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 - September 23, 2019 - City Council (Public Meeting)

With respect to the September 23, 2019 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 Amendment - 1001 Athabasca St (1490286 Ontario Ltd.)

Report No. R 134/2019 (Development & Emergency Services - Planning Services) requesting a site-specific Official Plan and Zoning By-law amendment to re-designate the lands as Light Industrial in the Official Plan and rezone the lands from the “FD” – Future Development Zone to the “IN1” – Light Industrial Zone. The Applicant is also requesting that the western lot line adjacent to Athabasca Street be considered the front lot line as used in the Zoning By-law.

The proposal is considered appropriate as it will provide for an intervening land use between the existing railway yard and the residential uses along the western side of Athabasca Street. 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. Administration also recommends that the subject property be designated as an area of Site Plan Control.
Official Plan Amendment

THAT a Public Meeting having been held with respect to the application by 1490286 Ontario Ltd., relative to PLAN 57 BLK 13 PT LOTS 1 TO 17, RP55R4681 PART 1; THUNDER BAY, municipally known as 1001 Athabasca Street, we recommend:

1. The proposed Official Plan Amendment to re-designate the subject lands as Light Industrial be approved

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

Zoning By-law Amendment

THAT a Public Meeting having been held with respect to the application by 1490286 Ontario Ltd., relative to PLAN 57 BLK 13 PT LOTS 1 TO 17, RP55R4681 PART 1; THUNDER BAY, municipally known as 1001 Athabasca Street, we recommend that the Zoning By-law be amended as follows:

1. That the subject property be rezoned to the “IN1” – Light Industrial ZONE

2. That the FRONT LOT LINE be defined as the western LOT LINE adjacent to Athabasca Street

Subject to the following condition:

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

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

2. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control (SPC)

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. 134/2019 (Planning Services) as submitted by the Development & Emergency Services Department.

Zoning By-law Amendment - 740/760 Arthur Street West

Report No. 142/2019 (Development & Emergency Services- Planning Services) requesting a site-specific Zoning By-law Amendment to permit the construction of a new hotel at a higher density than what is currently permitted. The subject property includes the existing Hampton Inn site, along with the vacant adjacent parcel to the east. The Application includes a reduction in the required parking spaces to 135 from 217, a reduction in the parking aisle width to 6.0m from 6.7m, an
increase in maximum height to 21.7m from 12.0m, a reduction in the rear yard to 0.0m from 6.0m, and a reduction in the width of the landscaped strip along Arthur Street to 2.2m from 3.0m. The Applicant proposes to construct a second hotel on the site.

There were two Notice of Application circulations for this file. The first circulation was sent to Agencies and the surrounding property owners. This returned comments from the Ministry of Transportation (MTO) and Enbridge that required revisions to the site plan. The amended Application was recirculated to Agencies for further comment, and there were no objections received in response to this second Notice.

This proposal represents a form of intensification and infill on a site with full urban services. The parking reduction is supported by a study completed by an Engineer and submitted with the Application. The proposed building would be setback from the right-of-way substantially, which reduces the impact of the height increase on the residential area to the north of Arthur Street.

The Applicant’s request is consistent with the Provincial Policy Statement, 2014 and the Official Plan, and is considered appropriate for its location and is compatible with surrounding uses. Administration supports the approval of the proposed Zoning By-law Amendment.

THAT a Public Meeting having been held with respect to the application by Mario Figliomeni relative to Registered Plan M79, Part Block B, Part 4, Parcel 25315, Reference Plan 55R-9374 Part 1, and Registered Plan M79, Part Block B, FWR 172 Part 5, Reference Plan 55R-13868, municipally known as 740/760 Arthur Street West, we recommend that the Zoning By-law be amended as follows:

THAT the required number of PARKING SPACES be established at 0.577 PARKING SPACES for every hotel room suite plus the number determined by the ASSEMBLY RATE for the dining or banquet facilities, lounges, RESTAURANTS and meeting rooms,

THAT the minimum PARKING AISLE width of PARKING SPACE for an angle over 80º up to and including 90º be reduced to 6.0m from 6.7m,

THAT the minimum REQUIRED REAR YARD be reduced to 0.0m from 6.0m,

THAT the maximum HEIGHT be increased to 21.7m from 12.0m,

THAT the proposed BUILDING be contained wholly on Registered Plan M79 Part Block B, Part 4, Parcel 25315, Reference Plan 55R-9374, municipally known as 740 Arthur Street,

AND THAT the minimum LANDSCAPED OPEN SPACE in the form of a 3.0m wide strip along the LOT line abutting Arthur Street West be reduced to 2.2m.
Subject to the following conditions:

3. The Applicant enter into a License Agreement for the development and maintenance of 20 parking spaces as demonstrated in Attachment C to the satisfaction of Realty Services, and Engineering and Operations.

4. The Applicant enter into a Development Agreement for the construction of a cul-de-sac at the end of Curry Street as demonstrated on the site plan submitted with this Application (Attachment B), to the satisfaction of Realty Services, and Engineering and Operations.

5. The 323.7m² parcel (yet to be legally described) to be acquired from the City of Thunder Bay and the 965m² parcel, described as Registered Plan M-79, Part of Block B, being described as Parts 2, 4 and 5 on Reference Plan 55R-12832, to be acquired from the Ministry of Transportation, be designated as areas 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 142/2019 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

**BY-LAWS**

**BL 96/2019 - Site Plan Designation - 1001 Athabasca Street**

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Athabasca Street)

**BL 97/2019 - Official Plan Amendment - 1001 Athabasca Street**

By-law Description: A By-law to adopt Amendment No. 1 to the City of Thunder Bay Official Plan (1001 Athabasca Street)

**BL 98/2019 - Zoning By-law Amendment - 1001 Athabasca Street**

A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (1001 Athabasca Street)
By-law Resolution

By-law Resolution - September 23, 2019

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 designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Athabasca Street)
   By-law Number: BL 96/2019

2. A By-law to adopt Amendment No. 1 to the City of Thunder Bay Official Plan (1001 Athabasca Street)
   By-law Number: BL 97/2019

3. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (1001 Athabasca Street)
   By-law Number: BL 98/2019

ADJOURNMENT
MEETING DATE  09/23/2019 (mm/dd/yyyy)

SUBJECT  Confirmation of Agenda

SUMMARY

Confirmation of Agenda - September 23, 2019 - City Council (Public Meeting)

RECOMMENDATION

With respect to the September 23, 2019 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.


**Official Plan Amendment**

THAT a Public Meeting having been held with respect to the application by 1490286 Ontario Ltd., relative to PLAN 57 BLK 13 PT LOTS 1 TO 17, RP55R4681 PART 1; THUNDER BAY, municipally known as 1001 Athabasca Street, we recommend:

1. The proposed Official Plan Amendment to re-designate the subject lands as Light Industrial be approved

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

**Zoning By-law Amendment**

THAT a Public Meeting having been held with respect to the application by 1490286 Ontario Ltd., relative to PLAN 57 BLK 13 PT LOTS 1 TO 17, RP55R4681 PART 1; THUNDER BAY, municipally known as 1001 Athabasca Street, we recommend that the Zoning By-law be amended as follows:

1. That the subject property be rezoned to the “IN1” – Light Industrial ZONE

2. That the FRONT LOT LINE be defined as the western LOT LINE adjacent to Athabasca Street

Subject to the following condition:

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

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

2. The subject property, as shown on Attachment "B", is designated as an area of Site Plan Control (SPC)

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. 134/2019 (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 re-designate the lands as Light Industrial in the Official Plan and rezone the lands from the “FD” – Future Development Zone to the “IN1” – Light Industrial Zone. The Applicant is also requesting that the western lot line adjacent to Athabasca Street be considered the front lot line as used in the Zoning By-law.

The proposal is considered appropriate as it will provide for an intervening land use between the existing railway yard and the residential uses along the western side of Athabasca Street. 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. Administration also recommends that the subject property be designated as an area of Site Plan Control.

DISCUSSION

Description of Proposal

The applicant has applied to re-designate and rezone the subject property to permit the construction of two light industrial buildings which will contain a workshop area and associated office space for a tradesperson, such as a heating and cooling contractor.

The proposed buildings are one-storey and approximately 115 square metres each. All activities will take place inside the buildings with no outdoor storage.

A copy of the Applicant’s sketch is attached as “Attachment B”.

Description of Subject Property and Surrounding Area

The subject property is vacant and has a lot frontage of approximately 30 metres on Southern Ave and lot depth of approximately 129 metres on Athabasca Street. It is currently zoned “FD” – Future Development Zone and designated Residential in the Official Plan.

There is an existing warehouse to the south, a railyard to the east, vacant land to the north, and residential uses to the west. The majority of the land in the area is zoned “R2” – Residential
Zone Two, except for the properties immediately adjacent to the railyard which are zoned “FD” – Future Development Zone.

Neighbourhood Comments

A Notice of Application was mailed to surrounding property owners on July 22, 2019 outlining the nature of the proposed Zoning By-law amendment. Planning Services spoke over the phone with a concerned neighbour and encouraged them to provide the reasons for their concerns in writing. However, no letters or emails were received.

Agency Comments

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

- Lakehead Region Conservation Authority
- Enbridge Gas Inc.
- Canadian Pacific Rail
- Thunder Bay District Health Unit
- Realty Services Division
- Fire Prevention and Rescue Service
- Engineering Division

Planning Services Division Comments

- Provincial Policy Statement, 2014

The proposal is consistent with the Provincial Policy Statement (PPS), 2014, as it adds an industrial use to the range and mix of various uses planned to meet long-term needs, and promotes long-term economic prosperity by promoting an opportunity for economic development.

The PPS also states that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. In the PPS, “major facilities” are facilities which may require separation from sensitive land uses. It is stated that sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from major facilities to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Planning Services has reviewed the Province’s D-6 Guidelines “Compatibility between Industrial Facilities” which is intended to be applied in the land use planning process to prevent or minimize future land use problems caused by the encroachment of sensitive land uses and industrial land uses on one another. The guidelines identify three classes of industrial uses based on their potential for adverse impacts and recommend different separation distances for each class.
The adjacent railyard would be considered a Class III Industrial Use due to noise, vibration, and appearance. This is a historical use and is located closer to residential uses than what is recommended by current D-6 Guidelines. As such, efforts to create a transitional buffer between the heavy industrial use and the sensitive residential uses should be promoted. The proposed use is considered a Light Industrial Use in the Zoning By-law, which by definition, does not permit adverse effects from odour, noise and other contaminants. The use must be completely contained within the building, only the parking of motor vehicles will be tolerated outside of the building on the property. This definition is therefore more restrictive than the Industrial Class I, as defined in the guideline. Light Industrial uses are not considered sensitive uses and they are not permitted to create adverse effects. As such, they make a suitable buffer between sensitive residential uses and heavy industrial uses.

- **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 does not conflict with any policy in the plan.

- **Official Plan**

The subject property is currently designated Residential. Industrial uses are not permitted in the Residential designation. Therefore, an application to re-designate the lands from Residential to Light Industrial is necessary to consider the proposal. The key objectives for industrial uses are to have them suitability located near major transportation facilities and to minimize the conflicts between industrial and non-industrial land uses.

The subject lands are across the street from residential uses, however they are immediately adjacent to a heavy industrial railyard. The Official Plan (OP) contains policies which require that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are, to the fullest extent practical, appropriately designed, buffered and/or separated from each other so as to prevent adverse effects from odour, noise and other contaminants. The proposed use is not considered a major facility, however, the adjacent railyard is. The close proximity to the railyard makes the subject lands unsuitable for residential development.

It is also the intent of the OP to minimize conflicts between industrial and non-industrial land uses. The proposed Light Industrial designation and “IN1” - Light Industrial Zone would provide for an ideal transition between the adjacent residential uses and the heavy industrial railyard. The “IN1” Zone does not permit sensitive land uses, but it is also does not permit land uses which cause the adverse impacts often associated with industrial uses (i.e. odours, fumes, noise, cinder, vibrations, dust, etc.).

The proposal also supports the creation of a positive climate for business to develop a diversified, growing economy which is a general objective of the Employment Area section in the OP.
The proposal supports many general goals of the OP as well. The proposed amendment minimizes the possibility of conflict and incompatibility between land uses by re-designating the lands between residential uses and heavy industrial uses as Light Industrial and rezoning to the “IN1” Zone. Additionally, the proposal provides an opportunity for both choice in employment and growth of business in an appropriate area.

The OP also indicates that adequate setback and/or buffer areas shall be provided between industrial uses and adjacent non-industrial areas, as specified in the Zoning By-law. In this case, the Zoning By-law specifies a minimum 1.6 metre high privacy screen and a minimum 6.0 metre wide strip of landscaped open space along lot lines which abut a residential zone. The subject lands are also separated from the residential uses by a 20 metre right-of-way over Athabasca Street. Planning Services has also considered the evaluation criteria for planning applications described in the OP and finds the application to be satisfactory.

- **Zoning By-law**

The subject property is currently zoned “FD” – Future Development Zone. This zone does not permit the development of any new buildings or uses. Only uses which existed prior to the passing of the current By-law are permitted to continue and expand as needed. The intent of this zone is to freeze development and consider proposals to rezone on a site specific basis. This zone was applied to this property due to the conflicting uses of the heavy industrial railyard and the nearby residential uses. Residential uses are not considered appropriate on this land despite being designated as Residential.

The Applicant’s proposal is considered a Light Industrial Use which is a use which is “entirely enclosed within the building in which it is undertaken, such that emission from that building of odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference is not possible”. Only the parking of motor vehicles will be tolerated outside of the building. This use is well suited to the proposed Light Industrial designation.

As previously stated, the “IN1” Zone requires a minimum 1.6 metre high privacy screen and a minimum 6.0 metre wide strip of landscaped open space along lot lines which abut a residential zone. Industrial uses and residential uses are generally considered to be incompatible; however there are many areas in Thunder Bay where they have historically developed side-by-side, particularly railyards and rail corridors. The proposed “IN1” Zone would introduce intervening land uses and implement landscape buffers and privacy screens between these uses. Planning Services is of the opinion that this would improve the current incompatibility.

The Applicant is also requesting that the western lot line that runs along Athabasca Street be considered the front lot line. The Zoning By-law defines “front lot line” as the shortest lot line abutting a street allowance. In the subject property’s case, the northern lot line abuts the Southern Avenue street allowance and is the shortest lot line. This makes the 30 metres along Southern Avenue the lot frontage. However, the subject lands are made up of several smaller lots which are oriented towards Athabasca Street where the primary access will be located. Furthermore, the existing lot frontage meets the minimum lot frontage requirements for the proposed “IN1” Zone and changing the front lot line would not increase development potential.
As such, Planning Services sees no issues with altering the definition of the front lot line in this case as it will only impact required yard setbacks.

- *Urban Design Guidelines*

The Applicant’s site plan employs some strategies of the Urban Design Guidelines (UDG) such as providing street trees and maintaining a single entrance. Through the Site Plan Control process, Administration will be seeking improvements consistent with the recommendations of “Performance Standard #57: Light Industrial” and “Performance Standard #43: Buffer Planting” of the City’s UDG.

**Site Plan Control**

The Engineering & Operations Division support the Planning Services Division’s recommendation to designate the subject property as an area of Site Plan Control (SPC). The SPC process allows Administration to consider site-specific needs and ensure that urban design and stormwater management best practices are implemented, details which the Zoning By-law cannot review.

In this case, SPC will allow the City to review opportunities for stormwater management and other design elements that will improve the buffering between the residential uses on Athabasca Street and the railyard. Furthermore, the SPC process will facilitate the review of the proposed development ensuring its compliance with Engineering and Operations Division’s and the Parks & Open Space section’s standards and specifications.

**FINANCIAL IMPLICATION**

MPAC determines the property class and assessment of properties. Depending on how MPAC considers the proposed use, the property could be assessed as either commercial or industrial property. If the property is assessed as commercial, 2019 municipal taxes on $100,000 of commercial assessment is $3,032.53 and total taxes including education is $4,062.53. If it is assessed as industrial, 2019 municipal taxes on $100,000 of Industrial assessment is $3,462.48 and total taxes including education is $4,492.48.

All design and construction costs associated with this development will be borne by the Applicant.

**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 – Official Plan Designation

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

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<th>THIS REPORT SIGNED AND VERIFIED BY:</th>
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<tr>
<td>(NAME OF GENERAL MANAGER)</td>
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<td>Mark J. Smith, GM Development &amp; Emergency Services</td>
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ATTACHMENT A - Property Location

FD - Future Development
MU1 - Mixed Use One
MU2 - Mixed Use Two
R2 - Residential Zone Two

Property Location
1001 Athabasca Street
PROPERTY LOCATION WITH ZONING

PLAN 57 BLK 13 PT LOTS 1 TO 17 RP55R4681 PART 1

FILE NO: OZ-10-2019
PLANNER: Jillian Fazio
DATE: 27/08/2019
APPLICANT: 1490286 Ontario Ltd.

SCALE IN METRES
0 50 100

City Council (Public Meeting) - Monday, September 23, 2019
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RECOMMENDATION

THAT a Public Meeting having been held with respect to the application by Mario Figliomeni relative to Registered Plan M79, Part Block B, Part 4, Parcel 25315, Reference Plan 55R-9374 Part 1, and Registered Plan M79, Part Block B, FWR 172 Part 5, Reference Plan 55R-13868, municipally known as 740/760 Arthur Street West, we recommend that the Zoning By-law be amended as follows:

THAT the required number of PARKING SPACES be established at 0.577 PARKING SPACES for every hotel room suite plus the number determined by the ASSEMBLY RATE for the dining or banquet facilities, lounges, RESTAURANTS and meeting rooms,

THAT the minimum PARKING AISLE width of PARKING SPACE for an angle over 80° up to and including 90° be reduced to 6.0m from 6.7m,

THAT the minimum REQUIRED REAR YARD be reduced to 0.0m from 6.0m,

THAT the maximum HEIGHT be increased to 21.7m from 12.0m,

THAT the proposed BUILDING be contained wholly on Registered Plan M79 Part Block B, Part 4, Parcel 25315, Reference Plan 55R-9374, municipally known as 740 Arthur Street,

AND THAT the minimum LANDSCAPED OPEN SPACE in the form of a 3.0m wide strip along the LOT line abutting Arthur Street West be reduced to 2.2m.

Subject to the following conditions:

- The Applicant enter into a License Agreement for the development and maintenance of 20 parking spaces as demonstrated in Attachment C to the satisfaction of Realty Services, and Engineering and Operations.
• The Applicant enter into a Development Agreement for the construction of a cul-de-sac at the end of Curry Street as demonstrated on the site plan submitted with this Application (Attachment B), to the satisfaction of Realty Services, and Engineering and Operations.

• The 323.7m² parcel (yet to be legally described) to be acquired from the City of Thunder Bay and the 965m² parcel, described as Registered Plan M-79, Part of Block B, being described as Parts 2, 4 and 5 on Reference Plan 55R-12832, to be acquired from the Ministry of Transportation, be designated as areas 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 142/2019 (Development & Emergency Services - Planning Services) as submitted by the Development & Emergency Services Department.

EXECUTIVE SUMMARY

The Applicant has requested a site-specific Zoning By-law Amendment to permit the construction of a new hotel at a higher density than what is currently permitted. The subject property includes the existing Hampton Inn site, along with the vacant adjacent parcel to the east. The Application includes a reduction in the required parking spaces to 135 from 217, a reduction in the parking aisle width to 6.0m from 6.7m, an increase in maximum height to 21.7m from 12.0m, a reduction in the rear yard to 0.0m from 6.0m, and a reduction in the width of the landscaped strip along Arthur Street to 2.2m from 3.0m. The Applicant proposes to construct a second hotel on the site.

There were two Notice of Application circulations for this file. The first circulation was sent to Agencies and the surrounding property owners. This returned comments from the Ministry of Transportation (MTO) and Enbridge that required revisions to the site plan. The amended Application was recirculated to Agencies for further comment, and there were no objections received in response to this second Notice.

This proposal represents a form of intensification and infill on a site with full urban services. The parking reduction is supported by a study completed by an Engineer and submitted with the Application. The proposed building would be setback from the Arthur Street West right-of-way substantially, which reduces the impact of the height increase on the residential area to the north of Arthur Street.
The Applicant’s request is consistent with the Provincial Policy Statement, 2014 and the Official Plan, and is considered appropriate for its location and is compatible with surrounding uses. Administration supports the approval of the proposed Zoning By-law Amendment.

DISCUSSION

Description of Proposal

The Applicant has applied for a site specific Zoning By-law Amendment to allow for the construction of a 6-storey hotel with 90 rooms. The proposed hotel would be adjacent to the existing Hampton Inn. The two hotels would have shared access and parking. The total number of rooms between the two hotels would be 194.

A number of site specific amendments are proposed to facilitate the construction of the new hotel. These include a reduction in the rear yard to 0.0m from 6.0m, a reduction in the width of the landscape strip along Arthur Street West to 2.2 from 3.0m, an increase in the maximum height to 21.7m from 12.0m, a reduction in the parking aisle width to 6.0m from 6.7m, and a reduction in the parking rate to 0.577 spaces per suite plus the assembly rate for other common areas, from 1.0 space per suite plus the assembly rate for other common areas.

To facilitate the development of the subject lands, a portion of the adjacent Curry Street Road allowance will be extended to provide access to the site. The costs associated with the extension will be paid by the Applicant and the construction details will be outlined in a Development Agreement. In addition, a 323.7 m² parcel that currently forms part of the unopened Curry Street road allowance will be sold to the Applicant to enlarge the size of the area to be developed (See Attachment D). The Applicant will also be acquiring a 965 m² parcel from the MTO, described as Registered Plan M-79, Part of Block B, being described as Parts 2, 4 and 5 on Reference Plan 55R-12832, to be included in the development through the Site Plan Control Agreement (See Attachment D). Space for 20 parking spaces along the opened part of Curry Street will be leased to the Applicant (See Attachment C).

A copy of the Applicant’s site plan is attached as “Attachment B” for your information.

Description of Subject Property and Surrounding Area

The subject property is located on the south side of Arthur Street West between Valhalla Inn Road and Highway 61. The subject property is zoned "C3-N" – Highway Commercial Zone – Noise, and is designated Service Commercial in the Official Plan. The Hampton Inn Hotel exists on the west portion of the site. The "C3-N" – Zone covers all of the lands between Highway 61 and Willard Avenue. The two residential neighbourhoods located to the north and west of the site are predominantly zoned "R1" – Residential Zone One.

A 965 m² parcel of land immediately east of the subject lands is being transferred from the Ministry of Transportation to the Applicant and will form part of the development site. This land will not be subject to the amending By-law, but will be included in the Site Plan Agreement. Beyond that parcel is the Enbridge Gas facility. The adjacent property to the south is occupied by
the Valhalla Inn, and further south is the Thunder Bay International Airport lands. Lands to the west are occupied by a parking area and tennis courts owned by the Valhalla Inn. Beyond Valhalla Inn Road is a residential neighbourhood comprised of predominantly single detached homes. Across Arthur Street to the north is the Confederation Drive residential neighbourhood.

The subject property is an interior lot with an irregular shape. It has an average depth of 62m, a width of 133m, and an area of approximately 8,550m².

There is a stop for the 4 Neebing and 14 Arthur bus lines on Arthur Street along the frontage of the subject property. This property is well served by food and retail stores due to its proximity to Arthur Street Marketplace. There is a motor vehicle rental establishment at the southwest corner of Valhalla Inn Road and Arthur Street West.

**Notice of Application and Site Plan Revision**

A Notice of Application was sent to property owners and Agencies on April 15th, 2019. A number of Agencies responded with comments indicating that they opposed the Application. Specifically, this related to MTO highway setback requirements, and access to the Enbridge facility. Based on this feedback, Planning Services, Realty Services, and Engineering and Operations worked with the Applicant to revise the plan. Changes to the site plan included shifting the building away from the intersection of Highway 61 and Arthur Street West, reducing the building footprint, increasing the proposed height, and reconfiguring access routes through and around the subject property. When it was determined that the revised plan satisfied the concerned Agencies, a second Notice of Application was circulated on June 25th, 2019 to all Agencies, and to neighbours who had commented on the original Notice of Application. This second Notice included changes to the original amendments sought. All neighbours have received a copy of the updated site plan and requested amendments as part of the Notice of Public Meeting.

**Neighbourhood Comments and Planning Response**

Two letters of concern were received from neighbourhood residents in response to the April 15th circulation.

The first letter expressed concern about the hotels being sold independently from one another. As the site is being developed in a coordinated fashion, the sale of the hotels independently would require a planning approval. Through the required planning process, there would be public consultation and the parking arrangement and site plan details would be evaluated.

The letter continues with concerns that the parking reduction will likely result in hotel guests consuming on-street parking in the nearby residential neighbourhoods where there are no sidewalks.

The letter further discusses anticipated traffic impacts in the area that would be compounded by future phases of Parkdale, and inquires whether the City requires large developments to submit traffic impact studies as part of their applications. Administration did receive a traffic impact...
study as part of this Application which confirmed that the level of service for all intersections would continue to operate within Council approved limits.

The letter also states that there is traffic congestion when large events finish at the Valhalla Inn, and requests the City work to address this issue. This matter has been referred to Engineering and Operations and they indicate no concerns.

The letter raises concerns with how this development will impact the future viability of the Arthur/Highway 61 intersection. This is a matter that Administration, the Applicant and MTO have worked collaboratively to remedy. MTO and Engineering and Operations have no concerns with the proposal as presented in the amended site plan that is attached to this Report as Attachment B.

The author then states concerns for the impact on the surrounding neighbourhood from noise resulting from the orientation of this building to the Airport. They state the orientation may reflect noise from the runway northward into the Confederation Drive neighbourhood. They also question whether the orientation of the building will funnel blowing snow onto Arthur Street, reducing visibility and impacting safety. Acoustic and wind studies have not been submitted with this Application. Administration has not requested these studies. Prevailing winds for Thunder Bay are from the north and west, especially in winter months. To mitigate wind and noise, landscaping features will be provided through the SPC agreement.

The letter identifies concerns with the then proposed front yard setback reduction. The letter states the City should not be approving any front yard setback reductions as this could preclude road widening for future bike lanes along Arthur Street. The amended Application does not include a request for a reduction to the front yard setback.

The author concludes with conditional support for the proposal, imploring the City to explore and mitigate the issues presented in the letter.

The second letter took issue with the parking reduction. The letter states that they observe guests of the existing hotel parking on the gravel area where the second hotel is proposed, indicating that there is already a parking deficit for the existing building. They state the addition of a second building will lead to guests parking on neighbouring lots not owned the Applicant. A Parking Study completed in support of the application indicates that there will be sufficient on-site parking to accommodate both hotels.

**Agency Comments**

NAV Canada, the Agency that owns and operates Canada’s civil air navigation service, provided a comment indicating they had no objection to the proposed development, provided the Applicant adhere to development parameters relating to the crane location, swing radius, building height, and building location.

Comments were received from Fire Prevention and Investigation and the Lakehead Region Conservation Authority indicating they had no objection to the proposal.
Comments were received from Engineering and Operations indicating they do not object to the proposed development, however they identified a number of conditions to be satisfied. These include the completion of the purchase of City lands along the unopened portion of Curry Street, a Lease Agreement for 20 parking spaces and proposed improvements along the open portion of Curry Street, including winter maintenance and liability insurance, and a Development Agreement for the construction of the Curry Street extension. They note that the Traffic Impact and Parking Study and Transportation Demand Management Plan submitted with the Application are satisfactory and indicate that the municipal road network will maintain adequate Levels of Service with the proposed development. Engineering and Operations will be involved during the Site Plan Control (SPC) application process to review and comment on associated site plan details. Engineering comments relating to the parking reduction are discussed in the Parking Reduction section of this Report.

Comments from the Building Services Division were received in response to the initial circulation indicating a Building Permit will be required for the proposed works, and that a land-use permit from MTO will be required prior to the issuance of a municipal Building Permit. They had no further comments on the amended circulation.

The Parks and Open Spaces Section responded with no opposition to the proposal. They added that an updated SPC Agreement with the City will be required, which will include an updated landscape plan which may include offsite works. They note that a thorough review of the site details has not been completed, but that this will be completed though the SPC application process.

Enbridge responded noting they do not have any opposition to the proposal, provided the development adhere to certain parameters for the portion of Curry Street being purchased by the Applicant. These include obtaining written permission from Enbridge for any works across the pipeline right-of-way, and the prohibition of buildings, swimming pools, and the deposition of flammable material, solid or liquid spoil, refuse, waste, or effluent on the pipeline right-of-way. These factors will be considered through the SPC process, and Enbridge will be circulated for further comment through the SPC process. An easement is required along Curry Street for the protection of the pipeline asset. This easement will be completed by Realty Services as part of the sale to the Applicant.

The MTO responded with no objection to the revised Application. MTO’s support is based on the site plan contained in the revised Notice of Application sent June 25th. It should be noted that the SPC process may result in changes to the site plan, however these changes will be required to conform to the development parameters established by this proposed Amendment, and MTO will be circulated the final plans for comment through the SPC process. The comment notes that a permit will be required from MTO prior to any development approvals. This is in addition to Municipal permit requirements.

Planning Services Division Comments
• **Provincial Policy Statement, 2014**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The proposal is supported by the Provincial Policy Statement (PPS), 2014, as it encourages infill and intensification in built up areas where services exist to support the proposed development. This type of development aligns with cost effective development patterns and standards which minimizes land consumption and servicing costs. Enbridge, the MTO, and NAV Canada have all cleared the proposal, with conditions relating to the location of the building, height and radius of cranes, and access through the site. These are either included in to the amending By-law, will be considered in the SPC Agreement, or will be controlled through the Building Permit. This proposal is therefore consistent with the public infrastructure section of the PPS, 2014. The subject property is located away from hazard lands, and the use is not considered to be sensitive. The proposal is consistent with, and does not conflict with any part of, the PPS, 2014.

• **Growth Plan for Northern Ontario, 2011**

The Growth Plan for Northern Ontario (GPNO) is a Provincial document that directs growth and economic development in Northern Ontario. This application is consistent with the GPNO. The GPNO calls for higher density development in the identified major cities, which includes Thunder Bay. This type of intensification makes efficient use of existing infrastructure, which is one of the stated purposes of the GPNO. This proposal supports the tourism industry, one of the existing and emerging priority economic sectors in Northern Ontario. Business and industry workers frequently enter the Thunder Bay region through the International Airport, and this hotel supports that mode of entry and the economic development of the region as a whole. Thunder Bay is identified as an economic hub of Northern Ontario. Many residents of the surrounding region rely on Thunder Bay for services and other matters. Hotels support the region by supporting the overnight carrying capacity of the economic hub for visitors. There are no negative implications for the natural environment as a result of this proposed development. The proposal is consistent with, and does not conflict with any part of, the GPNO.

• **Municipal Policy and Regulatory Framework**

The proposed Hotel is a permitted use in the Service Commercial Designation and the Highway Commercial Zone. Therefore, the appropriateness of the site for this type of use is not in question. Rather, the Amendment is to allow for a development arrangement that is at a higher density than what is envisioned by the Zoning By-law. The Official Plan and Zoning By-law are therefore evaluated with the understanding that the use is already permitted at the subject property.

  o **Official Plan**

The Official Plan (OP, the Plan) is founded on a number of guiding principles. This proposal aligns with two of these guiding principles:
**Responsible Growth Management:** Growth will be managed to achieve efficient, cost effective development that responds to current and future needs. This proposal fits with this principle as it is proposed on land that has full municipal services but is currently vacant.

**Accessible and Active:** The City will work to serve the transportation needs of all residents and visitors of all ages and abilities. The City will strive to provide a variety of transportation choices with priority given to walking, cycling, and transit. This proposal is located in an area where other commercial areas can be reached on foot, and there is a bus stop directly in front of the subject property. The proposal does not conflict with any of the guiding principles of the Plan.

The OP has been developed using four overarching approaches which are applied to focus the document on the pillars of sustainability. These approaches are Environmental Sustainability, Climate Adaptation, Economic, and Healthy and Safe Communities. These approaches inform the direction of the policies contained in the Plan. Proposals are evaluated for their connections to these approaches. This proposal limits the impact on the natural environment by developing in an area that is not connected or proximal to natural areas. Climate adaptation is factored in by ensuring stormwater is managed on site and there is no increase to the rate of outflow following development. Economic vitality is supported by developing a fully serviced commercial property that is currently vacant. This will increase the City’s tax base, provide jobs, and introduce a number of overnight and short stay guests to the city and region. Finally, this proposal is located in an area where recreational facilities, trails, and food stores are in close proximity, providing guest with healthy choices during their stay.

The General Goals of the Plan that are advanced by the proposal are:

- Directing development so that it occurs in an efficient and cost-effective manner.

This goal is advanced by developing a high-density use on a site with full urban services. It is also in close proximity to other commercial areas that serve the future overnight guests. This reduces potential vehicle miles traveled compared to hotels that are more isolated. It is cost effective by infilling and intensifying an existing site.

- Promote the growth of emerging economic sectors, new businesses and employment opportunities at appropriate locations, and encourage the strengthening of existing business functions

This proposal will create space for overnight guests involved in the tourism, industry, and business sectors of the City. It is an expansion of a commercial facility which will provide jobs to local residents. It is an appropriate location for intensification as it is close to the airport, major thoroughfares and transit.

Part 4 of the Plan speaks to development constraint hazards. The subject property is located within the Noise Restricted Area associated with the airport lands. The OP states that lands within this area shall be developed in accordance with the policies of this section, and those of the specific land use designation. All new buildings associated with a sensitive land use within the Noise Restricted Area shall comply with the Acoustic Design Criteria established by Canada
Mortgage and Housing Corporation and the Indoor Noise Guidelines established by the Ministry of Environment, Conservation, and Parks (MOECP). As a Hotel is not considered a sensitive use, no additional design considerations are required.

Part 6 of the Plan establishes general objectives and policies relating to public infrastructure. It is an objective to promote a land use and development pattern that maximizes the use and efficiency of public infrastructure. This proposal seeks to develop a high-density building on a site that is fully serviced and vacant. This avoids undue pressure for the expansion of these services, and the eventual cost that comes with long term maintenance.

The subject property is contained within the Urban Settlement Area, and is designated Service Commercial. One of the objectives of the Commercial Areas section is to promote concentrated commercial development. This proposal achieves this objective by developing a higher-density development though intensification and infill. The Service Commercial Designation is intended to accommodate a range of commercial and service-based uses. The proposed Amendment is not seeking to add a permitted use or rezone, the requested Amendments relate to the intensity of the development in relation to the site and surroundings. The hotel use fits with the intent of the Official Plan for this site.

- **Zoning By-law**

The subject property and surrounding properties to the south are zoned "C3–N" – Highway Commercial Zone – Noise. A hotel is a permitted use in this zone. As such, the Application only involves amendments to the general and zone specific regulations of the Zoning By-law. The –N suffix is to indicate the proximity to a noise generating facility; in this case the airport and adjacent highway.

The amendment to reduce the width of a parking aisle for a parking space with an angle of over 80° up to and including 90° to 6.0m from 6.7m, is necessary to conserve space through the site. The intent of the 6.7m width is to accommodate vehicle reversal in and out of spaces. The reduced aisle is not proposed to be utilized throughout the site, rather in two locations: between the proposed buildings and to the north of the proposed building. All other aisles are to maintain the 6.7m width. These two locations are acceptable for the reduction. The aisle between the buildings only provides access to 4 parking spaces, with a curb and walkway behind the aisle. The location to the north of the proposed building has landscaping and a walkway behind the aisle. In both cases, the risk of collision with another vehicle or building is minimal as there is adequate space to reverse and pass other vehicles. Engineering and Operations have no objection to this arrangement.

The Application includes a reduction in the required rear yard to 0.0m from 6.0m. The site plan demonstrates that this amendment is necessary for the proposed building to conform to the MTO setback from their planned right-of-way interchange. This setback is demonstrated on Attachment B. Also, following the acquisition of land from the City at the south of the site, the proposed building will predominantly conform to the 6.0m setback requirement. However, there will remain a location where the proposed building will touch the rear lot line. Attachment B shows the lower-left corner of the building coming into contact with the lot line before the lot
line jogs further south. The only place where the rear yard setback would be 0.0m is at the southwest corner of the proposed building adjacent to the Curry Street cul-de-sac. As there are no adjacent uses the setback will have no negative impacts.

The Applicant is proposing to increase the maximum permitted height to 21.7m from 12.0m. This complies with the ratio established by the Urban Design Guidelines. The existing building on the site is five storeys, whereas the new building would be six. The new building will be oriented towards the south of the site in order to comply with the 14.0m MTO setback along Arthur Street West, further providing separation from the residential properties to the north of Arthur Street. The closest residential dwelling to the proposed building is approximately 80m away. The building is proposed with its longest dimensions following a north-south orientation. This will allow views to be maintained to some degree through the site from the North. Administration supports the proposed height increase as it allows the site to be developed in a more efficient and cost effective manner.

The final amendment contained in this Application is the reduction of the minimum landscaped strip along Arthur Street to 2.2m from 3.0m. Administration does not object to this amendment as the 15% landscape open space requirement is still in place. This landscaping will be detailed through the Site Plan Control process.

Parking Reduction

It is a requirement of the Plan that new developments shall provide an adequate supply of off-street parking to meet anticipated demand. A Traffic Impact and Parking Study and Transportation Demand Management Plan completed by an Engineer was submitted as part of this Application. This study provided support for the project, indicating that 135 spaces would be sufficient to provide adequate parking to both hotels. This study was completed by observing the number of spaces occupied at the existing hotel site throughout three separate evenings when the hotel was operating at 100% room capacity. The study indicates a rate of .577 spaces per hotel room suite, plus the assembly rate for public areas would be sufficient, which is reflected in the amending By-law.

As the parking study indicated that 135 spaces would be adequate to support the two buildings, was completed by an Engineer, and no flaws in the study design were identified by Administration, we accept the findings and recommend the parking reduction be approved.

Notwithstanding the results of the Parking Study, the Applicant intends to lease a portion of the Curry Street road allowance to provide an additional 20 parking spaces. The leasing of these spaces is a condition of the amending By-law.

Site Plan Control

The property is already subject to Site Plan Control (SPC), and the existing SPC Agreement for the existing Hotel will need to be amended to include the new building and parking. The SPC process will facilitate the review of the proposed development, ensuring its compliance with Engineering and Operations Division’s standards, and Parks and Open Space’s practices.
regarding landscaping. The SPC Agreement will include the additional parcels of land conveyed to the Applicant from the City of Thunder Bay and the Ministry of Transportation. A By-law to designate these additional two parcels as areas of SPC is a condition of the amending By-law.

**FINANCIAL IMPLICATION**

It is anticipated that there will be an increase in assessment value. All development costs are to be borne by the Applicant, including works on City property. The City will incur ongoing maintenance costs for the portion of Curry Street to be opened as part of this development proposal.

**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 current Provincial Policy Statement and the Official Plan. Additionally, the proposal is consistent with the Growth Plan for Northern Ontario. As such, Administration supports the proposed Zoning By-law Amendment.

**REFERENCE MATERIAL ATTACHED:**

ATTACHMENT A - PROPERTY LOCATION WITH ZONING
ATTACHMENT B - APPLICANT’S SITE PLAN
ATTACHMENT C - SPACES TO BE LEASED ALONG CURRY STREET
ATTACHMENT D - LANDS TO BE TRANSFERRED TO APPLICANT

**PREPARED BY: GRANT MASON, PLANNER II**

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<tr>
<th>THIS REPORT SIGNED AND VERIFIED BY:</th>
<th>DATE:</th>
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<tr>
<td>(NAME OF GENERAL MANAGER)</td>
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<tr>
<td>Mark J. Smith, GM Development &amp; Emergency Services</td>
<td>September 12, 2019</td>
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ATTACHMENT D – Lands to be Transferred to Applicant

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

Legend:
- Subject to LBA
- City Lands to be Sold to Enbridge
- Enbridge Lands
- MTO Lands to be Sold to Hotel
- City Drainage Easement
- City Land Sold to Hotel
- City Retained Land and developed as Cul Du Sac

LAND TRANSFER FOR
740-760 ARTHUR ST. W.

Prepared By: CK
Date: 11/09/2019
Scale: As Noted
General Manager: Mark Smith
Author: GM
File No: N/A
LRO PIN: n/a
Roll No: n/a
Memorandum

TO: Office of the City Clerk
FROM: Jillian Fazio
Development & Emergency Services - Planning Services
DATE: 19/08/2019
SUBJECT: BL 96/2019 - Site Plan Designation - 1001 Athabasca Street
MEETING DATE: City Council (Public Meeting) - 09/23/2019 (mm/dd/yyyy)

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. (1001 Athabasca Street)

Authorization: Report R 134/2019 (Planning Services) - City Council (Public Meeting) – September 23, 2019

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 to PLAN 57 BLK 13 PT LOTS 1 TO 17 RP55R4681 PART 1, municipally known as 1001 Athabasca Street.

Schedules and Attachments:

EXHIBIT ONE TO BL 96/2019

Amended/Repealed By-law Number(s):
THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 96/2019

A By-law to designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Athabasca Street)

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 September 23, 2019.

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 PLAN 57 BLK 13 PT LOTS 1 TO 17 RP55R4681 PART 1, and 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 23rd day of September, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

__________________________________________
Bill Mauro
Mayor

__________________________________________
Krista Power
City Clerk
THIS IS EXHIBIT ONE TO BY-LAW NUMBER ________

MAYOR ____________
CITY CLERK ____________

Property Location

1001 Athabasca Street
Memorandum

TO: Office of the City Clerk
FROM: Jillian Fazio
Development & Emergency Services - Planning Services
DATE: 19/08/2019
SUBJECT: BL 97/2019 - Official Plan Amendment - 1001 Athabasca Street
MEETING DATE: City Council (Public Meeting) - 09/23/2019 (mm/dd/yyyy)

By-law Description: A By-law to adopt Amendment No. 1 to the City of Thunder Bay Official Plan (1001 Athabasca Street)

Authorization: Report No. R 134/2019 (Planning Services) - City Council (Public Meeting) – September 23, 2019

By-law Explanation: The purpose of this By-law is to adopt Official Plan Amendment No. 1, as it applies to 1001 Athabasca Street, to remove the lands from the Residential designation and re-designate the lands as Light Industrial.

The effect of this amendment would be to facilitate the associated Zoning By-law Amendment which would rezone the lands to the “IN1” – Light Industrial Zone and permit the applicant to construct two light industrial buildings.

Schedules and Attachments:

SCHEDULE A TO BL 97/2019

Amended/Repealed By-law Number(s):
THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL 97/2019

A By-law to adopt Amendment No. 1 to the City of Thunder Bay Official Plan (1001 Athabasca Street)

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

1. Pursuant to the provisions of Subsection 21(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, Amendment No. 1 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 23rd day of September, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

________________________
Bill Mauro
Mayor

________________________
Krista Power
City Clerk
AMENDMENT NO. 1 TO THE OFFICIAL PLAN

FOR THE CITY OF THUNDER BAY

Prepared by:

Development & Emergency Services Department
City of Thunder Bay
September, 2019
OFFICIAL PLAN FOR THE CITY OF THUNDER BAY

Amendment No. 1

Amendment No. 1 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 21(1) of the Planning Act, R.S.O. 1990 on the 23rd day of September, 2019.

This amendment was adopted by the Corporation of the City of Thunder Bay by By-law No. 97/2019 in accordance with Section 21(1) of the Planning Act, 1990 on the 23rd day of September, 2019.

________________________________________  ______________________________
MAYOR                                      CLERK
AMENDMENT NO. 1
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 exhibit constitutes Amendment No. 1 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 remove the subject lands from the Residential designation and re-designate the lands as Light Industrial.

The effect of this Amendment would be to facilitate the associated Zoning By-law Amendment which would rezone the lands to the “IN1” – Light Industrial Zone and permit the applicant to construct two light industrial buildings.

LOCATION OF THE AMENDMENT

This Amendment applies to certain lands located at 1001 Athabasca Street being Part Lots 1-17, Block 13 on Registered Plan 57 and PART 1 on Plan RP55R4681, as shown on Schedule "A" to this Amendment.

BASIS FOR THE AMENDMENT

The subject property is currently designated Residential. Industrial uses are not permitted in the Residential designation. Therefore, an application to re-designate the lands from Residential to Light Industrial is necessary to consider the proposal. The key objectives for industrial uses are to have them suitability located near major transportation facilities and to minimize the conflicts between industrial and non-industrial land uses.

The subject lands are across the street from residential uses, however they are immediately adjacent to a heavy industrial railyard. The Official Plan (OP) contains policies which require that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are, to the fullest extent practical, appropriately designed, buffered and/or separated from each other so as to prevent adverse effects from odour, noise and other contaminants. The proposed use is not considered a major facility, however, the adjacent railyard is. The close proximity to the railyard make the subject lands unsuitable for residential development.

It is also the intent of the OP to minimize conflicts between industrial and non-industrial land uses. The proposed Light Industrial designation and “IN1” - Light Industrial Zone would provide for an ideal transition between the adjacent residential uses and the heavy industrial railyard. The “IN1” Zone does not permit sensitive land uses, but it is also does not permit land uses which cause the adverse impacts often associated with industrial uses (i.e. odours, fumes, noise, cinder, vibrations, dust, etc.).

The proposal also supports the creation of a positive climate for business to develop a diversified, growing economy which is a general objective of the Employment Area section in the OP.
The proposal supports many general goals of the OP as well. The proposed amendment minimizes the possibility of conflict and incompatibility between land uses by re-designating the lands between residential uses and heavy industrial uses as Light Industrial and rezoning to the “IN1” Zone. Additionally, the proposal provides an opportunity for both choice in employment and growth of business in an appropriate area.

The OP also indicates that adequate setback and/or buffer areas shall be provided between industrial uses and adjacent non-industrial areas, as specified in the Zoning By-law. In this case, the Zoning By-law specifies a minimum 1.6 metre high privacy screen and a minimum 6.0 metre wide strip of landscaped open space along lot lines which abut a residential zone. The subject lands are also separated from the residential uses by a 20 metre right-of-way over Athabasca Street. Planning Services has also considered the evaluation criteria for planning applications described in the OP and find the application to be satisfactory.
PART B - THE AMENDMENT

The City of Thunder Bay Official Plan, as amended, is further amended by removing the subject lands from the Residential designation and re-designating the lands as Light Industrial.
Memorandum

TO: Office of the City Clerk

FROM: Jillian Fazio
Development & Emergency Services - Planning Services

DATE: 19/08/2019

SUBJECT: BL 98/2019 - Zoning By-law Amendment - 1001 Athabasca Street

MEETING DATE: City Council (Public Meeting) - 09/23/2019 (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 (1001 Athabasca Street)

Authorization: Report R 134/2019 (Planning Services) - City Council (Public Meeting) – September 23, 2019

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 “IN1” – Light Industrial Zone, and amend the definition of the front lot line to mean the western lot line adjacent to Athabasca Street.

The effect of this amendment would be to allow the construction of two light industrial buildings. The amendment would also make the western lot line adjacent to Athabasca Street the front lot line.

Schedules and Attachments:

EXHIBIT ONE TO BL 98/2019

Amended/Repealed By-law Number(s):
THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 98/2019

A By-law to amend By-law 100-2010 (The Zoning By-law) of 
The Corporation of the City of Thunder Bay (1001 Athabasca 
Street)

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 30, 2019 and a public meeting was held on September 23, 2019 which 
Report No. R 134/2019 (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:

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

PLAN 57 BLK 13 PT LOTS 1 TO 17 RP55R4681 PART 1; 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 "FD" – Future Development ZONE, as shown on 
Map 8O of Schedule "A" and is instead designated as part of the "IN1" – 
Light Industrial ZONE.

(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) Definitions

The FRONT LOT LINE is the western LOT LINE adjacent to 
Athabasca Street.

2. This By-law is in accordance with the OFFICIAL PLAN, as amended by Amendment 
No. 1 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 23rd day of September, A.D. 2019 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro  
Mayor

Krista Power  
City Clerk
Property Location

1001 Athabasca Street

THIS IS EXHIBIT ONE TO PARAGRAPH 172
OF SCHEDULE "B" OF BY-LAW 100 - 2010
AS AMENDED BY BY-LAW NUMBER 98/2019

MAYOR ________________________

CITY CLERK ____________________

City Council (Public Meeting) - Monday, September 23, 2019
MEETING DATE 09/23/2019 (mm/dd/yyyy)

SUBJECT By-law Resolution

SUMMARY

By-law Resolution - September 23, 2019

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 designate areas of Site Plan Control pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended. (1001 Athabasca Street)
   
   By-law Number: BL 96/2019

2. A By-law to adopt Amendment No. 1 to the City of Thunder Bay Official Plan (1001 Athabasca Street)

   By-law Number: BL 97/2019

3. A By-law to amend By-law 100-2010 (The Zoning By-law) of The Corporation of the City of Thunder Bay (1001 Athabasca Street)

   By-law Number: BL 98/2019