



AGENDA MATERIAL

CITY COUNCIL (PUBLIC MEETING)

MEETING DATE: MONDAY, NOVEMBER 16, 2020

LOCATION: S. H. BLAKE MEMORIAL AUDITORIUM
(Council Chambers)

TIME: 6:30 P.M.



MEETING: City Council (Public Meeting)

DATE: Monday, November 16, 2020 **Reference No.** CCP - 12/51

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

City Council (Public Meeting)
Chair: Mayor B. Mauro

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - November 16, 2020 - City Council (Public Meeting) (**Page 4**)

With respect to the November 16, 2020 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)

Official Plan and Zoning By-law Amendments – 572-588 Arthur Street West (Plaza REIT in Trust c/o Bill Bilkas) (Page 5 - 14)

Corporate Report No. 135/2020 (Development & Emergency Services - Planning) Official Plan and Zoning By-law Amendments - 572 - 588 Arthur Street West (Plaza REIT in Trust c/o Bill Bilkas)
The Applicant has requested a site-specific Official Plan and Zoning By-law amendment to add a retail store as a permitted use on the subject lands. The proposal is considered appropriate as it will add a compatible use to the existing shopping centre.

The Applicant's request is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario and is in keeping with the intent of the Official Plan. For these reasons, Administration supports the approval of the proposed amendments.

Official Plan Amendment

THAT a Public Meeting having been held with respect to the application by Plaza REIT in Trust c/o Bill Bilkas, relative to lands described in Attachment “C”, municipally known as 572-588 Arthur Street West, we recommend:

1. That the proposed Official Plan Amendment to add a site specific policy to the Service Commercial land use designation to permit a Retail Store as a permitted use on the subject lands be approved,

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

ALL as contained in the Report No. 135/2020 (Planning Services), as submitted by the Development and Emergency Services Department.

Zoning By-law Amendment

THAT a Public Meeting having been held with respect to the application by Plaza REIT in Trust c/o Bill Bilkas, relative to lands described in Attachment “C”, municipally known as 572-588 Arthur Street West, we recommend that the Zoning By-law be amended as follows:

1. That the subject lands be re-zoned “C4-A” – Arterial Commercial Zone with an “A” suffix.
2. That the minimum required rear yard is reduced to 3.0 metres
3. That the minimum required interior side yard is reduced to 3.0 metres

Subject to the following condition:

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

1. Official Plan Amendment No. 4 is approved by City Council.

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-law is presented to City Council for ratification.

ALL as contained in Report No. 135/2020 (Planning Services) as submitted by the Development & Emergency Services Department.

BY-LAWS

BL 120/2020 - Official Plan Amendment – 572-588 Arthur Street West (Page 15 - 25)

A By-law to adopt Amendment No. 4 to the City of Thunder Bay Official Plan (572-588 Arthur Street West)

BL 121/2020 - Zoning By-law Amendment – 572-588 Arthur Street West (Page 26 - 30)

A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (572-588 Arthur Street West)

By-law Resolution – November 16, 2020 (Page 31)

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 adopt Amendment No. 4 to the City of Thunder Bay Official Plan (572-588 Arthur Street West)

By-law Number: BL 120/2020

2. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (572-588 Arthur Street West)

By-law Number: BL 121/2020

ADJOURNMENT



MEETING DATE 11/16/2020 (mm/dd/yyyy)

SUBJECT Confirmation of Agenda

SUMMARY

Confirmation of Agenda - November 16, 2020 - City Council (Public Meeting)

RECOMMENDATION

With respect to the November 16, 2020 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Planning Services	REPORT NO.	R 135/2020
DATE PREPARED	10/26/2020	FILE NO.	OZ-12-2020
MEETING DATE	11/16/2020 (mm/dd/yyyy) City Council (Public Meeting)		
SUBJECT	Official Plan and Zoning By-law Amendments – 572-588 Arthur Street West (Plaza REIT in Trust c/o Bill Bilkas)		

RECOMMENDATION

Official Plan Amendment

THAT a Public Meeting having been held with respect to the application by Plaza REIT in Trust c/o Bill Bilkas, relative to lands described in Attachment “C”, municipally known as 572-588 Arthur Street West, we recommend:

1. That the proposed Official Plan Amendment to add a site specific policy to the Service Commercial land use designation to permit a Retail Store as a permitted use on the subject lands be approved,

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

ALL as contained in the Report No. 135/2020 (Planning Services), as submitted by the Development and Emergency Services Department.

Zoning By-law Amendment

THAT a Public Meeting having been held with respect to the application by Plaza REIT in Trust c/o Bill Bilkas, relative to lands described in Attachment “C”, municipally known as 572-588 Arthur Street West, we recommend that the Zoning By-law be amended as follows:

1. That the subject lands be re-zoned “C4-A” – Arterial Commercial Zone with an “A” suffix.
2. That the minimum required rear yard is reduced to 3.0 metres
3. That the minimum required interior side yard is reduced to 3.0 metres

Subject to the following condition:

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

1. Official Plan Amendment No. 4 is approved by City Council.

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-law is presented to City Council for ratification.

ALL as contained in Report No. 135/2020 (Planning Services) as submitted by the Development & Emergency Services Department.

EXECUTIVE SUMMARY

The Applicant has requested a site-specific Official Plan and Zoning By-law amendment to add a retail store as a permitted use on the subject lands. The proposal is considered appropriate as it will add a compatible use to the existing shopping centre.

The Applicant's request is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario and is in keeping with the intent of the Official Plan. For these reasons, Administration supports the approval of the proposed amendments.

DISCUSSION

Description of Proposal

The Applicant has requested site-specific Official Plan and Zoning By-law amendments to add "retail store" as a permitted use on the subject lands, and to recognize the existing non-complying rear and interior side yards of the site.

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

Description of Subject Property and Surrounding Area

The subject lands are located on the south side of Arthur Street West between Mountdale Avenue and Euclid Avenue.

Currently existing on the property is a shopping centre containing three primary buildings facing a shared parking area. The site is currently developed with a standalone restaurant with a drive-through facility (A&W), a Shoppers Drug Mart, and an "L-shaped" multi-tenant building containing six commercial units.

Arthur Street is classified as an arterial roadway and an Image Route, which connects the South Core downtown to the provincial highway. The surrounding area is developed with a mixture of land uses including commercial and industrial. There are two restaurants and a medical office west of the property and a restaurant and a financial office east of the property. There is another "L-shaped" shopping centre and a hotel immediately north of the property. There are light and medium industrial uses and government offices south of the property.

The property is zoned “C4” – Arterial Commercial Zone and designated as Service Commercial in the Official Plan.

Neighbourhood Comments

A Notice of Application was mailed to surrounding property owners on September 18th, 2020 and a Notice of Public Meeting was mailed October 24th, outlining the nature of the proposed Official Plan and Zoning By-law amendment. No comments were received in response to these notices.

Agency Comments

The following agencies offered no objections relating to the proposed amendment:

- Ministry of Transportation
- Engineering & Operations Division
- Synergy North
- Lakehead Region Conservation Authority
- Ministry of Energy, Northern Development and Mines
- Ministry of Municipal Affairs and Housing
- Parks and Open Spaces Division

Planning Services Division Comments

- *Provincial Policy Statement, 2020*

The proposal is consistent with the Provincial Policy Statement (PPS), 2020, as it is consistent with the policies described in Sections 1.1.1, 1.3.1, and 1.7.1 and does not conflict with any other policies.

In Section 1.1.1 of the PPS, it is stated that healthy, liveable and safe communities are sustained by promoting efficient development, accommodating an appropriate range and mix of uses, including industrial and commercial, to meet long-term needs, and by promoting cost-effective development patterns and standards to minimize land consumption and servicing costs. The proposed expansion of retail uses will allow for the flexible and efficient use of an existing shopping centre which serves both the surrounding neighbourhood and the City as a whole. Services and infrastructure are already in place to serve the subject lands. Furthermore the proposed use adds to the mixture of uses in the existing commercial corridor and is compatible with existing commercial uses.

Section 1.3.1 of the PPS states that planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. The proposal to add a retail store as a permitted use would allow a use that is compatible with the existing tenants. Therefore, Planning Services considers the proposal a

suitable addition to the existing shopping centre, further adding to the range of economic activities and ancillary uses permitted within this existing employment area.

Finally, Section 1.7.1 of the PPS states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness. Permitting new retail uses will provide greater flexibility for meeting evolving market demands and promote economic prosperity.

- *Growth Plan for Northern Ontario, 2011*

The proposal is consistent with the Growth Plan for Northern Ontario, as it supports and promotes healthy living by contributing to a diverse mix of land uses as well as a range and mix of employment types. It also makes efficient use of existing infrastructure, which is one of the stated purposes of the plan. The proposal does not conflict with any policy in the plan.

- *Official Plan*

The lands are designated Service Commercial. The City's Service Commercial corridors provide important links between commercial areas, as well as services to the travelling public and commuters. Service Commercial areas are intended to accommodate a range of commercial and service-based uses. The Official Plan (OP) recognizes existing retail stores within the Service Commercial designation along Arthur Street west of James Street, and notes that applications to permit retail stores elsewhere within the designation will not be supported. This site specific amendment seeks to introduce the opportunity for new retail store uses within the Arthur Street corridor where policy and market support for such uses has already been identified.

The OP spells out a number of objectives with the intent of creating a positive climate for business to develop a diversified, growing economy. The City will promote a climate that supports entrepreneurship and business development. As such, business ventures within our City are to be supported, especially when they further other objectives of the OP. The proposed amendment will allow greater flexibility in attracting a future business that is compatible with the existing tenants. Additionally, new retail use will support the economic vitality of the existing shopping centre by promoting growth at an appropriate location where infrastructure and services already exist. While the OP does direct retail stores to more centralized commercial areas, exceptions are appropriate where the overall outcome is still desirable for the City and economic base.

Furthermore, one of the key objectives of the Service Commercial policies is to recognize and allow for existing commercial strip developments. In this case, the proposal seeks to expand the range of uses permitted in these existing buildings along the Arthur Street commercial strip.

- *Zoning By-law*

The proposed amendment would rezone the subject lands from the "C4" Zone to the "C4-A" Zone. The subject lands would remain in the Arterial Commercial Zone but would have the additional permitted use of a "retail store" by way of the "A" suffix. The Zoning By-law defines

retail store as a place where new and/or used goods, wares, merchandise, substances, or articles are sold directly to the public. Retail stores are currently permitted in a variety of other commercial zones including the "C1" - Urban Village Zone, "C2" - Urban Centre Zone, and the "C5" - Central Business District Zone.

The intent of the "C4" Zone is to accommodate a range of commercial and service-based uses to the travelling public and commuters. Permitted uses include personal service establishments, as well as food stores and media stores which are types of retail stores. The "C4-A" Zone is the same as the "C4" Zone but also permits all types of retail stores. The "C4-A" Zone is prevalent along Memorial Avenue, a major arterial road and a main commercial corridor. Retail uses were added to this area by way of an amendment to reflect market demand.

Planning Services finds that the proposed amendment is appropriate given the existing uses and location of the existing shopping centre. This portion of Arthur Street is similar to portions of Memorial Avenue zoned "C4-A" and there is an existing legal non-conforming retail store (Shoppers Drug Mart) on the subject lands.

The parking rate is established using the GFA of the shopping centre in total, and therefore does not change as commercial tenants change.

The Applicant has also applied to reduce the minimum rear and interior side yards from 6.0 metres to 3.0 metres. Planning Services finds this request appropriate to recognize the existing site conditions which were previously permitted through minor variances granted by the Committee of Adjustment in 2004 and 2010.

The Applicant originally applied to decrease the minimum Landscaped Open Space requirement from 15% to 1.8%. The purpose of this request was to recognize the existing site conditions. The property was developed under previous zoning regulations, as such it was not subject to any landscaping requirements and is almost entirely paved. Changing the use in the existing buildings will not trigger the requirement for the Applicant to comply with the current zoning regulations for landscaping. However, Administration does not support reductions to minimum landscaping requirements. It is expected that as properties develop over time, landscaping will be improved where feasible and eventually sites will comply with current standards. This is especially true on designated Image Routes such as Arthur Street. The Applicant has agreed to this approach and withdrawn their request to reduce the minimum landscaping requirements.

Site Plan Control

This property is designated as an area of Site Plan Control. There is an existing Site Plan Agreement which was registered in August, 2010 under the regulations of the previous Zoning By-law. The existing Site Plan Agreement does not need to be amended to facilitate the Applicant's request to add new retail uses to existing vacant units. Should the Applicant seek to construct new buildings or major additions in the future and review of the plans and an amendment to the Site Plan Agreement will be required.

FINANCIAL IMPLICATION

There is not an expected increase in tax revenue as the shopping centre is already established.

CONCLUSION

In conclusion, the requested Official Plan and Zoning By-law amendments would permit a use that is compatible with the surrounding area, is consistent with the Provincial Policy Statement and Growth Plan for Northern Ontario, is in keeping with the intent of the Official Plan, and represents good planning. As such, Administration supports the proposed amendments and recommends that they be approved.

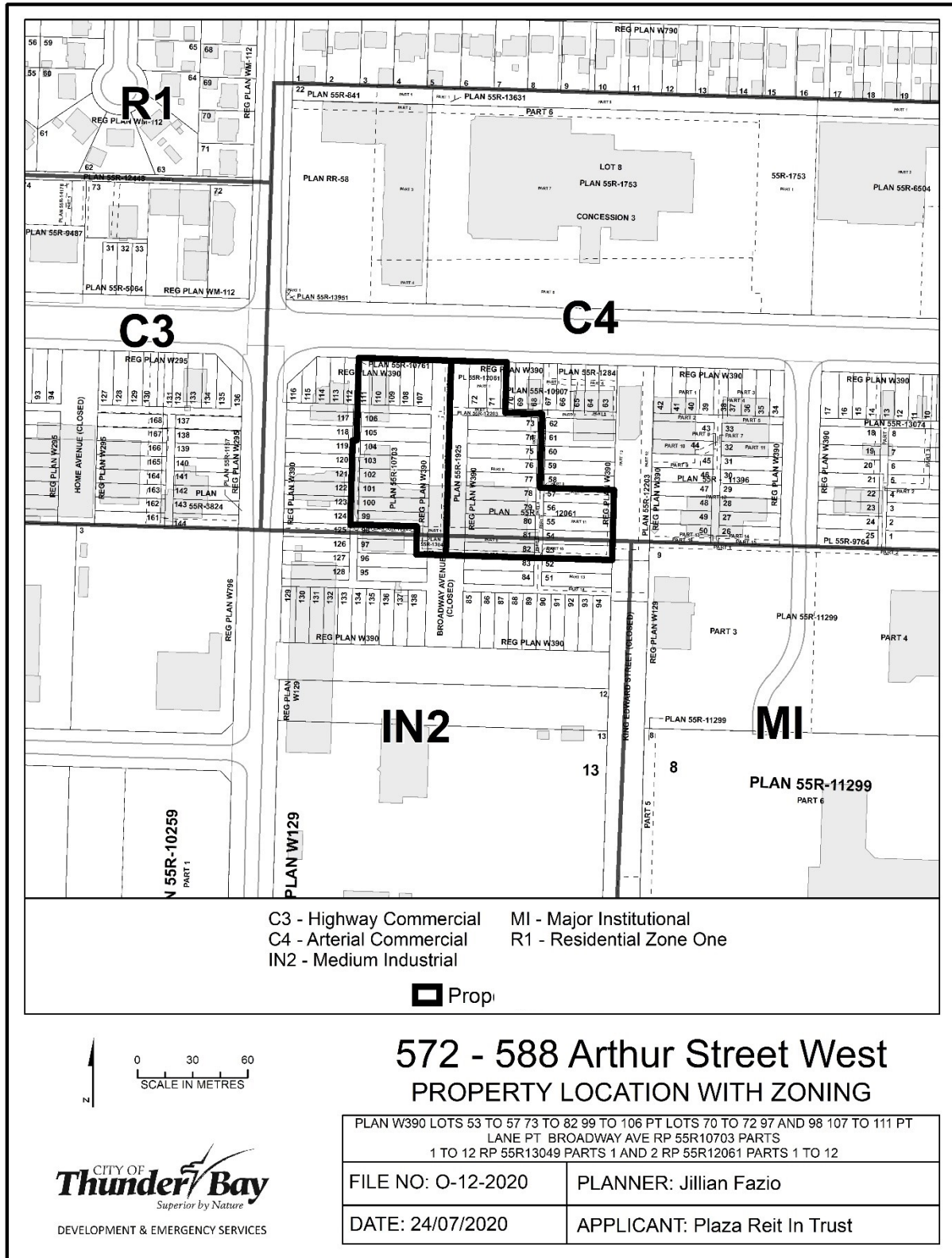
REFERENCE MATERIAL ATTACHED

Attachment A – Property Location with Zoning
Attachment B – Applicant's Sketch
Attachment C – Proper Legal Description
Attachment D – Official Plan Designation

PREPARED BY: Jillian Fazio, Planner II

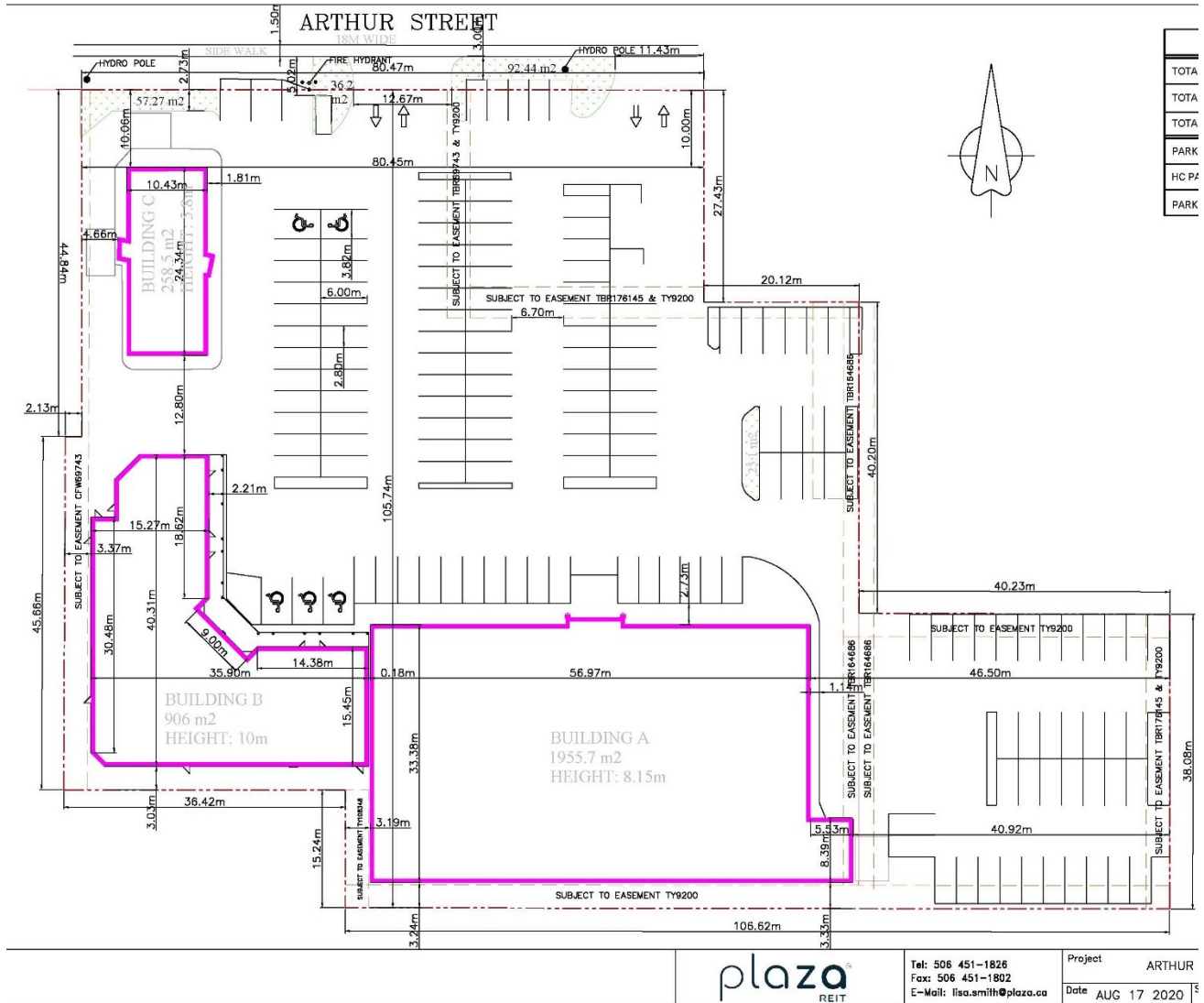
THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Mark J. Smith GM, Development & Emergency Services	November 5, 2020

ATTACHMENT A - Property Location



TITLE: Property Location		Date: November 2020	
PREPARED BY JF	SCALE As Noted	FILE NO. OZ-12-2020	

ATTACHMENT B - Applicant's Sketch



TITLE: Applicant's Sketch			Date: November 2020
PREPARED BY JF	SCALE As Noted	FILE NO. OZ-12-2020	

ATTACHMENT C – Proper Legal Description

FIRSTLY:

LTS 81,82 & PT BROADWAY AV CLOSED BY OF W68781 & PT LANE CLOSED BY TBR163615 ALL ON PL W390 NEEBING - PTS 7 & 8 55R12061 ; THUNDER BAY; S/T EASEMENT OVER PT 7, 55R12203 AS IN TY9200 (PARTIALLY RELEASED BY TY138035); TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

SECONDLY:

LTS 53-57, PT LT 70, 71 & 72, LTS 73-80, PL W390; PT LANE CLOSED BY T BR163615 PL W390; PT BROADWAY AV CLOSED BY OFW68781 PL W390 - PTS 1-6, 9-12 55R12061; THUNDER BAY; S/T EASE TBR164686E ON PTS 9, 10 55R12061 PARTIALLY RELEASED BY TY9201; S/T EASE TBR176145E ON PTS 2, 3, 6 55R12061; S/T EASE F137296 ON PTS 3, 4 55R12061. (DESCRIPTION AMENDED RE: PT LTS 71, 71 & 72 ON 2005 06 22 BY ROBERT JOHNSON.); S/T EASEMENT OVER PTS 3, 4, 5, 8, 10 & 11, 55R12203 AS IN TY9200; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

THIRDLY:

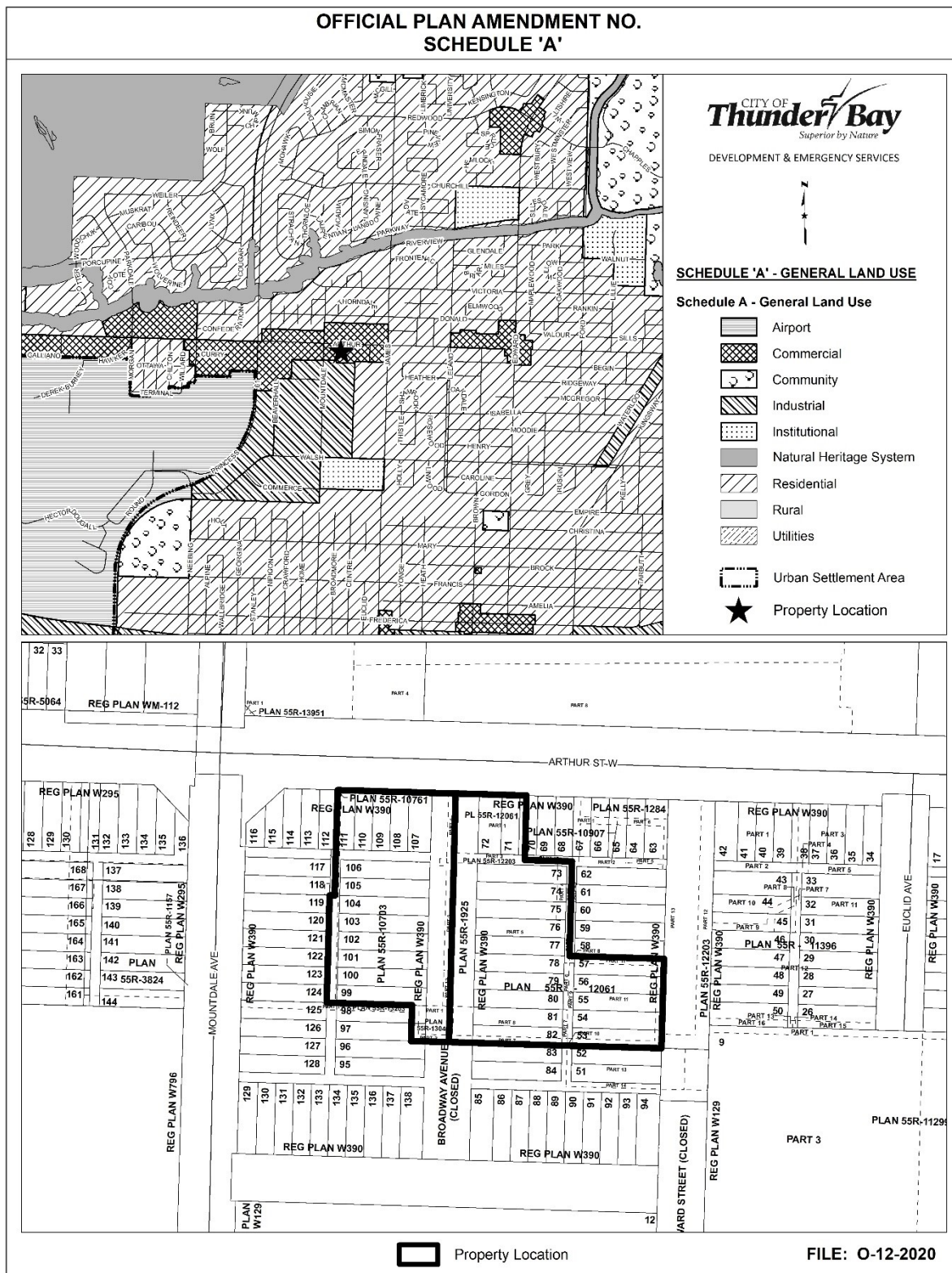
LT 99-106 PL W390 NEEBING; PT LT 107-111 PL W390 NEEBING; PT BROADWAY AV PL W390 NEEBING CLOSED BY OFW68781; PT LANE PL W390 NEEBING CLOSED BY OFW51040 & OFW68781; AS IN TBR388240 & PARTS 6-8, 11 & 12 55R10703; S/T OFW55099E PARTIALLY RELEASED BY TBR398085; S/T W69743E PARTIALLY RELEASED BY TBR398085 & TY9202; S/T TBR939409E PARTIALLY RELEASED BY TY9202; S/T EASEMENT OVER PT 1, 55R12203 AS IN TY9200; THUNDER BAY; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

FOURTHLY:

PART OF LOTS 97 & 98, PL W-390 AND PART OF BROADWAY AVENUE CLOSED BY OFW68781 DESIGNATED AS PARTS 1 AND 2 ON REFERENCE PLAN 55R-13049 SUBJECT TO AN EASEMENT IN GROSS OVER PT 2, 55R13049 AS IN TY108348 TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635 CITY OF THUNDER BAY

TITLE: Proper Legal Description		Date: November 2020	
PREPARED BY JF	SCALE As Noted	FILE NO. OZ-12-2020	

ATTACHMENT D – Official Plan Designation



TITLE: Official Plan Designation		Date: November 2020	
PREPARED BY JF	SCALE As Noted	FILE NO. OZ-12-2020	



Memorandum

Corporate By-law Number BL 120/2020

TO: Office of the City Clerk **FILE:** OZ-12-2020

FROM: Jillian Fazio
Development & Emergency Services - Planning Services

DATE: 10/26/2020

SUBJECT: BL 120/2020 - Official Plan Amendment – 572-588 Arthur Street West

MEETING DATE: City Council (Public Meeting) - 11/16/2020 (mm/dd/yyyy)

By-law Description: A By-law to adopt Amendment No. 4 to the City of Thunder Bay Official Plan (572-588 Arthur Street West)

Authorization: Report No. R 135/2020 (Planning Services) - City Council (Public Meeting) – November 16th, 2020

By-law Explanation: The purpose of this By-law is to adopt Official Plan Amendment No. 4, as it applies to 572-588 Arthur Street West to add a site specific policy to the Service Commercial land use designation to permit “retail store” as a permitted use on the subject lands.

The effect of this amendment would be to allow retail stores to establish and operate on the subject lands.

Schedules and Attachments:

SCHEDULE A TO BL 120/2020

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 120/2020

A By-law to adopt Amendment No. 4 to the City of Thunder Bay
Official Plan (572-588 Arthur Street West)

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

1. Pursuant to the provisions of Subsection 22(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, Amendment No. 4 to the Official Plan for the City of Thunder Bay, attached as Schedule "A" to this By-law is adopted.
2. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 16th day of November, A.D. 2020 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Dana Earle

Deputy City Clerk

AMENDMENT NO. 4 TO THE OFFICIAL PLAN
FOR THE CITY OF THUNDER BAY

Prepared by: Jillian Fazio, Planner II

Development & Emergency Services Department
City of Thunder Bay
November, 2020

OFFICIAL PLAN FOR THE CITY OF THUNDER BAY

Amendment No. 4

Amendment No. 4 to the Official Plan for the City of Thunder Bay, was prepared by the City of Thunder Bay Development & Emergency Services Department and was presented to the Council of the Corporation of the City of Thunder Bay under the provisions of Section 22(1) of the Planning Act, R.S.O. 1990 on the 16th day of November, 2020.

This amendment was adopted by the Corporation of the City of Thunder Bay by By-law No. 120/2020 in accordance with Section 22(1) of the Planning Act, 1990 on the 16th day of November, 2020.

MAYOR

CLERK

AMENDMENT NO. 4
TO
THE OFFICIAL PLAN FOR THE CITY OF THUNDER BAY

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THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE - does not constitute part of this Amendment.

PART B - THE AMENDMENT - consisting of the following text and schedule constitutes Amendment No. 4 to the Official Plan for the City of Thunder Bay.

PART A - THE PREAMBLE

PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to add a site specific policy, to permit a "retail store" in the Service Commercial land use designation that applies to the subject lands.

LOCATION OF THE AMENDMENT

This Amendment applies to certain lands located at 572-588 Arthur Street West being:

FIRSTLY: LTS 81,82 & PT BROADWAY AV CLOSED BY OF W68781 & PT LANE CLOSED BY TBR163615 ALL ON PL W390 NEEBING - PTS 7 & 8 55R12061 ; THUNDER BAY; S/T EASEMENT OVER PT 7, 55R12203 AS IN TY9200 (PARTIALLY RELEASED BY TY138035); TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

SECONDLY: LTS 53-57, PT LT 70, 71 & 72, LTS 73-80, PL W390; PT LANE CLOSED BY TBR163615 PL W390; PT BROADWAY AV CLOSED BY OFW68781 PL W390 - PTS 1-6, 9-12 55R12061; THUNDER BAY; S/T EASE TBR164686E ON PTS 9, 10 55R12061 PARTIALLY RELEASED BY TY9201; S/T EASE TBR176145E ON PTS 2, 3, 6 55R12061; S/T EASE F137296 ON PTS 3, 4 55R12061. (DESCRIPTION AMENDED RE: PT LTS 71, 71 & 72 ON 2005 06 22 BY ROBERT JOHNSON.); S/T EASEMENT OVER PTS 3, 4, 5, 8, 10 & 11, 55R12203 AS IN TY9200; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

THIRDLY: LT 99-106 PL W390 NEEBING; PT LT 107-111 PL W390 NEEBING; PT BROADWAY AV PL W390 NEEBING CLOSED BY OFW68781; PT LANE PL W390 NEEBING CLOSED BY OFW51040 & OFW68781; AS IN TBR388240 & PARTS 6-8, 11 & 12 55R10703; S/T OFW55099E PARTIALLY RELEASED BY TBR398085; S/T W69743E PARTIALLY RELEASED BY TBR398085 & TY9202; S/T TBR939409E PARTIALLY RELEASED BY TY9202; S/T EASEMENT OVER PT 1, 55R12203 AS IN TY9200; THUNDER BAY; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

FOURTHLY: PART OF LOTS 97 & 98, PL W-390 AND PART OF BROADWAY AVENUE CLOSED BY OFW68781 DESIGNATED AS PARTS 1 AND 2 ON REFERENCE PLAN 55R-13049 SUBJECT TO AN EASEMENT IN GROSS OVER PT 2, 55R13049 AS IN TY108348 TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635 CITY OF THUNDER BAY

as shown on Schedule "A" to this Amendment.

BASIS FOR THE AMENDMENT

The lands are designated Service Commercial. The City's Service Commercial corridors provide important links between commercial areas, as well as services to the travelling public and commuters. Service Commercial areas are intended to accommodate a range of commercial and service-based uses. The Official Plan (OP) recognizes existing retail stores within the Service Commercial designation along Arthur Street west of James Street, and notes that applications to permit retail stores elsewhere within the designation will not be supported. This site specific amendment seeks to introduce the opportunity for new retail store uses within the Arthur Street corridor where policy and market support for such uses has already been identified.

The OP spells out a number of objectives with the intent of creating a positive climate for business to develop a diversified, growing economy. The City will promote a climate that supports entrepreneurship and business development. As such, business ventures within our City are to be supported, especially when they further other objectives of the OP. The proposed amendment will allow greater flexibility in attracting a future business that is compatible with the existing tenants. Additionally, new retail use will support the economic vitality of the existing shopping centre by promoting growth at an appropriate location where infrastructure and services already exist. While the OP does direct retail stores to more centralized commercial areas, exceptions are appropriate where the overall outcome is still desirable for the City and economic base.

Furthermore, one of the key objectives of the Service Commercial policies is to recognize and allow for existing commercial strip developments. In this case, the proposal seeks to expand the range of uses permitted in these existing buildings along the Arthur Street commercial strip.

PART B - THE AMENDMENT

The City of Thunder Bay Official Plan, as amended, is further amended as follows:

- 1) The Service Commercial policies of the Official Plan that apply to Retail Stores and Offices are amended by adding the following italicized text:

Retail Stores and Offices

In recognition of the strong market support and the nature of existing land uses, retail stores and offices will continue to be permitted where they currently exist within the Service Commercial designation, along Arthur Street, and Memorial Avenue/May Street, from John Street to the Neebing River.

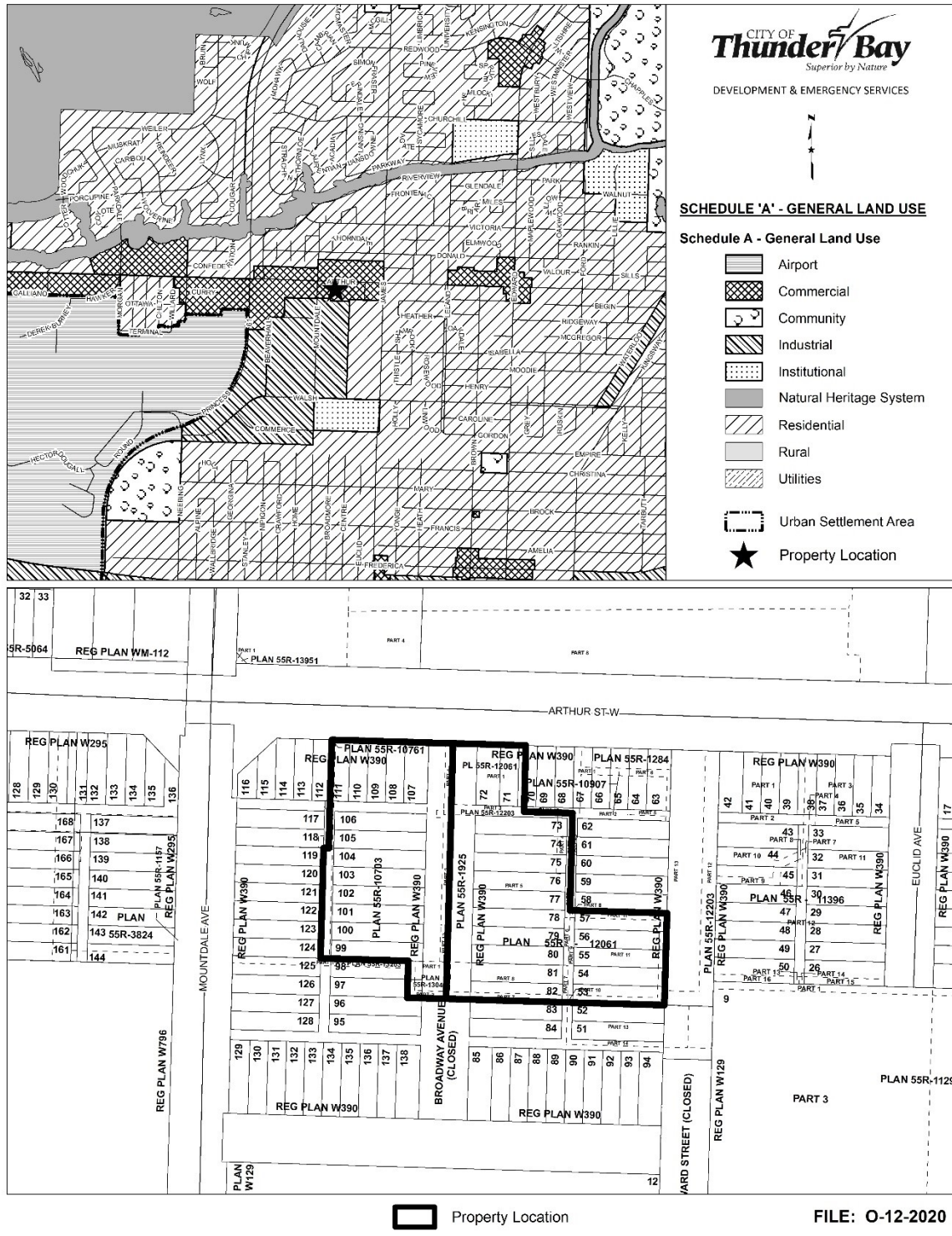
In addition, retail stores have also been permitted by amendment to this Plan on the following lands:

- *Lands described as FIRSTLY: LTS 81,82 & PT BROADWAY AV CLOSED BY OF W68781 & PT LANE CLOSED BY TBR163615 ALL ON PL W390 NEEBING - PTS 7 & 8 55R12061 ; THUNDER BAY; S/T EASEMENT OVER PT 7, 55R12203 AS IN TY9200 (PARTIALLY RELEASED BY TY138035); TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635; SECONDLY: LTS 53-57, PT LT 70, 71 & 72, LTS 73-80, PL W390; PT LANE CLOSED BY T BR163615 PL W390; PT BROADWAY AV CLOSED BY OFW68781 PL W390 - PTS 1-6, 9-12 55R12061; THUNDER BAY; S/T EASE TBR164686E ON PTS 9, 10 55R12061 PARTIALLY RELEASED BY TY9201; S/T EASE TBR176145E ON PTS 2, 3, 6 55R12061; S/T EASE F137296 ON PTS 3, 4 55R12061. (DESCRIPTION AMENDED RE: PT LTS 71, 71 & 72 ON 2005 06 22 BY ROBERT JOHNSON.); S/T EASEMENT OVER PTS 3, 4, 5, 8, 10 & 11, 55R12203 AS IN TY9200; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635; THIRDLY: LT 99-106 PL W390 NEEBING; PT LT 107-111 PL W390 NEEBING; PT BROADWAY AV PL W390 NEEBING CLOSED BY OFW68781; PT LANE PL W390 NEEBING CLOSED BY OFW51040 & OFW68781; AS IN TBR388240 & PARTS 6-8, 11 & 12 55R10703; S/T OFW55099E PARTIALLY RELEASED BY TBR398085; S/T W69743E PARTIALLY RELEASED BY TBR398085 & TY9202; S/T TBR939409E PARTIALLY RELEASED BY TY9202; S/T EASEMENT OVER PT 1, 55R12203 AS IN TY9200; THUNDER BAY; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635; FOURTHLY: PART OF LOTS 97 & 98, PL W-390 AND PART OF BROADWAY AVENUE CLOSED BY OFW68781 DESIGNATED AS PARTS 1 AND 2 ON REFERENCE PLAN 55R-13049 SUBJECT TO AN EASEMENT IN GROSS OVER PT 2, 55R13049 AS*

*IN TY108348 TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN
W390 PT 1 55R13203 AS IN TY118635 CITY OF THUNDER BAY*

Applications to permit retail stores or offices elsewhere within the Service Commercial designation will not be supported.

OFFICIAL PLAN AMENDMENT NO. SCHEDULE 'A'





Memorandum

Corporate By-law Number BL 121/2020

TO: Office of the City Clerk **FILE:** OZ-12-2020

FROM: Jillian Fazio
Development & Emergency Services - Planning Services

DATE: 10/26/2020

SUBJECT: BL 121/2020 - Zoning By-law Amendment – 572-588 Arthur Street West

MEETING DATE: City Council (Public Meeting) - 11/16/2020 (mm/dd/yyyy)

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 (572-588 Arthur Street West)

Authorization: Report R 135/2020 (Planning Services) - City Council (Public Meeting) – November 16, 2020

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 rezone the lands to “C4-A” Arterial Commercial Zone with an “A” suffix and reduce the minimum rear and interior side yard from 6.0 metres to 3.0 metres.

The effect of this amendment would be to allow for new retail uses to develop at this location. The amendment would also recognize the existing non-complying rear and interior side yards.

Schedules and Attachments:

EXHIBIT TO BL 121/2020

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 121/2020

A By-law to amend By-law 100-2010 (The Zoning By-law) of
The Corporation of the City of Thunder Bay (572-588 Arthur
Street West)

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 October 27, 2020 and a public meeting was held on November 16, 2020 which Report No. R 135/2020 (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:

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

FIRSTLY: LTS 81,82 & PT BROADWAY AV CLOSED BY OF W68781 & PT LANE CLOSED BY TBR163615 ALL ON PL W390 NEEBING - PTS 7 & 8 55R12061 ; THUNDER BAY; S/T EASEMENT OVER PT 7, 55R12203 AS IN TY9200 (PARTIALLY RELEASED BY TY138035); TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

SECONDLY: LTS 53-57, PT LT 70, 71 & 72, LTS 73-80, PL W390; PT LANE CLOSED BY T BR163615 PL W390; PT BROADWAY AV CLOSED BY OFW68781 PL W390 - PTS 1-6, 9-12 55R12061; THUNDER BAY; S/T EASE TBR164686E ON PTS 9, 10 55R12061 PARTIALLY RELEASED BY TY9201; S/T EASE TBR176145E ON PTS 2, 3, 6 55R12061; S/T EASE F137296 ON PTS 3, 4 55R12061. (DESCRIPTION AMENDED RE: PT LTS 71, 71 & 72 ON 2005 06 22 BY ROBERT JOHNSON.); S/T EASEMENT OVER PTS 3, 4, 5, 8, 10 & 11, 55R12203 AS IN TY9200; TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1 55R13203 AS IN TY118635

THIRDLY: LT 99-106 PL W390 NEEBING; PT LT 107-111 PL W390 NEEBING; PT BROADWAY AV PL W390 NEEBING CLOSED BY OFW68781; PT LANE PL W390 NEEBING CLOSED BY OFW51040 & OFW68781; AS IN TBR388240 & PARTS 6-8, 11 & 12 55R10703; S/T OFW55099E PARTIALLY RELEASED BY TBR398085; S/T W69743E

PARTIALLY RELEASED BY TBR398085 & TY9202; S/T
TBR939409E PARTIALLY RELEASED BY TY9202; S/T EASEMENT
OVER PT 1, 55R12203 AS IN TY9200; THUNDER BAY; TOGETHER
WITH AN EASEMENT OVER PT LT 98 & 125, PT LN W390 PT 1
55R13203 AS IN TY118635

FOURTHLY: PART OF LOTS 97 & 98, PL W-390 AND PART OF
BROADWAY AVENUE CLOSED BY OFW68781 DESIGNATED AS
PARTS 1 AND 2 ON REFERENCE PLAN 55R-13049 SUBJECT TO
AN EASEMENT IN GROSS OVER PT 2, 55R13049 AS IN TY108348
TOGETHER WITH AN EASEMENT OVER PT LT 98 & 125, PT LN
W390 PT 1 55R13203 AS IN TY118635 CITY OF THUNDER BAY

and shown as "Property Location" on Exhibit One and forming part of this
Amending By-law, and portions of the abutting STREET
ALLOWANCES, is removed from the "C4" – Arterial Commercial
ZONE, as shown on Map 9K of Schedule "A" and is instead designated as
part of the "C4-A" – Arterial Commercial ZONE with an "A" suffix.

- (2) The provisions of Section 4.1 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) REGULATIONS

- i) The minimum REQUIRED REAR YARD is 3.0 metres
ii) The minimum REQUIRED INTERIOR SIDE YARD is 3.0
metres.

2. This By-law is in accordance with the OFFICIAL PLAN, as amended by Amendment
No. 4 to the OFFICIAL PLAN.

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 16th day of November, A.D. 2020 as witnessed by the Seal of the
Corporation and the hands of its proper Officers.

Bill Mauro

Mayor

Dana Earle

Deputy City Clerk

MEETING DATE 11/16/2020 (mm/dd/yyyy)

SUBJECT By-law Resolution

SUMMARY

By-law Resolution - November 16, 2020

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 adopt Amendment No. 4 to the City of Thunder Bay Official Plan (572-588 Arthur Street West)

By-law Number: BL 120/2020

2. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (572-588 Arthur Street West)

By-law Number: BL 121/2020