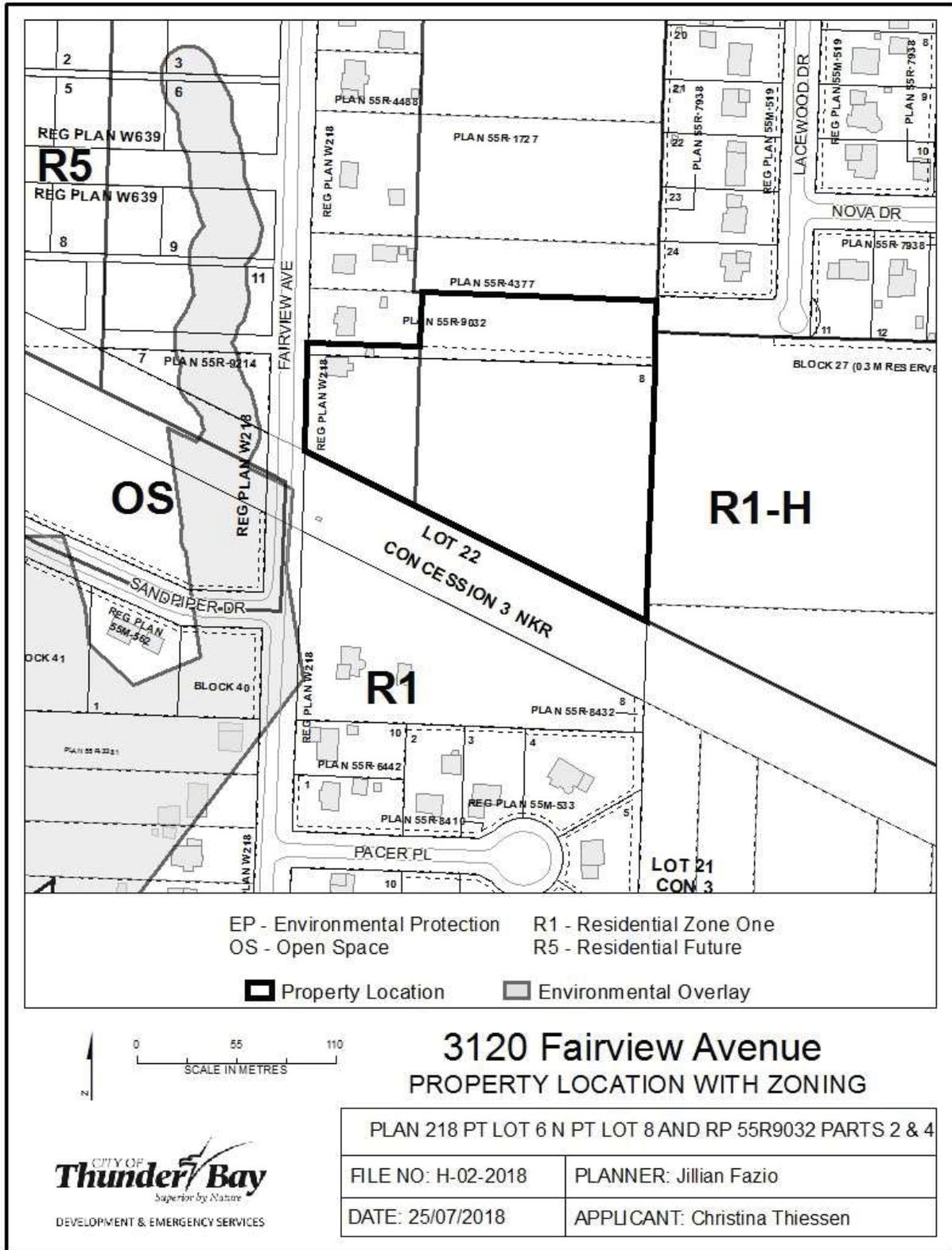
Attachment B – Portion of Applicant's Property to have Holding Symbol removed.

Attachment C – Conceptual Lot and Street Configuration

**PREPARED BY:** Jillian Fazio, Planner II

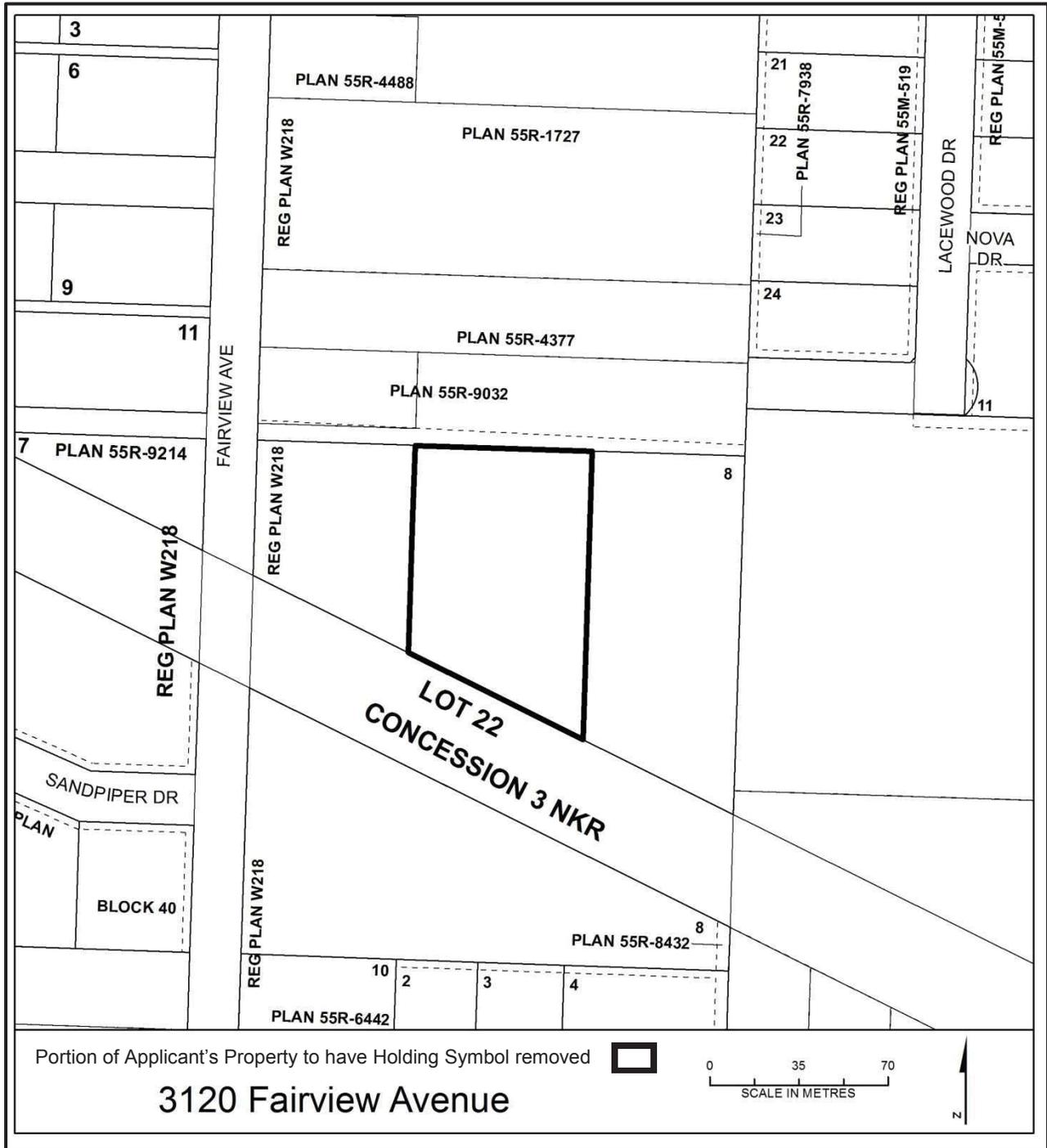
<p>THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)</p> <p>Mark J. Smith MA.MCIP.RPP. GM – Development    Emergency Services</p>	<p>DATE:</p> <p>August 14, 2018</p>
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**ATTACHMENT A – Applicant’s Property**



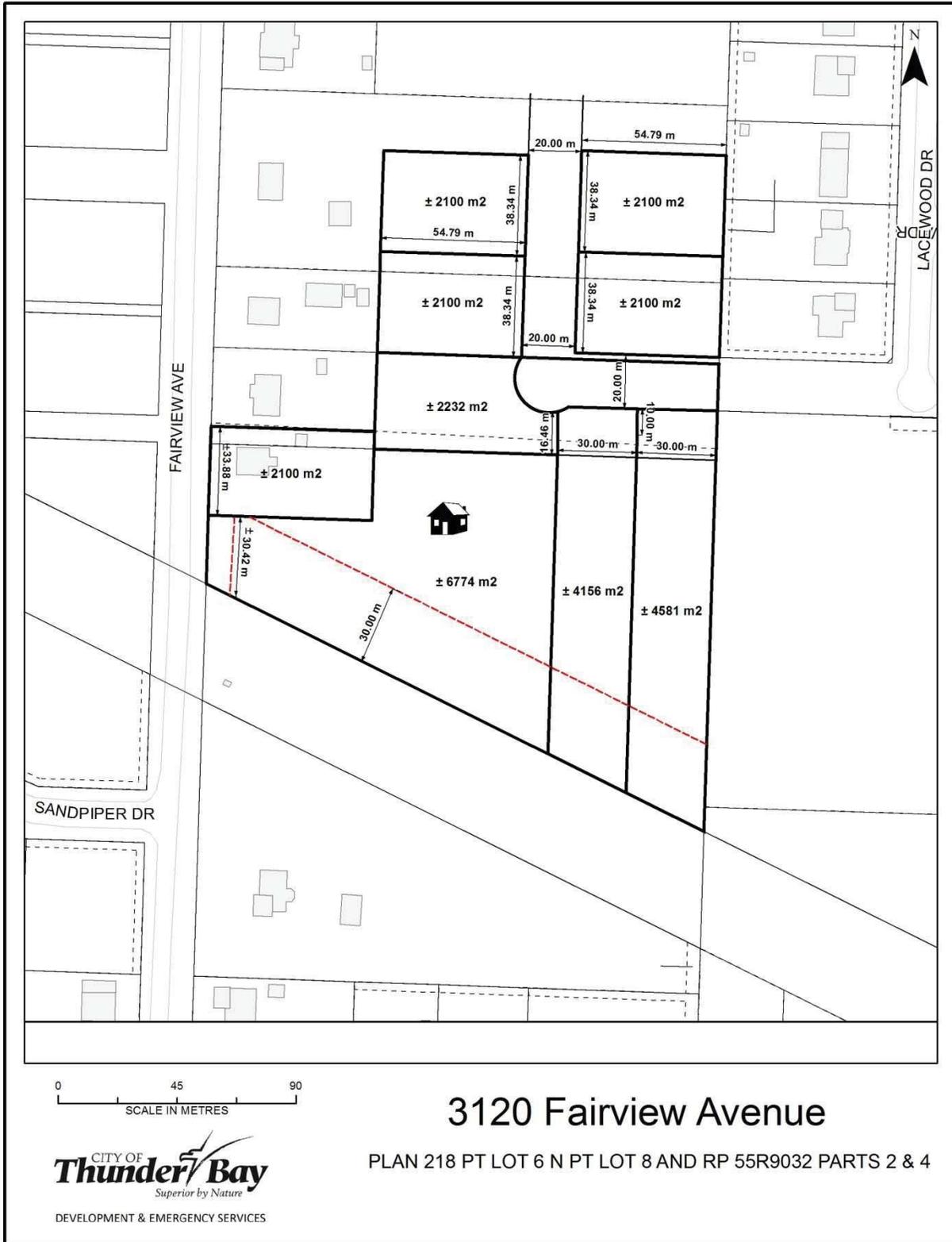
TITLE: <b>Applicant’s Property</b>		Date: <b>August 2018</b>	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>H-02-2018</b>	

**ATTACHMENT B - Portion of Applicant's Property to have Holding Symbol removed**



TITLE: <b>Portion of Applicant's Property to have Holding Symbol removed</b>		Date: August 2018	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>H-02-2018</b>	

**ATTACHMENT C - Conceptual Lot and Street Configuration**



TITLE: <b>Conceptual Lot and Street Configuration</b>		Date: August 2018
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. H-02-2018

<b>DEPARTMENT/ DIVISION</b>	Development      Emergency Services - Planning      Services	<b>REPORT NO.</b>	R 112/2018
<b>DATE PREPARED</b>	25/07/2018	<b>FILE NO.</b>	Z-14-2018
<b>MEETING DATE</b>	8/27/2018 (mm/dd/yyyy)		
<b>SUBJECT</b>	Zoning By-law Amendment - 1805 and 1825 Arthur Street East (Immeubles Eindev Inc.)		

**RECOMMENDATION**

THAT a Public Meeting having been held with respect to the application by Immeubles Eindev Incorporated, relative to Part of Lot 3, Concession 3, Registered Plan M47, Part of Donald Street, PARTS 1-7 on Plan FWR 48, PART 1 on Plan FWR 180A, PART 1 on Plan 55R1225, municipally known as 1805 and 1825 Arthur Street East, we recommend that the Zoning By-law be amended as follows:

1. That an OFFICE be added as a permitted USE in the “MI” – Major Institutional ZONE within the two existing MAIN BUILDINGS at this location.

Subject to the following condition:

That prior to the passing of the amending by-law:

1. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control.

Unless otherwise rescinded or extended, this approval in principle shall be valid for a period of six (6) months from the date of ratification by City Council. Thereafter, the file shall be considered closed and a new application will be required if the condition to be fulfilled prior to the passing of the amending by-law has not been completed.

AND THAT the necessary By-laws are presented to City Council for ratification.

ALL as contained in Report No. R 112/2018 (Planning Services) as submitted by the Development      Emergency Services Department.

**EXECUTIVE SUMMARY**

The Applicant has requested a site-specific Zoning By-law amendment to add “office” as a permitted use in the “MI” – Major Institutional Zone, municipally known as 1805 and 1825 Arthur Street East.

The Applicant's request is supported by the Provincial Policy Statement and the Official Plan's objective to promote sustainability and resilient development through the re-purposing of existing buildings. The design of the existing buildings is well-suited to office use and the property is well-located for office use, adjacent to the Business Area designation in the adopted 2018 Official Plan. Administration supports the approval of the proposed Zoning By-law amendment and recommends that this property be designated as an area of Site Plan Control as it borders the Arthur Street Image Route.

## **DISCUSSION**

### Description of Proposal

The Applicant has requested a site-specific Zoning By-law amendment to add "office" as a permitted use within the two existing buildings in the "MI" - Major Institutional Zone. The Applicant does not propose any exterior alterations at this time.

A copy of the Applicant's sketch is attached as "Attachment B".

### Description of Subject Property and Surrounding Area

The subject property is a large triangular lot located on the corner of Arthur Street East and Brunswick Street South near Vickers Park. The eastern and southern lot lines are adjacent to residential zones. The third property line is bounded by a rail line which runs northeast parallel to Waterloo Street. Adjacent to this rail line are light industrial uses which front on Waterloo Street.

There are two main buildings existing on the site and an accessory garage used for storage. The largest main building was historically used as the Provincial Courthouse and associated offices, while the smaller main building was the Crown Attorney Building where additional provincial offices were located. The Crown Attorney Building and accessory garage is currently leased by the Ontario Provincial Police.

### Neighbourhood Comments and Planning Response to Neighbourhood Comments

A Notice of Application was mailed to area residents on April 20, 2018 outlining the nature of the proposed Zoning By-law amendment. Four responses were received from area residents; two via phone and two via email.

One resident did not object, but was concerned with the traffic load and pavement conditions of nearby Sills Street. It is expected that the land use impacts, traffic in this case, from government offices to private offices will be very similar. Therefore, Planning Services does not expect the traffic load to increase from when the courthouse was operating. The resident was directed to Engineering Operations for questions regarding any upcoming road maintenance.

The other three residents also did not object to office use, but were concerned with the type of office that would be permitted. They both mentioned clinic use. However, as medical offices and hospitals are already permitted within the Major Institutional Zone, this amendment would not add these uses, but would instead broaden the types of offices permitted to include general and technical offices.

#### Agency Comments

The following agencies offered no objections to the proposed amendment:

- Ministry of Transportation '
- Lakehead Region Conservation Authority '
- Thunder Bay Fire Prevention and Investigation '
- Parks and Open Spaces '

#### Planning Services Division Comments

- *Provincial Policy Statement and Growth Plan for Northern Ontario*

The proposal is supported by the Provincial Policy Statement, 2014, as it promotes sustainability and resilient development through the re-purposing of an existing building, where municipal services are already in place. By permitting additional types of office use, the proposal also protects and preserves an existing employment area for current and future uses where the necessary infrastructure is already provided.

This application does not conflict with the Growth Plan for Northern Ontario.

- *Current Official Plan, 2002*

The subject lands are designated “Major Institutional” in the 2002 Official Plan (OP). Under the 2002 OP, the Downtown Core is the preferred location for office development. All commercial and industrial designations in the 2002 OP contain policies stating that new office use will not be supported. The Major Institutional designation does not contain such a policy and has historically been tied to government office use. Government offices and private offices have similar, if not the same, land-use impacts. Therefore, the proposal is considered to be consistent with the 2002 OP.

- *Adopted Official Plan, 2018*

The subject lands are designated “Residential” in the adopted 2018 Official Plan (OP). The 2018 OP limits what kinds of uses are considered part of the “Institutional” designation to include the hospitals, colleges and universities, secondary schools, and correctional institutions. Minor institutional uses such as libraries and elementary schools are considered part of the residential fabric. Government offices that were previously part of the Major Institutional designation became part of adjacent designations such as residential or commercial.

Under the Residential designation, new office development would not be permitted. However, land use designations shall be considered as representing predominant land uses, and shall not preclude small pockets of other land uses provided they are consistent with the pertinent policies of the plan. Planning Services can support office use in these existing buildings for two reasons. First, due to their original use as provincial offices, both the Courthouse and Crown Attorney Building are well suited to office use. Converting to a residential use would require significant alterations as the majority of the rooms are cubicle sized and the courtrooms and jail cells contain no windows. Under current provincial regulations, the conversion would also require a Record of Site Condition demonstrating the property is suitable for residential use. Second, the property is around the corner from the Business Area designation. While provincial offices are permitted everywhere, private offices are generally directed to either the Business Area or Strategic Cores. The subject property is separated from the Business Area designation by the rail line; therefore, it cannot be considered part of it. However, it is close vicinity, which promotes a concentration of business related uses rather than spreading them throughout the City.

- *Zoning By-law*

The subject property is currently zoned “MI” - Major Institutional Zone. The Applicant is requesting that “Office” use be added to the list of permitted uses for the subject property. As mentioned, medical offices are currently permitted in the “MI” - Major Institutional Zone. The proposed amendment would expand the types of offices permitted to include all types. The subject property complies with the regulations of the “MI” Zone and provides all required parking and loading spaces. No additional amendments to regulations are required.

Once the 2018 OP is approved by the Minister, a new Zoning By-law will be developed to bring zoning into conformity with the new OP. Due to the designation change from the 2002 OP to the 2018 OP, the zoning for the subject property will have to change to reflect the residential designation. The proposed amendment will not compromise future residential use of the property as no major alterations are being made. Once residential uses are permitted and a Record of Site Condition is filed, the buildings can be converted. Additionally a large portion of the property, located along Brunswick Street, is still open for future development.

#### Site Plan Control

Through the circulation of the proposal, Parks and Open Spaces support Planning Services’ request that the subject property is designated as an area of Site Plan Control (SPC). This is particularly important as this property abuts the Arthur Street Image Route. However, as no exterior construction is necessary, a SPC agreement will not be required to support the proposed change in use.

If any exterior changes or new development is proposed in the future, a SPC agreement with the City will be required. This will facilitate the review of any proposed development ensuring its compliance with Engineering and Operations Division’s standards and the City’s Urban Design Guidelines.

## FINANCIAL IMPLICATION

There are no financial implications for the City of Thunder Bay, as all costs associated with this development will be borne by the Applicant.

## CONCLUSION

In conclusion, the requested Zoning By-law amendment would permit a use that is compatible with the surrounding area and is consistent with the policies of the Provincial Policy Statement. The proposal does not conflict with the Northern Growth Plan for Ontario and is consistent with the policies of the Official Plan. As such, Administration supports the proposed Zoning By-law amendment.

## REFERENCE MATERIAL ATTACHED

Attachment A – Property Location with Zoning  
Attachment B – Applicant's Sketch

**PREPARED BY:** Jillian Fazio, Planner II

<p>THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER) Mark J. Smith MA.MCIP.RPP. GM – Development    Emergency Services</p>	<p>DATE:  August 14, 2018</p>
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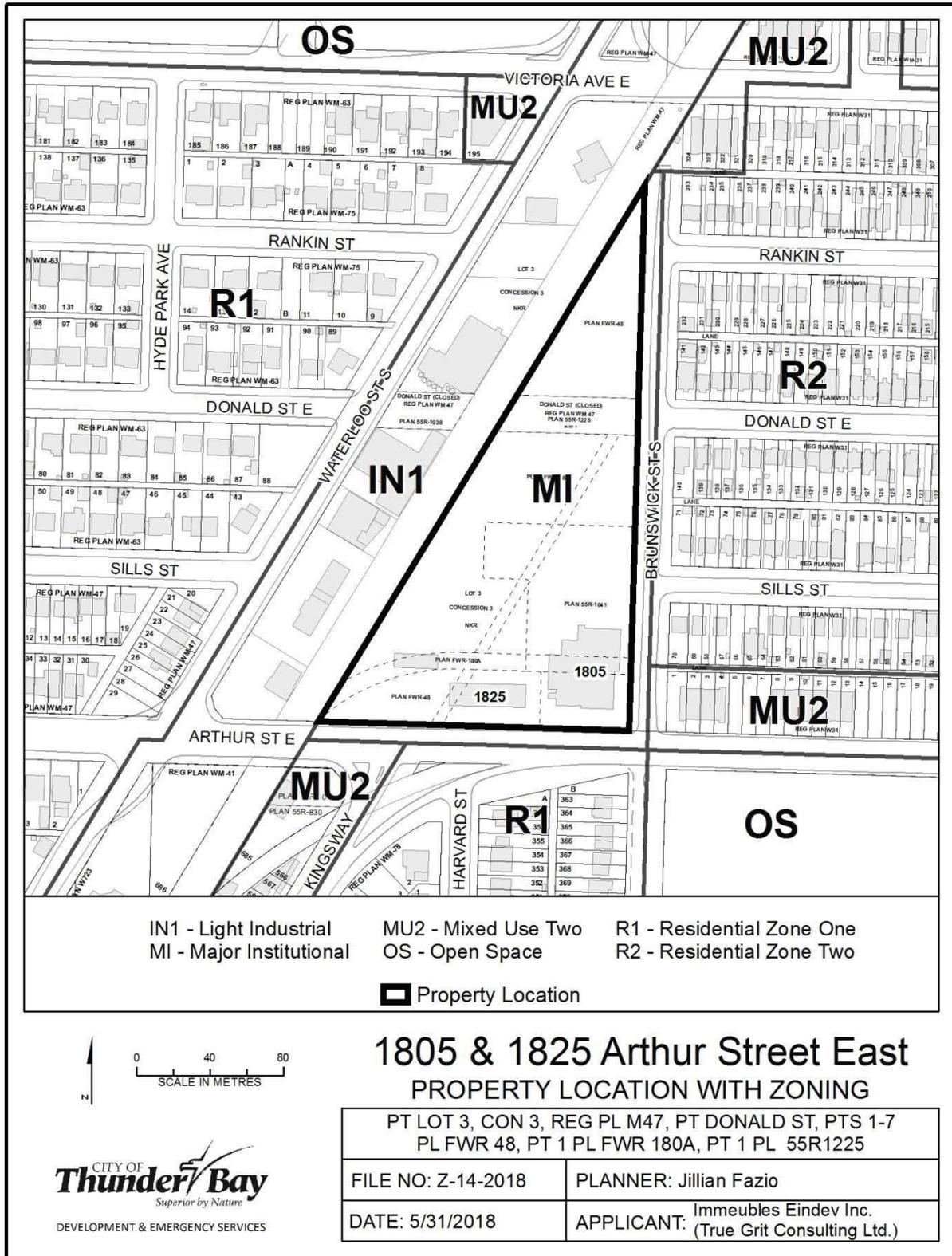
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ATTACHMENT B - Applicant s Sketch



TITLE: <b>Applicant s Sketch</b>		Date: <b>August 2018</b>	
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-14-2018</b>	

ATTACHMENT A - Property Location



TITLE: <b>Property Location</b>	Date: <b>August 2018</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>
FILE NO. <b>Z-14-2018</b>	

<b>DEPARTMENT/ DIVISION</b>	Development Emergency' Services - Planning Services'	<b>REPORT NO.</b>	R 117/2018
<b>DATE PREPARED</b>	08/03/2018	<b>FILE NO.</b>	O-01-2018
<b>MEETING DATE</b>	08/27/2018 (mm/dd/yyyy)		
<b>SUBJECT</b>	Official Plan Amendment - 464 Belton Road (V. Desando)		

## **RECOMMENDATION**

THAT a Public Meeting having been held with respect to the application from V. Desando to amend the Official Plan as it applies to the lands on the east side of Belton Road, and further described as Registered Plan 762, Lot 15 and the adjacent Brighton Avenue Allowance, no change be made to the Official Plan.

ALL as contained in Report R117/2018 (Planning Services) as submitted by the Development Emergency Services Department.

## **EXECUTIVE SUMMARY**

The application for an amendment to the Official Plan, as submitted by V. Desando, seeks to amend the lot size policies of the Official Plan to permit the severance of one additional lot with a frontage of less than the 60 metres lot frontage as required in the Official Plan for the Rural Residential Designation.

The Planning Services Division recommends that the Official Plan not be amended, as the proposed development is not consistent with the Provincial Policy Statement and does not meet the purpose and intent of the Rural Residential policies in the 2002 Official Plan to limit lot creation beyond the Urban Area Limit. Furthermore, the request does not conform with the policies in the recently adopted Official Plan.

## **DISCUSSION**

### Description of Proposal

The application by V. Desando, seeks to amend the lot size policies of the Official Plan to allow for an additional severance of his property at 464 Belton Road. If granted, the site specific amendment would allow for the creation of one new residential lot, for a total of two lots, each with private well and private septic system. To facilitate the new lot, the Applicant, under separate application, seeks to purchase the adjacent Brighton Avenue Road Allowance to amass sufficient lot area for the new lot creation. However, the addition is not enough to meet the

minimum 60 metres of lot frontage for the proposed severed lot. The proposed retained lot, as shown on Attachment "B", would meet the minimum frontage of 60 metres, while the proposed new severed lot would be 54.7 metres.

If approved, the requested Official Plan Amendment would provide policy support for subsequent applications for Minor Variance and Consent to the Committee of Adjustment to create the new lot.

### Description of the Property

The property is located on the east side of Belton Road near its northern terminus. The property is occupied by the Applicant's single detached dwelling and detached garage. The property is approximately 18,173.4 m<sup>2</sup> in area with 95.5 metres of frontage along Belton Road. With the addition of the adjacent 20.0 metre unopened Brighton Avenue Road Allowance to the north, the combined property would have 21,999.4 m<sup>2</sup> of lot area and 114.7 metres of lot frontage.

The whole of the property is designated as Rural Residential in the 2002 Official Plan and zoned "RU2" – Rural Residential Zone. A Provincially Significant Wetland (PSW) is located to the north and the associated 120 metre buffer applies to a majority of the proposed combined property.

The surrounding lands are mainly designated Rural Residential with Rural designated lands to the north beyond the terminus of Belton Road.

The Official Plan specifies that, within areas designated as Rural Residential, lots shall be not less than 1.0 hectare in area and have not less than 60 metres of frontage. This required lot size is reflected in the "RU2" regulations of the Zoning By-law.

### Neighbourhood Comments

Notice of Application was sent to surrounding property owners and two objections have been received from area residents, specifically objecting to the sale of the Brighton Avenue Road Allowance. They cite that access to their landlocked properties and future development would be compromised with the sale.

In addition, four letters of support were received as a result of the notice.

### Planning Division Comments on Neighbourhood input

The two owners on Lancaster Avenue express concern of not being able to access their property for development purposes. Section 10.20 of the Official Plan prohibits the opening of new roads or the extension of existing roads within the Rural and Rural Residential land designations. The development of the landlocked parcels would require the construction of new roads in this area and would be contrary to the policies of the Official Plan. Furthermore, such construction would also be contrary Council's newly adopted Official Plan

## Agency Comments

### **Lakehead Region Conservation Authority (LRCA)**

The LRCA advises that a portion of the property is affected by their Regulations and that a permit from the Authority is required for any development on the property. The LRCA reviewed the request against Section 3.1.2 of the PPS, which states:

"3.1.2 *Development and site alteration* shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard;"

Based on LRCA staff review, the LRCA does not support the application as Belton Road is a dead end road that may have an undersized culvert crossing across the unnamed tributary of the McVicar Creek which during the Regional Storm may be flooded. While a new floodplain study for McVicar Creek watershed has been initiated, the results will not be available until 2019.

In absence of the study, the LRCA recommends that consideration be given to whether or not the road provides safe access appropriate for the residential development.

### **Engineering Division**

The Engineering Operations Division has reviewed the application for an Official Plan Amendment and advises that they do not have any objections to the reduced frontage request. However, they may not be able to support the future severance request.

The LRCA has identified a potential concern with a culvert crossing on Belton Street. While they do not have any specific flood plain modeling of this culvert, their initial review has indicated that the culvert would likely overtop during the Regional storm event. As this portion of Belton Street is a dead-end road, it is not known if the access and egress requirements of Section 3.1.2 of the Provincial Policy Statement (PPS) could be met.

In the absence of the updated floodplain study of the entire McVicar Creek watershed, the LRCA and the Engineering Division would only support the new lot creation, if a consultant with expertise completes a study to determine if the access and egress criteria are satisfied at this culvert crossing. Should the criteria not be satisfied, the consultant should identify the works that would be required to satisfy the criteria.

If the consultant's study indicates that the access and egress criteria are not met, then Engineering and the LRCA would not support a severance request until the identified criteria are met. In this case, the Applicant would have the option of either waiting until this road / culvert crossing is addressed by the City based on the capital budget program (the exact time frame is not known),

or entering into a Development Agreement with the City where the work would be completed at the Applicant's expense.

### **Realty Services Division**

Realty Services acknowledges that the Applicant is moving forward with acquiring the Brighton Avenue Road Allowance and negotiations are in progress.

Parks Open Spaces Section, Fire Rescue Service, Building Services Division, and the Ministry of Transportation have reviewed the application and indicated no objection.

### Applicant's Response

The Applicant's response to neighbors' concerns was a reiteration of the justification submitted with the application, suggesting that allowing an additional lot to be created on the subject property would not negatively impact any of the existing land uses in the area. Furthermore, the Applicant notes that the objectors have potential road allowance access available from another direction, though a much longer route. The Applicant understands the comments made by the LRCA and Engineering Division with regards to the road culvert and potential inaccessibility during a Regional Storm event and has indicated that until that issue is rectified, the severance application would not proceed should this amendment be approved.

### Planning Services Comments

#### **2014 Provincial Policy Statement (PPS):**

Under the *Planning Act, R.S.O. 1990, as amended* (Section 3), decisions of Council shall be consistent with the Provincial Policy Statement (PPS) with respect to regulating land use planning and development and matters of provincial interest. In considering the PPS as a whole, several policies are especially relevant in considering this application.

PPS policies regarding achieving efficiencies in land use direct development to settlement areas (Section 1.1.3), which are described in the PPS as urban areas or rural settlement areas, including cities, towns, villages and hamlets, that are built up with concentrated development, have a mix of land uses, and are the focus of growth and development. Healthy, Livable and Safe Communities policies (Section 1.1.1) promote cost-effective development patterns and standards to minimize land consumption and servicing costs.

By amending the Official Plan to allow additional residential lots outside the Urban Area Limit (UAL), opportunity for further intensification within the UAL is lost.

The PPS also notes in Section 1.1.3 that development shall be undertaken in accordance with the policies of Section 2, Wise Use and Management of Resources. The fact that there is a Provincially Significant Wetland Buffer on the northerly portion of the subject property, and PPS

policies direct that such natural features should be protected for their ecological function as part of the area's natural drainage system, may impact eventual decisions on severance lot lines and location of new buildings. Locations for private well and septic may be limited by their distance from the Buffer in order to protect integrity of the environmental feature.

**Official Plan 2002:**

The subject lands are designated Rural Residential in the City of Thunder Bay Official Plan, which policies acknowledge the smaller lots and highly fragmented lot fabric associated with the older registered plans of subdivision, but are intended to limit rural residential development at a scale consistent with the level of services available.

Regarding rural residential development, OP policies limit lot sizes to a minimum of 1.0 hectare in area, a minimum of 60.0 metres of frontage on an opened, travelled and municipally maintained road, and limit services to a private well and private sewage disposal system. The purpose and intent of the Policy is to limit lot creation beyond the Urban Area Limit through a mandatory lot size.

Rural Residential policies direct that development shall have regard for the natural features of the site, and preserve the natural vegetation on the lot, so as to retain as much of the rural character of the area as possible. Finally, Rural Residential policies require that residential development shall not conflict with any other policy of the Official Plan.

The Applicant intends to purchase the adjacent Brighton Avenue Road Allowance in an effort to acquire sufficient land for the new lot. Even with the lot addition, the consolidated property falls short of the 120 metres of lot frontage required for the creation of one new lot. However, the lot area of the consolidated parcel is sufficient.

To curb the creation of lots beyond the Urban Area Limit (UAL), the Official Plan sets minimum lot frontage and area requirements for new lot creation. By allowing a reduced lot size to facilitate the creation of an extra lot outside the UAL that defines Thunder Bay's Urban Settlement Area, opportunity for further intensification within the UAL is lost. Each new dwelling that is created outside the UAL represents a step towards a greater service threshold. With an increased number of dwellings outside the UAL, there will eventually be the need and/or expectation for expanded infrastructure and municipal services.

It is questionable that tax revenues from residential dwellings cover the cost of providing public services to these dwellings. Residential development is particularly costly to a municipality, in terms of infrastructure and community services, without accompanying industrial or commercial growth to provide additional tax revenues. According to cost-revenue analyses done for the City in 1984 and 1993 and reviewed by the City in 2002, the annual servicing deficit (costs to revenues) is significantly higher in Thunder Bay's rural areas than in areas with full urban services.

The applicant notes that the additional lot creation being requested is consistent with development that has already occurred in the area; however, the Planning Services Division

recommends otherwise. The application for Official Plan Amendment is not supported by the policies of the Official Plan or the Provincial Policy Statement.

**Official Plan 2018:**

The subject lands are designated Rural 2 and Natural Corridor in the recently adopted 2018 City of Thunder Bay Official Plan. The policies acknowledge the potential for smaller lot areas in certain circumstances; however, there are no provisions to create lots with less than the minimum 60 metres of lot frontage. The lot sizes are intended to limit lot creation beyond the UAL. Further policies of the Plan specify that lot additions are not to be used as a tool to create additional lots outside of the UAL.

Furthermore, the majority of the lands are designated Natural Corridor due to the nearby Provincially Significant Wetland to the north. Should the Applicant's request be approved, further studies may be required to permit a lot severance and eventual new home construction within this land use designation.

***CONCLUSION***

The subject property on its own does not have sufficient lot area and frontage to create a single new lot by consent. The addition of the Brighton Avenue Road Allowance does not provide enough lot frontage for a new lot. This application for a Site-Specific Amendment to the Official Plan Rural Residential policies to facilitate the creation of an additional lot cannot be supported when PPS policies suggest the limiting of development beyond the UAL. Furthermore, the addition of the road allowance to facilitate the new lot creation is contrary to the direction provided for in the 2018 Official Plan.

It is concluded that the proposed amendment is not consistent with the Provincial Policy Statement, does not meet the intent for limited residential development in rural areas as envisioned by the City's Official Plan, and should be denied.

***FINANCIAL IMPLICATION***

No direct financial implications for the City of Thunder Bay would result from this proposal, however there is potential for indirect and long-term costs associated with road and road right-of-way maintenance and the demand for municipal services that an increase in rural residential development would bring.

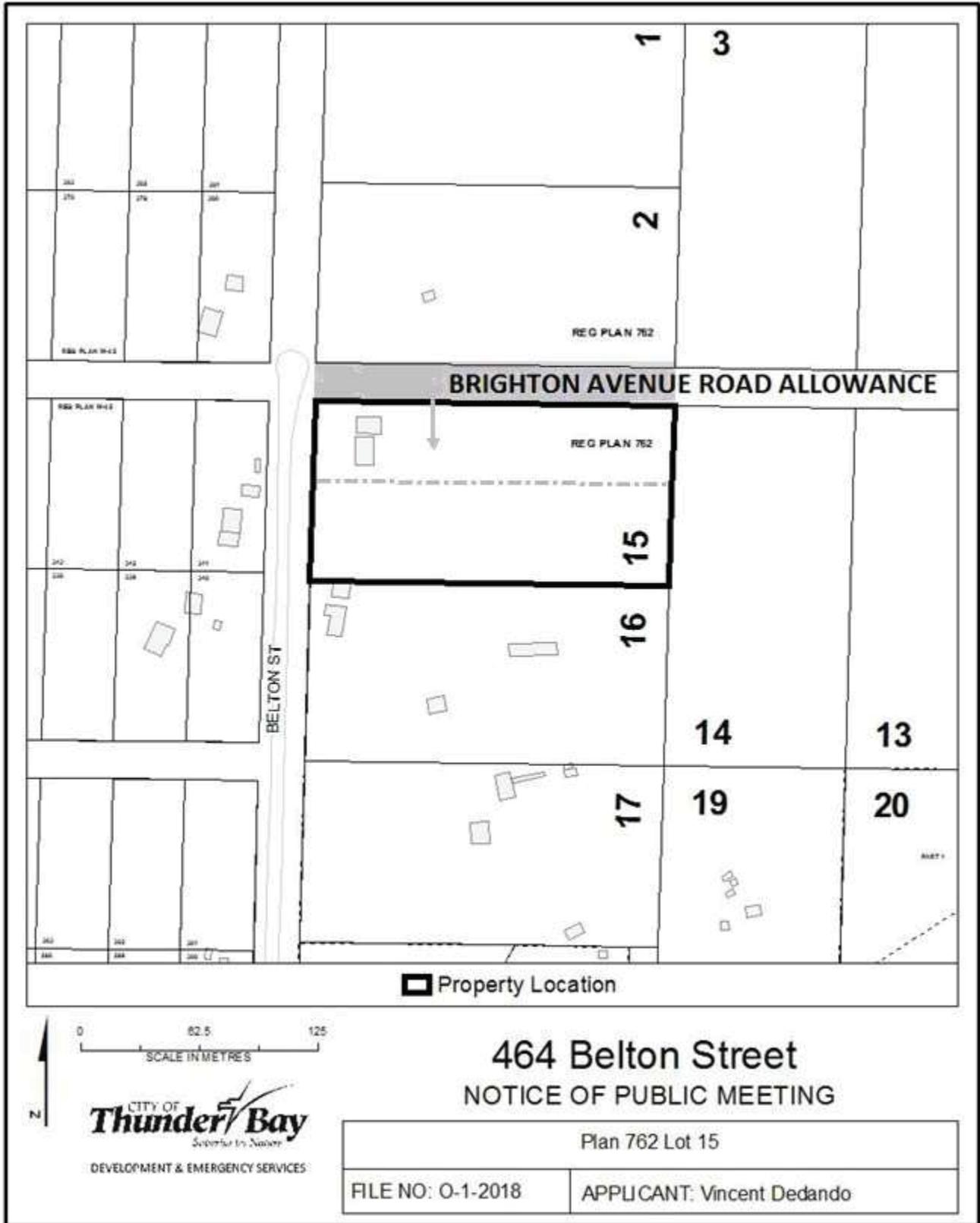
***REFERENCE MATERIAL ATTACHED***

- Attachment A – Property Location Map
- Attachment B – Applicant's Site Plan

***PREPARED BY: Decio Lopes, RPP, MCIP, Senior Planner***

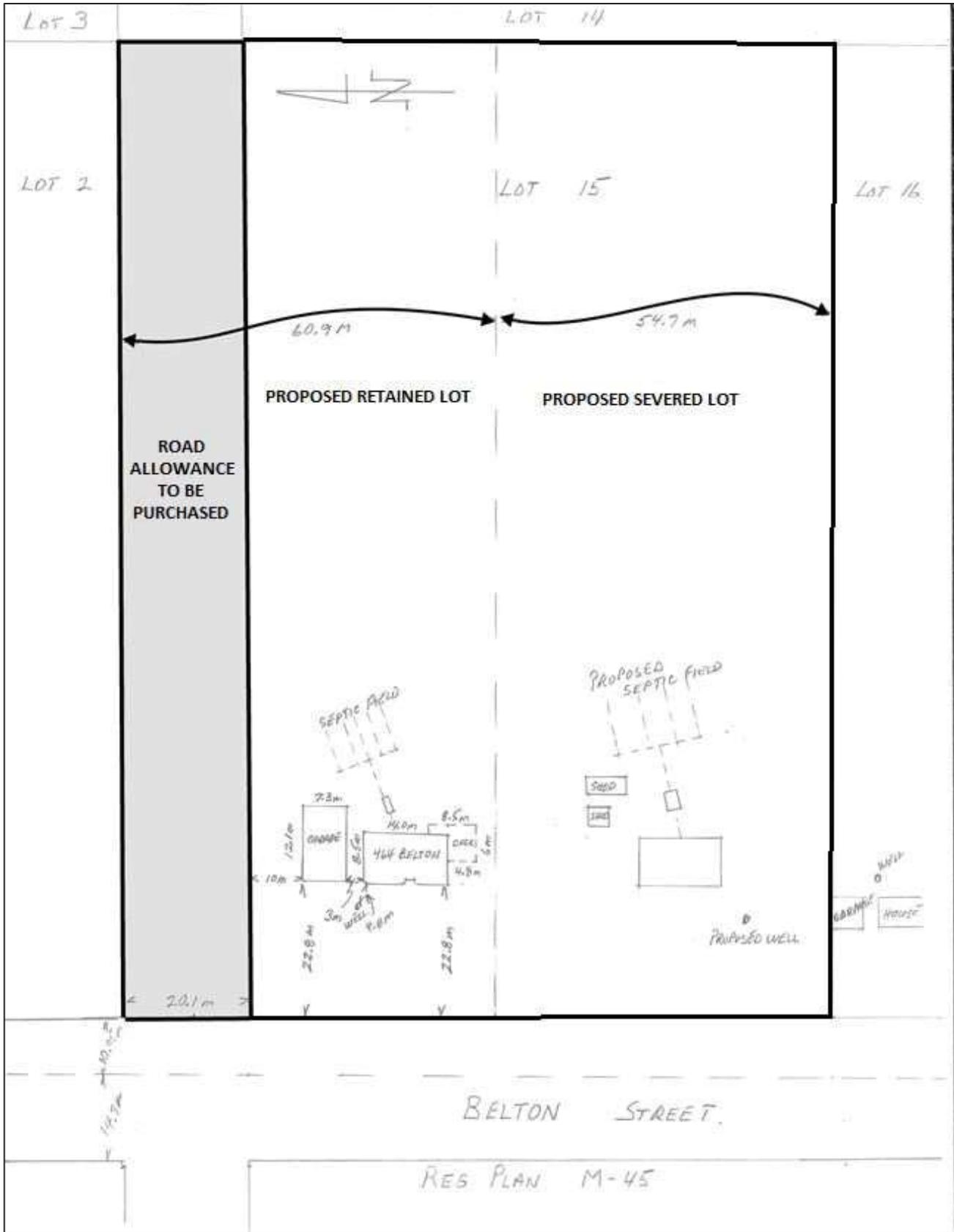
<p>THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)</p> <p>Mark J. Smith MA.MCIP.RPP. GM – Development    Emergency Services</p>	<p>DATE:</p> <p>August 17, 2018</p>
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ATTACHMENT A- Property Location



TITLE: <b>Property Location</b>	Date: <b>AUGUST/2018</b>
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>
FILE NO. <b>O-01-2018</b>	

ATTACHMENT B – Applicant's Plan



TITLE: <b>Applicant's Plan</b>		Date: <b>AUGUST/2018</b>	
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>	FILE NO. <b>O-01-2018</b>	



# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development      Emergency Services - Planning      Services	<b>REPORT NO.</b>	R 120/2018
<b>DATE PREPARED</b>	08/09/2018	<b>FILE NO.</b>	Z-12-2018
<b>MEETING DATE</b>	08/27/2018 (mm/dd/yyyy)		
<b>SUBJECT</b>	Temporary Use By-law - 1060 Lithium Drive (TbayTel)		

## **RECOMMENDATION**

THAT a Public Meeting having been held with respect to the application by TBayTel, relative to Plan 55M446, Part Lot 17, Reference Plan 55R9817 Parts 8 and 9, subject to an Easement, municipally known as 1060 Lithium Drive, shown as "Property Location" on Attachment "B" to Report No. 120/2018 (Planning Services), the Zoning By-law be amended as follows:

1. A Temporary Use By-law be extended for the subject lands for a period of three (3) years in order to permit office use of the existing building in the "IN2" – Medium Industrial Zone.

AND THAT the necessary By-law is presented to City Council for ratification.

ALL as contained in Report No. R 120/2018 (Planning Services) as submitted by the Development      Emergency Services Department.

## **EXECUTIVE SUMMARY**

This is an application to amend the Zoning By-law to extend a Temporary Use By-law for an additional three (3) years to permit general office uses in a building on the subject lands. Administration has reviewed the application against applicable Official Plan policies and the site context, and does not object to the extension of the Temporary Use By-law. The Official Plan 2002 identifies the Downtown Core designation as the preferred location for new offices, and states that applications for planning approval to permit offices beyond the extent to which they are already permitted will not be supported. The intent of the Official Plan regarding office uses is to concentrate them where they can synergize with surrounding businesses, and benefit from civic infrastructure. This proposal does not conform to intent of the Official Plan in this regard; however, Temporary Use By-laws may be granted if they meet criteria in the Temporary Use section of the Official Plan. Administration finds this application in line with these criteria, and therefore does not object to the extension of the Temporary Use By-law.

## ***DISCUSSION***

### Description of Proposal

The Applicant seeks to extend a Temporary Use By-law for a period of three (3) years to allow “office” as a permitted use in the existing building in the "IN2" – Medium Industrial Zone. This would be an extension of the temporary office use previously granted by By-law 102/2015 three years ago. The initial Temporary Use was granted as TbayTel had recently vacated the building which they had been using as an office. The Applicant requested a Temporary Use By-law for office while they sought a more appropriate tenant. The Applicant has not secured an appropriate tenant during this three (3) year period, and is requesting an extension. TbayTel required the use of the space again during the three year period, and were not seeking any tenants at that time. They have since vacated the building, and it is currently vacant.

### Description of Subject Property and Surrounding Area

The subject property is a 2350 m<sup>2</sup> lot on the north side of Lithium Drive in a light industrial area. The one existing building on the property has been renovated as an office, which is currently vacant. It is owned by TBayTel.

The immediate surrounding land uses consist of an existing two-storey legal non-conforming office building abutting the subject property to the west, a communications device service and sales building at the northwest intersection of Tungsten Street and Lithium Drive, a fireplace warehouse and sales building immediately northwest, a technical office owned and occupied by TbayTel to the north of that property and a TbayTel work centre and administration office to the east at the terminus of Lithium Drive. There is a motor vehicle sales establishment on the opposite side of Lithium Drive from the subject property.

Lands to the north, and to the west of Copper Crescent are zoned "IN1" – Light Industrial Zone; to the northwest, "MI" – Major Institutional Zone. The "IN2" – Medium Industrial Zone that encompasses the subject property extends south to Copper Crescent and east to MacDonell Street.

### Neighbourhood Comments

One comment was received that did not object to the proposed Temporary Use, but did identify concerns with how the City has responded to proposals for office uses in other areas where they are not permitted. They claim that this proposal is unfair to developers who have requested amendments, for office uses, but were refused by the City outside of the Downtown Cores.

### Planning Response to Neighbourhood Comments

Planning Services does typically not support office uses outside of the core areas, however given the temporary nature of the proposed amendment, does not object in this instance.

### Agency Comments

The Ministry of Transportation, Fire Prevention and Investigation, and the Lakehead Region Conservation Authority offered no objection to the proposed Temporary Use By-law.

Engineering and Operations commented with no objections to the proposal. However, they did note that the site plan circulated with the application does not appear to match the site configuration as it exists. The existing configuration appears to provide 32 spaces and no landscaping in the rear. The proposed site plan demonstrates 22 spaces, with the removed spaces converted to landscaping. Based on the parking rate of 1 parking space per 30m<sup>2</sup> of gross floor area, rounded up, the existing building only requires 16 spaces for an office use. Reintroducing landscaping would be supported by Planning Services. The Zoning By-law does not require a percentage of site landscaping for this Zone, but does require a 3.0m landscaped strip along the lot line abutting the street line.

#### Planning Services Division Comments

- *Growth Plan for Northern Ontario*

One of the guiding principles of the Growth Plan for Northern Ontario (GNPO) is to create a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents. The proposal is consistent with this principle as having an office building that can absorb a tenant on short notice allows a potential business venture to locate in the City much easier than if they had to construct a new building or wait for a suitable vacancy. This way, the tenant can locate in the City, and use the three year period to source a more suitable location while contributing to the local economy.

This proposal does not conflict with any section of the Plan.

- *2014 Provincial Policy Statement*

The proposal does not conflict with the 2014 Provincial Policy Statement. Offices are considered employment uses and the proposal is in an employment area, as defined by the 2014 PPS.

- *Official Plan 2002*

The following section describes the basis for Temporary Use By-laws as set out in the Official Plan 2002 (OP02) Section 22.16. It is summarized below as it applies to this proposal.

Council may pass a By-law to permit the temporary use of any land, building or structure, for a use, which is otherwise prohibited by the Zoning By-law, whether or not the use conforms to the OP, without an amendment to the OP.

A By-law to permit the temporary use may be considered under one or more of the following circumstances:

- a) When a use is intended to exist for only a limited period of time; and
- b) When it is considered appropriate to facilitate the use of an existing building until the redevelopment or re-use of the building, for a use permitted by this plan, is warranted by future market conditions.

Prior to the passing of a Temporary Use By-law, Council must be satisfied that:

- a) The site can adequately accommodate the proposed use, considering such matters as site layout, building design, parking, traffic circulation, access, landscaping and servicing;

- b) The use will be compatible with, and not adversely affect any surrounding land uses or the natural environment; and
- c) The use will not prejudice the future development or redevelopment of the subject lands and the surrounding area.

Council may extend a Temporary Use By-law beyond the expiry date, provided such an extension would not jeopardize the long term development intention for the subject lands or area, as specified in the Official Plan. [The Planning Act does not limit the number of extensions that may be granted.]

Upon the expiry of the time period authorized by the Temporary Use By-law, the use of land, buildings, or structures that were permitted under such By-law shall cease to exist and cannot be considered as non-conforming uses.

Admin believes that the proposed office is in keeping with the temporary use provisions of the OP.

The Applicant has explained that part of the reason the building remains vacant is that TbayTel required the space again for their purposes after the original Temporary Use By-law was approved. This effectively reduced the amount of time TbayTel had to offer to an office tenant before the Temporary Use By-law expired. Administration is therefore considering this application for an extension as having a similar context as the original By-law. Given that the building is renovated for office uses, and given that the Applicant was not actively not seeking a tenant while they occupied the building, Administration does not object to the proposed Temporary Use By-law extension. However, this proposal is not in keeping with the policies of the Official Plan with respect to office uses and continued/permanent office uses at this location would not be supported by Planning Services if proposed.

The Official Plan 2002 (OP02) identifies the Downtown Cores as the preferred location for new offices. The intent of this policy is to unlock the latent demand for commerce and public amenities that proximal complementary uses provide. Offices increase the daytime population of an area, and have the potential to increase vibrancy within an area. When offices are located near retail, parks, community services, and other amenities, workers and patrons are better supported by, and of, their neighbourhoods. The key here is the concept of latent demand.

In economics, latent demand is the demand for a product or service that a consumer cannot satisfy because they do not have enough money, because the product or service is not available, or because they do not know that it is available. In planning terms, it is the idea that certain consumption patterns are not occurring because they are not well supported. For example, people will use parks if parks are nearby, but will not go to parks if they are far. Urban planners seek to lower the threshold for latent demands to turn into actions. If offices are located closer to urban amenities and businesses, they are more likely to take advantage of the amenities and support the businesses. Industrial areas are typically poorly served by parks, trails, public transportation, and are intentionally located away from dense urban environments. Therefore, allowing offices to move into industrial areas represents a loss of potential activity and vibrancy, both for the City, and for the people who work there.

This can be understood through the pillars of sustainability: economic, social, environmental, and health.

1. **Economic:** less contact with other businesses translates into fewer opportunities for the exchange of products and ideas.
2. **Social:** urban amenities as well as dense urban environments encourage social connection and cohesion.
3. **Environmental:** locating businesses in dense urban environments encourages active transportation and efficient forms of development.
4. **Health:** employees and patrons of offices in dense urban centres are encouraged to walk between their day-to-day tasks, which is effectively daily mild exercise.

Industrial uses by comparison, could benefit from proximity as other uses do, but by the nature of their operation create adverse effects for the surrounding area – noise, emissions, large vehicle traffic, untidy sites, to name a few. Industrial designations are created to locate these adverse effects away from sensitive uses and areas with high population densities. Were it not for these adverse effects, industrial uses could be desirable in dense urban centres.

The street network in industrial areas is rarely as rational and conducive to access and active transportation as mixed-use, commercial urban centres. There are rarely sidewalks, bus service is infrequent if available at all, and parks are not common. These factors should be considered when directing land use, as they directly and indirectly contribute to the quality of life and experience for workers and patrons alike.

- *Official Plan 2018 as Adopted*

The Official Plan 2018 (OP18) was adopted by Council in April 2018, and represents the latest word and intent of Council. Therefore, applications being considered by Council must conform to this Plan as well as the OP02.

This Plan has introduced the Business Area Designation which permits office uses. This designation extends along Waterloo Street from Arthur to Balmoral Street and Central Avenue. From here it follows Central Avenue to Memorial Avenue, and also extends along the Harbour Expressway on either side of Balmoral Street. It also includes areas within Innova Industrial Park, and along parts of Fort William Road and Water Street. This Designation is intended to provide opportunities for a limited range of light industrial activities, office buildings, and hotels that are all subject to a high standard of design. The subject property is not contained within this designation.

The purpose for extending office uses into these areas is to recognize that these areas already contain office uses, and great demand exists to intensify these commercial corridors. By specifying that all proposals in this area will be subject to a high standard of design, the City is striving to develop these Business Areas as desirable areas for business through quality of place. This should not be taken as a general acquiescence on the intent of directing office uses to where they will have the greatest positive relationship with their environments. It is an objective of the Strategic Core policies to strengthen the vibrancy and economic viability of these areas through the integration of retail, office, and service commercial uses with other uses such as housing,

social and health services, recreational opportunities, cultural activities and events, and government and business uses.

Administration is of the position that the overall intent of the Official Plan regarding “office” uses is not maintained by locating offices outside the Strategic Core or Business Area designations. By permitting an office outside the directed areas, the effectiveness of the Official Plan and Zoning By-law to regulate land use in general is undermined. It is not that office uses conflict with industrial uses, rather that office uses effectively complement and synergize with denser urban environments, and should therefore be located in these environments whenever possible.

- *Zoning By-law*

The subject property is zoned "IN2" – Medium Industrial Zone in the 100-2010 Zoning By-law. This zone does not permit office uses. The property conforms to all regulations in this zone for lots with municipal services. An office use in the existing building will not conflict with surrounding uses.

### ***FINANCIAL IMPLICATION***

It is not anticipated that there will be an increase in tax revenue from the proposed By-law. There are no financial implications for the City of Thunder Bay. All costs associated with development will be borne by the Applicant.

### ***CONCLUSION***

It is concluded that Administration does not object to the extension of the Temporary Use By-law to permit an office use on the subject property. The use of the building by TbayTel midway through the original three year Temporary Use By-law period makes the context of this Application akin to the original. The Official Plan allows the City to approve of uses that otherwise do not conform to the Zoning By-law or the Official Plan.

Administration has reiterated the purpose of locating Office uses to the areas the Official Plan directs. Administration is not suggesting that an office use is incompatible with the Zone or Designation, but that there are significant missed opportunities and benefits that come from locating offices in the Strategic Cores or Business Areas. Administration would not support a permanent or ongoing office use at this location.

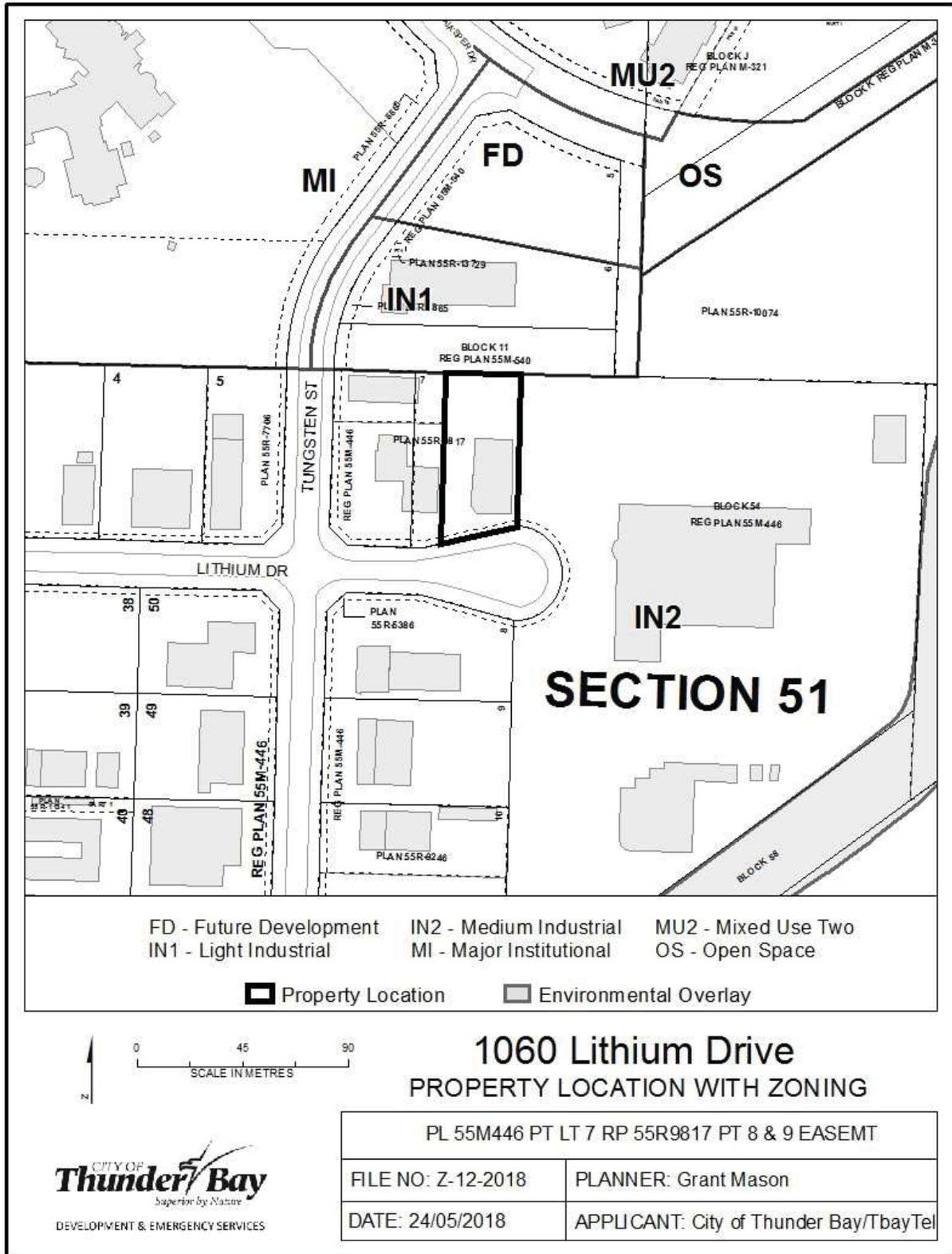
### ***REFERENCE MATERIAL ATTACHED***

Attachment A – Property Location with Zoning  
Attachment B – Applicant's Sketch

**PREPARED BY:**     *Grant Mason, Planner II*

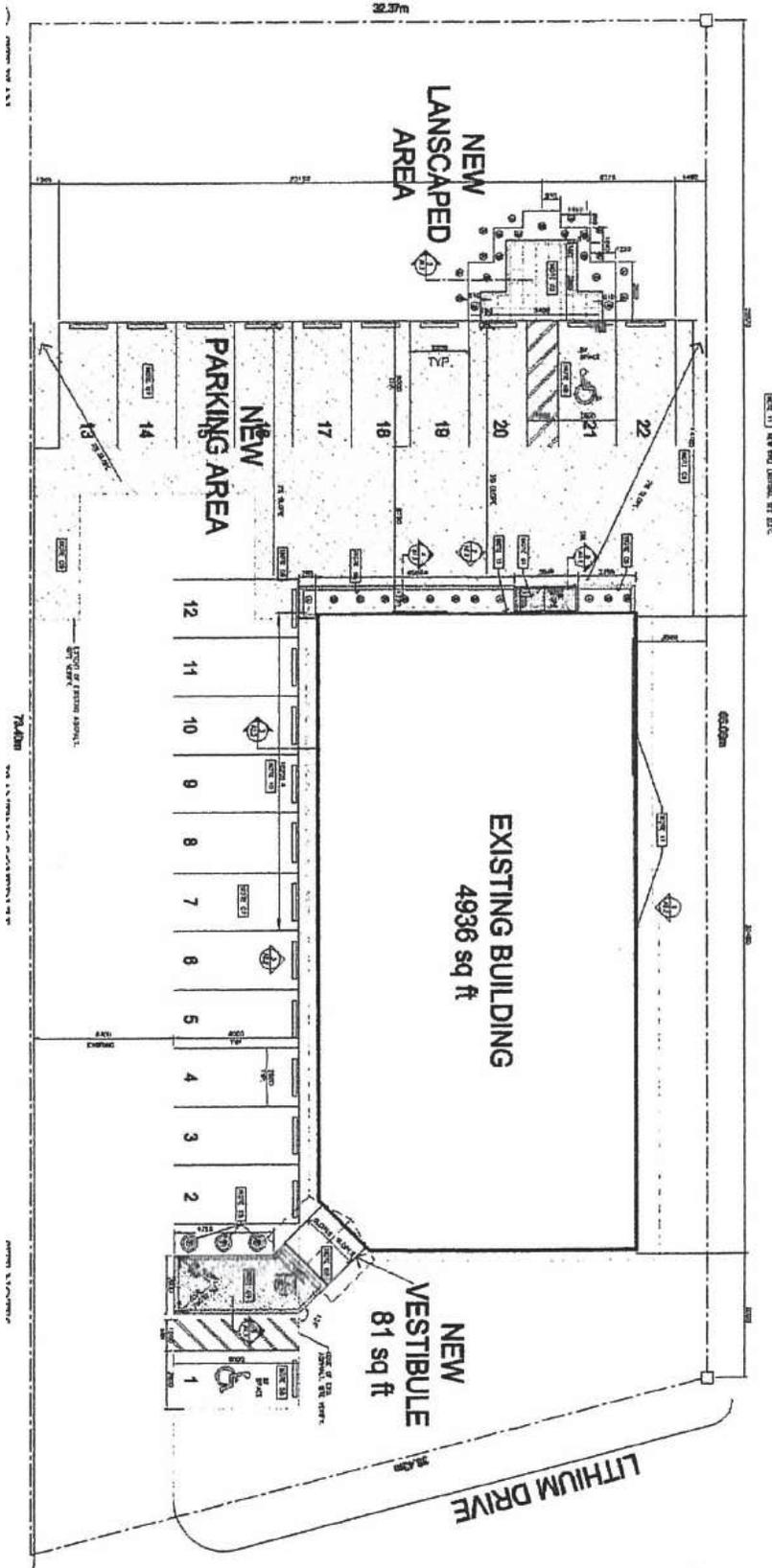
<p>THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)</p> <p>Mark J. Smith, MA.MCIP.RPP General Manager – Development     Emergency Services</p>	<p>DATE:</p> <p>August 17, 2018</p>
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**ATTACHMENT A – Property Location with Zoning**



TITLE: <b>Property Location with Zoning</b>		Date: <b>August 27<sup>th</sup>, 2018</b>
PREPARED BY <b>GM</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-12-2018</b>

ATTACHMENT B – Applicant’s Sketch



TITLE: <b>Applicant's Sketch</b>	Date: <b>August 27th, 2018</b>	
PREPARED BY <b>GM</b>	SCALE <b>As Noted</b>	FILE NO. <b>Z-12-2018</b>



# Memorandum

Corporate By-law Number BL 79/2018

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**TO:** Office of the City Clerk **FILE:** H-02-2018  
&  
**FROM:** Jillian Fazio  
Development Emergency Services - Planning Services  
&  
**DATE:** 25/07/2018  
&  
**SUBJECT:** BL 79/2018 - Holding Symbol Removal (3120 Fairview Avenue)  
&  
**MEETING DATE:** City Council (Public Meeting) - 8/27/2018 (mm/dd/yyyy)

---

**By-law Description:** A By-law to remove a Holding Symbol pursuant to Section 36 of the Planning Act R.S.O., as amended (3120 Fairview Avenue)

**Authorization:** R 111/2018 (Planning Services) - City Council (Public Meeting) - August 27, 2018

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, the City of Thunder Bay Zoning By-law, as it applies to Registered Plan 218, Part of Lot 6, North Part of Lot 8 and Plan 55R9032, PARTS 2 and 4 (3120 Fairview Avenue) to remove the "H" - Holding Symbol from a portion of the property which is east of Fairview Ave and immediately north of the adjacent railway line.

The land is currently zoned "R1-H" – Residential Zone One– Holding. Removing the holding symbol (H) from the "R1-H" Zone, as it applies to these lands, will allow the development of a single-detached dwelling.

**Schedules and Attachments:**

Exhibit One to BL 79/2018

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 79/2018

A By-law to remove a Holding Symbol pursuant to Section 36 of the Planning Act R.S.O., as amended (3120 Fairview Avenue)

Recitals

1. By-law Number 237-1992, being a By-law to amend By-law Number 177-1983 of The Corporation of the City of Thunder Bay, was enacted on the August 10, 1992.
2. That By-law placed the lands shown as "PROPERTY LOCATION" on EXHIBIT ONE to and forming part of this By-law in the "RS-H" – Residential Suburban Zone – Holding.
3. By-law 100-2010, being the City of Thunder Bay Zoning By-law, was enacted on the 1<sup>st</sup> day of January, 2011.
4. This By-law placed the lands shown as "PROPERTY LOCATION" on EXHIBIT ONE to and forming part of this By-law in the "R1-H" – Residential Zone One – Holding.
5. Section 2.1.1(a) of the By-law 100-2010 recognizes By-law 237-1992 as continuing to apply in force and effect.
6. Section 36 of the Planning Act, R.S.O. 1990, provides that Council may pass an amending by-law to remove the holding symbol.
7. Council has determined that the original intent of By-law Number 237-1992 is not compromised by removing the "H" – Holding Symbol from the lands shown as "PROPERTY LOCATION" on EXHIBIT ONE to and forming part of this By-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Paragraph "383" of Schedule "B" to By-law 177-1983 is amended by removing the "H" – Holding Symbol from the lands shown as "PROPERTY LOCATION" on EXHIBIT ONE to and forming part of this By-law, from the lands as they are shown on Maps 8E to By-law 177-1983.
2. By-law 100-2010 is amended by removing the "H" – Holding Symbol from the lands shown as "PROPERTY LOCATION" on EXHIBIT ONE to and forming part of this By-law, from the lands as they are shown on Maps 9E to By-law 100-2010.
3. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.
4. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 27th day of August, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs

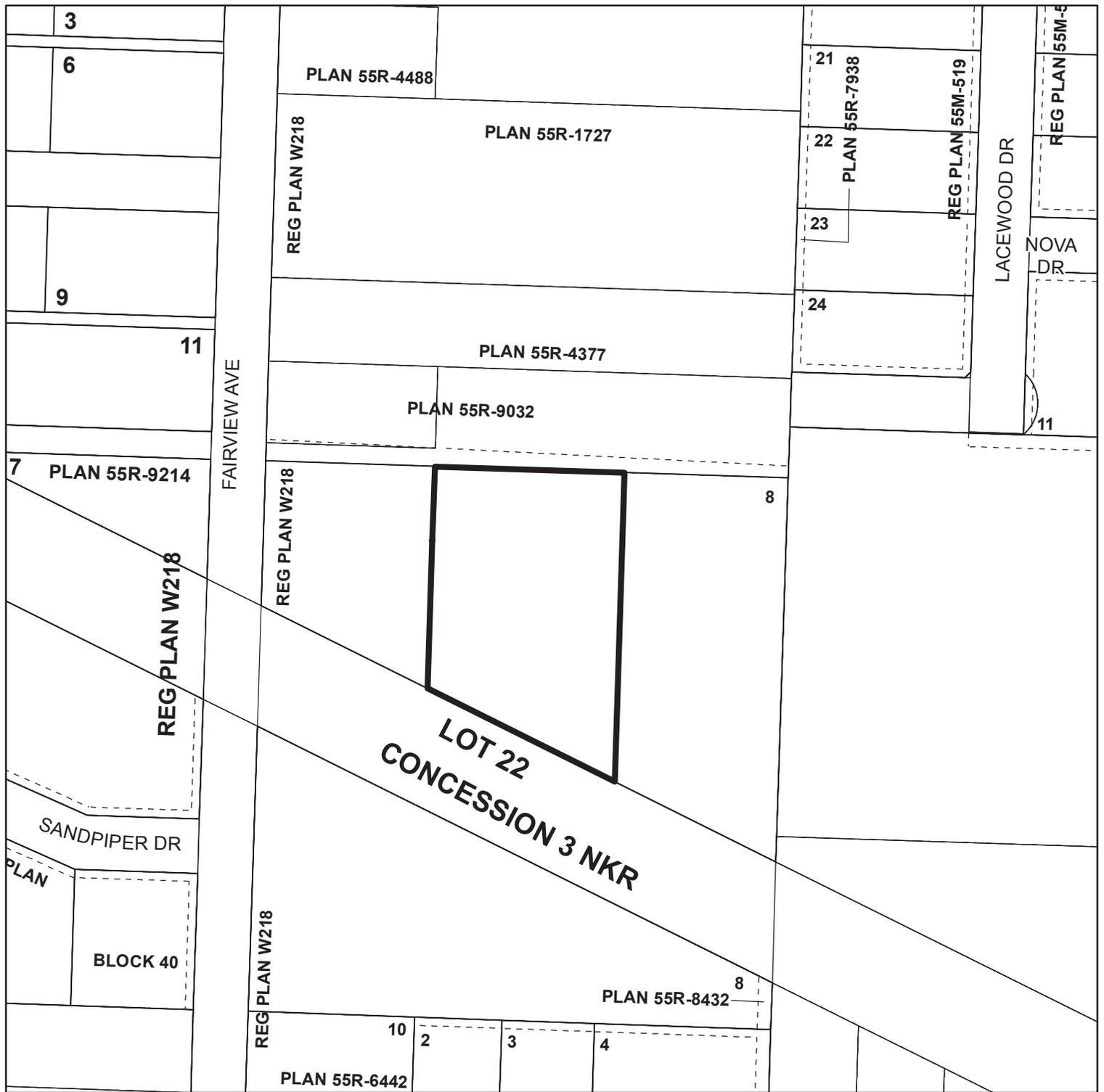
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Mayor

Gordon Stover

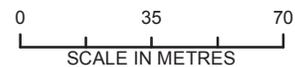
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Acting City Clerk



Property Location 

3120 Fairview Avenue



THIS IS EXHIBIT ONE TO BY-LAW NUMBER 79/2018

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



## Memorandum

Corporate By-law Number BL 80/2018

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**TO:** Office of the City Clerk **FILE:** Z-14-2018

**FROM:** Jillian Fazio  
Development Emergency Services - Planning Services

**DATE:** 25/07/2018

**SUBJECT:** BL 80/2018 - Site Plan Control Designation - 1805 and 1825 Arthur Street East (Immeubles Eindev Inc)

**MEETING DATE:** City Council (Public Meeting) - 8/27/2018 (mm/dd/yyyy)

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**By-law Description:** A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1805 and 1825 Arthur Street East)

**Authorization:** Report R 112/2018 (Planning Services) - City Council (Public Meeting) – August 27, 2018

**By-law Explanation:** The purpose of this By-law is to designate an area of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, as it applies Part of Lot 3, Concession 3, Registered Plan M47, Part of Donald Street, PARTS 1-7 on Plan FWR 48, PART 1 on Plan FWR 180A, PART 1 on Plan 55R1225, municipally known as 1805 and 1825 Arthur Street East.

**Schedules and Attachments:**

Exhibit One to BL 80/2018

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 80/2018

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1805 and 1825 Arthur Street East)

Recitals

1. Authority is provided in accordance with Section 41 of the Planning Act, R.S.O. 1990, c. P. 13, as amended (the "Act"), to pass a By-law designating a Site Plan Control Area.
2. Council has determined it is necessary to designate a Site Plan Area, as referenced by resolution of the City Council, dated August 27, 2018.

ACCORDINGLY, THE CORPORATION OF THE CITY OF THUNDER BAY  
ENACTS AS FOLLOWS:

1. The lands described in section 2 of this By-law (the "Lands") are designated as a Site Plan Control Area within the meaning of Section 41 of the Act, and no person shall undertake any development on the Lands, until the Council of the Corporation has approved plans and drawings as may be required under Subsection 41(4) of the Act.
2. The Lands to which this By-law applies are more particularly described as follows, namely:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay, in the District of Thunder Bay, and being composed of Part of Lot 3, Concession 3, Registered Plan M47, Part of Donald Street, PARTS 1-7 on Plan FWR 48, PART 1 on Plan FWR 180A, PART 1 on Plan 55R1225, shown as "Property Location" on Exhibit One to and forming part of this Amending By-law.

3. This By-law is in accordance with the City of Thunder Bay Official Plan, as amended.
4. This By-law shall come into force and take effect upon the date it is passed.

Enacted and passed this 27th day of August, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs

\_\_\_\_\_  
Mayor

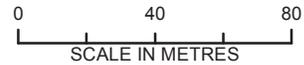
Gordon Stover

\_\_\_\_\_  
Acting City Clerk



Property Location

1805 1825 Arthur Street East



THIS IS EXHIBIT ONE TO BY-LAW NUMBER 80/2018

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



## Memorandum

Corporate By-law Number BL 81/2018

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**TO:** Office of the City Clerk **FILE:** Z-14-2018

**FROM:** Jillian Fazio  
Development Emergency Services - Planning Services

**DATE:** 25/07/2018

**SUBJECT:** BL 81/2018 - Zoning By-law Amendment - 1805 and 1825 Arthur Street East (Immeubles Eindev Inc)

**MEETING DATE:** City Council (Public Meeting) - 8/27/2018 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (1805 and 1825 Arthur Street East)

**Authorization:** R 112/2018 (Planning Services) - City Council (Public Meeting) – August 27, 2018

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, as amended, the City of Thunder Bay Zoning By-law to permit the use of the existing buildings, on the affected lands, as general offices.

The effect of this amendment would be to enable the Applicant to convert the two main buildings formerly used as provincial offices and courthouses to general offices.

**Schedules and Attachments:**

Exhibit One to BL 81/2018

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 81/2018

A By-law to amend By-law 100-2010 (The Zoning By-law) of the Corporation of the City of Thunder Bay (1805 and 1825 Arthur Street East)

Recitals

1. Authority is provided in accordance with Section 34 of the Planning Act, R.S.O.1990, as amended (the "Act"), to pass a By-law to amend By-law Number 100-2010 of The Corporation of the City of Thunder Bay.
2. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of a public meeting was given on August 1, 2018 and a public meeting was held on August 27, 2018 which Report No. R 112/2018 (Planning Services) was considered.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Schedule "B" is amended by adding the following paragraph to it:

"149 (1) & The following parcel of land (referred to in this paragraph as the "affected land") within THUNDER BAY, in the District of Thunder Bay:

Part of Lot 3, Concession 3, Registered Plan M47, Part of Donald Street, PARTS 1-7 on Plan FWR 48, PART 1 on Plan FWR 180A, PART 1 on Plan 55R1225 and shown as "Property Location" on Exhibit One

is subject to the following provisions:

The provisions of Section 35 and Table 35.2.1 of this BY-LAW continue to apply to the affected land. In addition to all other provisions of this BY-LAW, the affected land is subject to the following provisions:

a) Permitted USES:

In addition to the USES permitted in Section 35.1 (a) of this BY-LAW, an "OFFICE" is a permitted USE within the two existing MAIN BUILDINGS existing on August 27, 2018.

2. This By-law is in accordance with the OFFICIAL PLAN, as amended.
3. This By-law shall come into force and take effect upon the date it is passed, subject to the provisions of Section 34 of the Act.

Enacted and passed this 27<sup>th</sup> day of August, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs

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Mayor

Gordon Stover

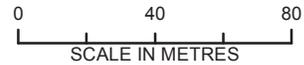
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Acting City Clerk



Property Location

1805 1825 Arthur Street East



THIS IS EXHIBIT ONE TO PARAGRAPH 149  
 OF SCHEDULE "B" OF BY-LAW 100 - 2010  
 AS AMENDED BY BY-LAW NUMBER 81/2018

MAYOR \_\_\_\_\_

CITY CLERK \_\_\_\_\_



## Memorandum

Corporate By-law Number BL 82/2018

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**TO:** Office of the City Clerk **FILE:** 17 705423  
&  
**FROM:** Lisa Zawadzki  
Development Emergency Services - Realty Services  
&  
**DATE:** 07/31/2018  
&  
**SUBJECT:** BL 82/2018 - Closing of Lane Allowance  
&  
**MEETING DATE:** City Council (Public Meeting) - 08/27/2018 (mm/dd/yyyy)

---

**By-law Description:** A By-law to close a portion of the Lane adjacent to 649 & 653 Hodder Avenue, in the City of Thunder Bay, in the District of Thunder Bay.

**Authorization:** Report 2018CLS.005 (Realty Services) - Committee of the Whole -March 19, 2018.

**By-law Explanation:** The purpose of this By-law is to close a portion of the Lane adjacent to Lots 425, 426, 427 portion of Lot 428, Registered Plan M50, designated as Parts 1 & 2 on Reference Plan 55R-14428.

**Schedules and Attachments:** Location Plan attached.

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 82/2018

A By-law to close a portion of the Lane adjacent to 649 & 653  
Hodder Avenue.

Recitals

1. It is desirable to close the highway referred to in Section 1 of this By-law.
2. Notice to the public of Council's intention to pass a by-law closing the highway referred to in Section 1 of this By-law has been given as required by the Corporation's Notice By-law.
3. Council provided opportunity to any person wishing to make submissions with respect to the closing of the highway referred to in Section 1 of this By-law.
4. The lands that form the highway are not required for highway or other municipal purposes.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF  
THUNDER BAY ENACTS AS FOLLOWS:

1. The highway described in this Section of this By-law, according to a Plan registered in the Land Registry Office for Thunder Bay as Number M-50, of the City of Thunder Bay, more particularly described as follows:

Part of Lane, Registered Plan M-50, Designated as Parts 1 & 2 on Reference Plan 55R-14428, City of Thunder Bay, District of Thunder Bay,

Is closed as a highway of the Corporation.

2. This By-law shall come into force and take effect upon the date it is passed and when a certified copy is registered in the Land Registry Office, at Thunder Bay, Ontario, pursuant to Subsection 34 (1) of the Municipal Act, 2001, as amended.

Enacted and passed this 27th day of August, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs

\_\_\_\_\_  
Mayor

Gordon Stover  
\_\_\_\_\_  
Acting City Clerk

53

**PROPERTY LOCATION 1**  
**AREA: 92.14 sq m ±**  
**( 991.78 sq ft ± )**

**APPLICANT'S LANDS**

Untravelled Frederick Street

REG PLAN M-50

PLAN 55R-14428

416 417 418 419 420 421 422 423 424



HODDER AVE

**PROPERTY LOCATION 2**  
**AREA: 56.14 sq m ±**  
**( 604.27 sq ft ± )**

**APPLICANT'S LANDS**

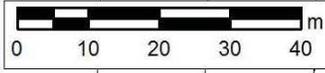
REG PLAN M-50

BLACK BAY RD

REG PLAN M-50

PLAN 55R-13055

296  
295  
294  
293  
292



THIS MAP IS FOR GENERAL ILLUSTRATIVE PURPOSES ONLY, DIMENSIONS AND/OR AREAS ARE APPROXIMATE.



DEVELOPMENT & EMERGENCY SERVICES

**BY-LAW TO STOP UP AND CLOSE**  
 Lane Adjacent to 653 & 649 Hodder Avenue

LEGAL: PT LANE PL M50 MCINTYRE, PTS 1 & 2 55R-14428

<b>Prepared By:</b>	HE	<b>Date:</b>	7/31/2018	<b>Scale:</b>	As Noted
<b>General Manager:</b>	Mark Smith	<b>Author:</b>	LZ	<b>File No:</b>	17-705423
<b>LRO PIN:</b>	622280203	<b>Roll No:</b>	N/A		



# Memorandum

Corporate By-law Number BL 84/2018

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**TO:** Office of the City Clerk **FILE:** Z-12-2018  
&  
**FROM:** Grant Mason  
Development Emergency Services - Planning Services  
&  
**DATE:** 08/09/2018  
&  
**SUBJECT:** BL 84/2018 - Temporary Use By-law - 1060 Lithium Drive (TbayTel)  
&  
**MEETING DATE:** City Council (Public Meeting) - 08/27/2018 (mm/dd/yyyy)

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**By-law Description:** A By-law to amend By-law Number 100-2010, as amended (The Zoning By-law) of The Corporation of the City of Thunder Bay (1060 Lithium Drive) for a Temporary USE for three (3) years.

**Authorization:** R 120/2018 (Planning Services) - City Council (Public Meeting) - August 27th, 2018

**By-law Explanation:** The purpose of this By-law is to amend By-law 100-2010, as amended, the City of Thunder Bay Zoning By-law to add "office" as a temporary use in the "IN2" - Medium Industrial Zone at this site for a period of three (3) years.

**Schedules and Attachments:**

Exhibit One - Property Location

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 84/2018

A By-law to permit Office use in the IN2- Medium Industrial Zone (1060 Lithium Drive)

Recitals

1. Authority is provided in accordance with Section 39(1) of the Planning Act, R.S.O.1990, as amended (the "Act"), to pass a By-law to amend By-law Number 100-2010 of The Corporation of the City of Thunder Bay.
2. In accordance with Subsections 34 (12) and 34 (13) of the Act, notice of a public meeting was given on August 3, 2018, and a public meeting was held on August 27th, 2018 at which Report No. R 120/2018 (Planning Services) was considered.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. Schedule "B" is amended by adding the following paragraph to it:

"150 (1) & The following parcel of land (referred to in this paragraph as the "affected land") within THUNDER BAY, in the District of Thunder Bay:

Registered Plan 55M446, Part Lot 7, Reference Plan 55R9817, Parts 8 & 9, subject to an Easement, and shown as "Property Location" on Exhibit One to and forming part of this Amending By-law,

is subject to the following provisions:

The provisions of Section 27.1 of this BY-LAW continue to apply to the affected land. In addition to all other provisions of this BY-LAW, the affected land is subject to the following provisions:

- a) Permitted USES:

The provisions of Section 27.1 continue to apply, except in the case of the BUILDING existing on the 27<sup>th</sup> day of August, 2018 in which case an OFFICE is a permitted USE as a temporary USE for a maximum of three (3) years, ending on the 27<sup>th</sup> day of August, 2018, in the existing BUILDING on the subject property. At the end of the three (3) year time period, OFFICE use shall be removed unless a request is submitted for a time extension and approved by The Corporation of the City of Thunder Bay, pursuant to Section 39 of the Planning Act, R.S.O. 1990. "

2. This By-law is in accordance with the OFFICIAL PLAN, as amended.
3. This By-law shall come into force and take effect upon the date is it passed, subject to the provisions of Section 34 of the Act.

Enacted and passed this 27th day of August, A.D. 2018 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs

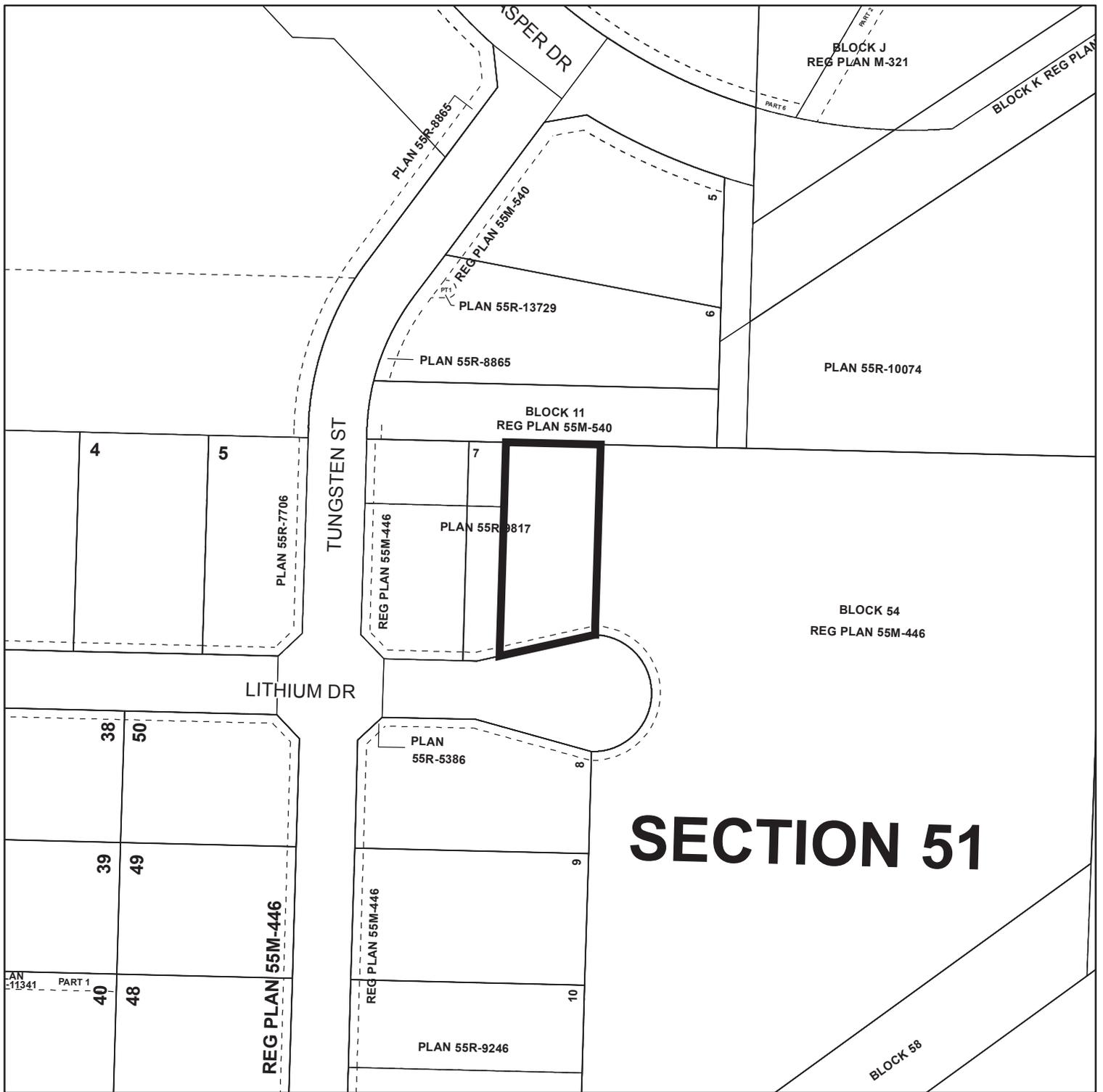
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Mayor

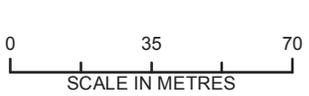
Gordon Stover

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Acting City Clerk



Property Location   
 1060 Lithium Drive



THIS IS EXHIBIT ONE TO PARAGRAPH \_\_\_\_\_  
 OF SCHEDULE "B" OF BY-LAW 100 - 2010  
 AS AMENDED BY BY-LAW NUMBER 84/2018  
 MAYOR \_\_\_\_\_  
 CITY CLERK \_\_\_\_\_

**MEETING DATE** 08/27/2018 (mm/dd/yyyy)

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**SUBJECT** By-law Resolution

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**SUMMARY**

By-law Resolution - August 27, 2018

**RECOMMENDATION**

THAT the following By-law(s) be introduced, read, dealt with individually, engrossed, signed by the Mayor and Clerk, sealed and numbered:

1. A By-law to remove a Holding Symbol pursuant to Section 36 of the Planning Act R.S.O., as amended (3120 Fairview Avenue)

By-law Number: BL 79/2018

2. A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1805 and 1825 Arthur Street East)

By-law Number: BL 80/2018

3. A By-law to amend By-law 100-2010 (The Zoning By-law) of the Corporation of the City of Thunder Bay (1805 and 1825 Arthur Street East)

By-law Number: BL 81/2018

4. A By-law to close a portion of the Lane adjacent to 649 & 653 Hodder Avenue, in the City of Thunder Bay, in the District of Thunder Bay

By-law Number: BL 82/2018

5. A By-law to amend By-law Number 100-2010, as amended (The Zoning By-law) of The Corporation of the City of Thunder Bay (1060 Lithium Drive) for a Temporary USE for three (3) years

By-law Number: BL 84/2018