



# **AGENDA MATERIAL**

## **CITY COUNCIL (PUBLIC MEETING)**

**MEETING DATE:** MONDAY, JUNE 14, 2021

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

**TIME:** 6:30 P.M.



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

**DATE:** Monday June 14, 2021

**Reference No.** CCP - 7/52

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**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 - June 14, 2021 - City Council (Public Meeting) **(Page 4)**

With respect to the June 14, 2021 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)***

**Plan of Subdivision and Zoning By-law Amendment - 1535 & 1545 Golf Links Rd**

Report R 65/2021 (Development & Emergency Services - Planning Services) presenting an application seeking draft approval for a plan of subdivision (file no. 58T-21501) and approval of a site-specific Zoning By-law amendment (file no. Z-01-2021). The proposed plan of subdivision would be comprised of three lots with frontage and access off a new cul-de-sac extending from Riviera Drive (Gabriella Court). The proposed zoning by-law amendment would amend the existing site-specific zoning regulations on the site to allow for the new road that is part of the proposed plan of subdivision. **(Pages 5 – 16)**

Administration supports the approval of the proposed plan of subdivision and zoning amendment.

**Zoning By-law Amendment  
(For consideration by Council on June 14, 2021)**

THAT a Public Meeting having been held with respect to the application by the MGN TBAY Inc. and Lormar Construction Limited, relative to relative to MCINTYRE SECTION PT SW QUARTER 40 RP 55R14739 PARTS 1 AND 2, RP 55R14693 PARTS 1 TO 7; THUNDER BAY,

municipally known as 1535 & 1545 Golf Links Road, we recommend that Paragraph “166” of Schedule “B” to By-law 100-2010 (The Zoning By-law) be amended as follows:

1. That Exhibit One to By-law 66/2019 be deleted in its entirety and replaced with Exhibit One attached to By-law 45/2021.
2. That Subparagraph “166 (1)” be deleted in its entirety and replaced with the new legal description and property locations corresponding with the new exhibit and proposed lot fabric.
3. That OFFICE be added as a permitted use on Property Locations 1, 2, and 3 under the Subparagraph “166 (2) b)”.
4. That the text “FRONT LOT LINE” in Subparagraph “166 (2) c) ii) and iii)” of By-law BL 66/2019 be deleted and replaced with the text “the STREET LINE of Golf Links Road.”
5. That the existing PRIVACY SCREEN restriction in Subparagraph “166 (2) f)” is deleted in its entirety.
6. That OFFICE use be limited to a maximum GFA of 500m<sup>2</sup> on Property Locations 1, 2, and 3.
7. That the minimum REQUIRED EXTERIOR SIDE YARD be set to 6.4 metres for Property Location 1.
8. That a PRIVACY SCREEN be required along the north REAR LOT LINE for Property Locations 1 and 2.
9. That no PRIVACY SCREEN be required on Property Location 3.
10. That, with the exception of an OFFICE, there is no maximum GROSS FLOOR AREA for a permitted USE within a SHOPPING CENTRE on Property Location 1, provided that the SHOPPING CENTRE has a total GROSS FLOOR AREA of no more than 800.0 m<sup>2</sup>
11. That the FRONT LOT LINE for Property Location 3 is the LOT LINE abutting Gabriella Court.

Subject to the following condition:

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

1. The proposed plan of subdivision for the subject lands receives draft approval from 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-laws are presented to City Council for ratification.

ALL as contained in Report No. R 65/2021 (Planning Services), as submitted by the Development & Emergency Services Department.

***ADJOURNMENT***



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***MEETING DATE***      06/14/2021 (mm/dd/yyyy)

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***SUBJECT***              Confirmation of Agenda

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***SUMMARY***

Confirmation of Agenda - June 14, 2021 - City Council (Public Meeting)

***RECOMMENDATION***

With respect to the June 14, 2021 City Council (Public Meeting), we recommend that the agenda as printed, including any additional information and new business, be confirmed.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT NO.</b>	R 65/2021
<b>DATE PREPARED</b>	05/11/2021	<b>FILE NO.</b>	58T-21501 Z-01-2021
<b>MEETING DATE</b>	City Council (Public Meeting) – 06/14/2021 (mm/dd/yyyy)		
<b>SUBJECT</b>	Plan of Subdivision and Zoning By-law Amendment - 1535 & 1545 Golf Links Rd		

## RECOMMENDATION

### **Zoning By-law Amendment (For consideration by Council on June 14, 2021)**

THAT a Public Meeting having been held with respect to the application by the MGN TBAY Inc. and Lormar Construction Limited, relative to relative to MCINTYRE SECTION PT SW QUARTER 40 RP 55R14739 PARTS 1 AND 2, RP 55R14693 PARTS 1 TO 7; THUNDER BAY, municipally known as 1535 & 1545 Golf Links Road, we recommend that Paragraph “166” of Schedule “B” to By-law 100-2010 (The Zoning By-law) be amended as follows:

1. That Exhibit One to By-law 66/2019 be deleted in its entirety and replaced with Exhibit One attached to By-law 45/2021.
2. That Subparagraph “166 (1)” be deleted in its entirety and replaced with the new legal description and property locations corresponding with the new exhibit and proposed lot fabric.
3. That OFFICE be added as a permitted use on Property Locations 1, 2, and 3 under the Subparagraph “166 (2) b”).
4. That the text “FRONT LOT LINE” in Subparagraph “166 (2) c) ii) and iii)” of By-law BL 66/2019 be deleted and replaced with the text “the STREET LINE of Golf Links Road.”
5. That the existing PRIVACY SCREEN restriction in Subparagraph “166 (2) f)” is deleted in its entirety.
6. That OFFICE use be limited to a maximum GFA of 500m<sup>2</sup> on Property Locations 1, 2, and 3.
7. That the minimum REQUIRED EXTERIOR SIDE YARD be set to 6.4 metres for Property Location 1.

8. That a PRIVACY SCREEN be required along the north REAR LOT LINE for Property Locations 1 and 2.
9. That no PRIVACY SCREEN be required on Property Location 3.
10. That, with the exception of an OFFICE, there is no maximum GROSS FLOOR AREA for a permitted USE within a SHOPPING CENTRE on Property Location 1, provided that the SHOPPING CENTRE has a total GROSS FLOOR AREA of no more than 800.0 m<sup>2</sup>
11. That the FRONT LOT LINE for Property Location 3 is the LOT LINE abutting Gabriella Court.

Subject to the following condition:

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

1. The proposed plan of subdivision for the subject lands receives draft approval from 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-laws are presented to City Council for ratification.

ALL as contained in Report No. R 65/2021 (Planning Services), as submitted by the Development & Emergency Services Department.

**Draft Plan of Subdivision  
(For consideration by Council on June 28, 2021)**

THAT a Public Meeting having been held with respect to the application by MGN TBAY Inc. and Lormar Construction Limited, to create three (3) lots, one (1) block, and one (1) new street, as shown on the plan in Attachment "A" to Report No. 65/2021(Planning Services) on MCINTYRE SECTION PT SW QUARTER 40 RP 55R14739 PARTS 1 AND 2, RP 55R14693 PARTS 1 TO 7; THUNDER BAY, 1535 &1545 Golf Links Road (58T-21501), draft plan approval is hereby issued for a period of 3 years, subject to the conditions outlined in Attachment "D" and on the plan dated March 4, 2021 Draft Plan of Subdivision prepared by TBT Surveyors Inc. in Attachment "A" to Report No. R 65/2021(Planning Services);

AND THAT the proposed street name "Gabriella Court" is added to the approved street name list.

AND THAT the plan of subdivision proceeds to final approval to the satisfaction of the Engineering and Planning Services Divisions;

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

ALL as contained in Report No. 65/2021 (Planning Services), as submitted by the Development & Emergency Services Department.

### ***EXECUTIVE SUMMARY***

The Applicant is seeking draft approval for a plan of subdivision (file no. 58T-21501) and approval of a site-specific Zoning By-law amendment (file no. Z-01-2021). The proposed plan of subdivision would be comprised of three lots with frontage and access off a new cul-de-sac extending from Riviera Drive (Gabriella Court). The proposed zoning by-law amendment would amend the existing site-specific zoning regulations on the site to allow for the new road that is part of the proposed plan of subdivision.

The proposal is considered appropriate as it will allow for logical and orderly development of the lands. The Applicant's request is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, and conforms to the Official Plan. For these reasons, Administration supports the approval of the proposed plan of subdivision and zoning amendment.

### ***DISCUSSION***

#### **Description of Proposal**

The proposed development includes two planning applications:

1. Proposed draft plan of subdivision (file no. 58T-21501)
2. Proposed zoning by-law amendment (file no. Z-01-2021)

The proposed plan of subdivision would be comprised of three lots with frontage and access off a new cul-de-sac extending from Riviera Drive (Gabriella Court). All lots will be connected to City water services and sanitary sewer services. Overland drainage from the proposed development is expected to connect to on-site stormwater management facilities. The proposed draft plan of subdivision is shown on Attachment 'A'.

The purpose of the proposed zoning amendment is to modify the existing site-specific zoning regulations on this site to re-define lot lines for the purpose of applying existing height, privacy screen, and other built form regulations, to reduce an exterior side yard, to eliminate the size restriction for individual uses within the proposed shopping centre, and to permit and limit the size of an office. The effect of this amendment would be to allow for the proposed plan of



subdivision, allow for larger individual commercial units within the proposed shopping centre, and allow office use at this location.

### Description of Subject Property and Surrounding Area

The subject lands are located on the north side of Golf Links Road at the intersection of Riviera Drive and Golf Links Road, as shown on Attachment 'B'. The property includes three recently created lots. One lot is unaddressed and the other two are known as 1535 Golf Links Road and 1545 Golf Links Road. The lands were formerly one lot known as 1530 Golf Links Road.

The lands are located in the Neighbourhood Commercial land use designation in the Official Plan, and zoned as "NC3" – Neighbourhood Centre Zone, subject to site-specific regulations from a zoning by-law amendment completed in 2019. There is an existing Site Plan Agreement between the owner and the City to construct a 32 unit apartment dwelling on 1535 Golf Links Rd and a multi-unit commercial building (shopping centre) on 1545 Golf Links Rd. There are no immediate plans for the unaddressed lot, but development could occur in accordance with the Zoning By-law at anytime. The approved site plan is shown on Attachment "C"

There is a cul-de-sac with single-detached dwellings immediately northeast of the property and other low density residential uses located east and southeast across Golf Links Road. The Thunder Bay Expressway runs northeast along the western side of the property.

### Neighbourhood Comments

A Notice of Application for the proposed plan of subdivision was mailed to surrounding property owners on April 23, 2021. The Notice of Application outlining the nature of the proposed Zoning By-law amendment was mailed to surrounding property owners on May 14, 2021. Three letters were received from members of the public. The first letter was seeking additional information about the application. The second letter expressed support for the proposed development noting that the site is a good opportunity for a transit-oriented mixed use development with higher density housing and a commercial/retail component. The third letter expressed concerns about the height of the apartment building and explained that a one storey building would be their preference. The design approved in the registered Site Plan Agreement is for a four-storey apartment building. Planning Services provided all three individuals that submitted comments with additional information about the development related to their questions and/or concerns.

### Agency Comments

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

- Realty Services
- Thunder Bay Fire Rescue
- Synergy North
- Shaw Communications Inc.
- Lakehead Region Conservation Authority

- Engineering & Operations Division
- Mobility Coordinator
- Hydro One

Standard draft approval conditions and all conditions requested by the above agencies are included in Attachment “D”. These include the dedication, opening, and naming of the proposed City street, the approval of the associated Zoning By-law Amendment (file no. Z-01-2021), the dedication of easements and easement agreements for utility and/or drainage purposes, dedication of a water valve access easement, and satisfying the City Engineer with respect to servicing the subdivision. The proposed street name “Gabriella” is not on the pre-approved list of names and is under review.

Another standard condition is that the Applicant must enter into an agreement with the City to satisfy all the requirements, financial, insurance, and otherwise, concerning the dedication of lands, provision of roads, sidewalks, street lighting, and the installation of services and drainage facilities.

The Applicant also has an existing Site Plan Agreement that was registered on title prior to severing the lands into three lots.

#### Planning Services Division Comments

- Plan of Subdivision

The proposed plan of subdivision would allow for a more logical and orderly development of the existing three properties and the approved site plan design. The plan of subdivision process will create a new public right-of-way and establish new street frontage for each of the existing properties. The process will also facilitate minor boundary adjustments between the properties that are consistent with the approved site plan design. The new public right-of-way will simplify the servicing of the properties and eliminate the requirement for several easements and a shared services agreement. It will also allow for a better urban design outcome in the form of additional landscaping and pedestrian connections. Planning Services is of the opinion that the proposed plan of subdivision is appropriate and desirable for the Urban Settlement Area and represents good planning.

- Zoning By-law Amendment

The proposed zoning by-law amendment would amend the existing site-specific zoning regulations on the site to allow for the new road that is part of the proposed plan of subdivision. Many regulations in the Zoning By-law are based on which lot lines are considered the front, rear, exterior side, and interior lot lines. Establishing a new road would change the lot lines and thus change how the regulations would be applied. The proposed amendment seeks to ensure that the zoning regulations are applied as originally intended, despite the new road. To accomplish this, the proposed amendment will specifically:

1. Recognize the lot line abutting the proposed cul-de-sac (file no. 58T-21501) as the front lot line for Property Location 3
2. Re-define the north rear lot line of Property Locations 1 & 2 (lot line abutting houses fronting on Linden Ct) as the only location where a privacy screen with a height of 1.6m is required.
3. Reduce the minimum required exterior side yard from 7.5m to 6.4m for Property Location 1
4. Clarify that the maximum height is 12 metres for a building located within 40 metres of Golf Links Road for all of the Property Locations.
5. Clarify that the maximum height is 15 metres for a building located beyond 40 metres of Golf Links Road for all of the Property Locations.

The above modifications continue to reflect the original intent of the previous zoning amendment completed in 2019 and are technical in nature.

Additional changes are also being requested, specifically:

1. Establish that there is no maximum gross floor area (GFA) for a permitted use within a shopping centre, provided that the shopping centre has a GFA of no more than 800 m<sup>2</sup> for Property Location 1.
2. Permit office on all of the Property Locations and limit the size to a gross floor area (GFA) of no more than 500 m<sup>2</sup>

The purpose of the first request is to allow the property owner some flexibility when tenanted the shopping centre approved on Property Location 1. On this property, a shopping centre is defined as a building with three or more permitted commercial uses. The “NC3” Zone has maximum gross floor area requirements for various permitted commercial uses. This is to ensure that the commercial uses are appropriate for a neighbourhood scale. A 762.0 m<sup>2</sup> shopping centre has been approved on the subject property which is within the maximum GFA for a shopping centre in the “NC3” Zone. Planning Services is of the opinion that any combination of permitted uses within this shopping centre will be appropriate for the neighbourhood scale required by the Neighbourhood Commercial designation. As such, the shopping centre will be exempt from the maximum GFA requirements for individual uses that may be located within I, with the exception of office as noted below.

The second request is to permit all types of offices on the subject lands provided that they are no larger than 500 m<sup>2</sup>. Currently, the only type of office that is permitted in the “NC3” Zone is a “Medical Office”. The Neighbourhood Commercial designation does not specifically consider non-medical offices, however the objective of this designation is to provide for an appropriate range of convenience and service commercial uses to serve the needs of residential neighbourhoods. Planning Services is of the opinion that any office under 500 m<sup>2</sup> continues to meet the intent of the Neighbourhood Commercial designation and its objective. The recent Employment Land Study encourages greater flexibility for permitting general office uses throughout all commercial zones. Expanding the range of commercial uses to include “Office”

will provide greater flexibility for meeting evolving market demands and support economic prosperity.

### ***FINANCIAL IMPLICATION***

All of the costs associated with the proposed development will be borne by the applicant. Increased municipal costs, such as road maintenance and garbage pickup for the new residential subdivision are expected. Significant residential and commercial assessment would be realized once the lands are built out.

### ***CONCLUSION***

In conclusion, Administration recommends that the Zoning By-law be amended and that Draft Plan Approval be granted, subject to the conditions set out in Attachment "D" to this Report. The proposed development is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan, and represents good planning.

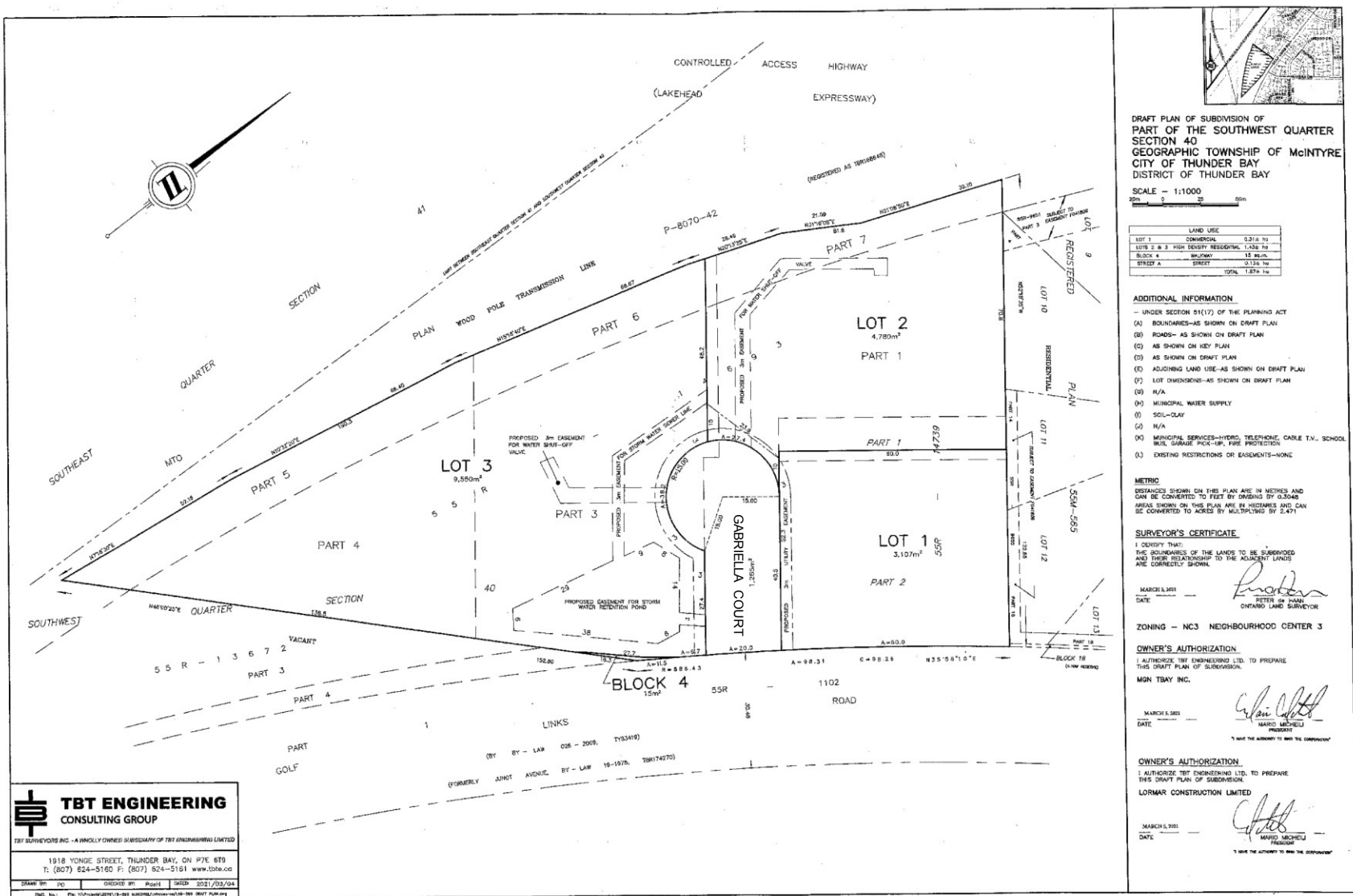
### ***REFERENCE MATERIAL ATTACHED:***

Attachment A – Proposed Draft Plan of Subdivision  
Attachment B – Property Location  
Attachment C – Approved Site Plan  
Attachment D – Draft Approval Conditions for file no. 58T-21501

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

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Karen Lewis, General Manager – Development & Emergency Services	June 4, 2021

TITLE: <b>Proposed Draft Plan of Subdivision</b>		Date: June 2021
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. 58T-21501



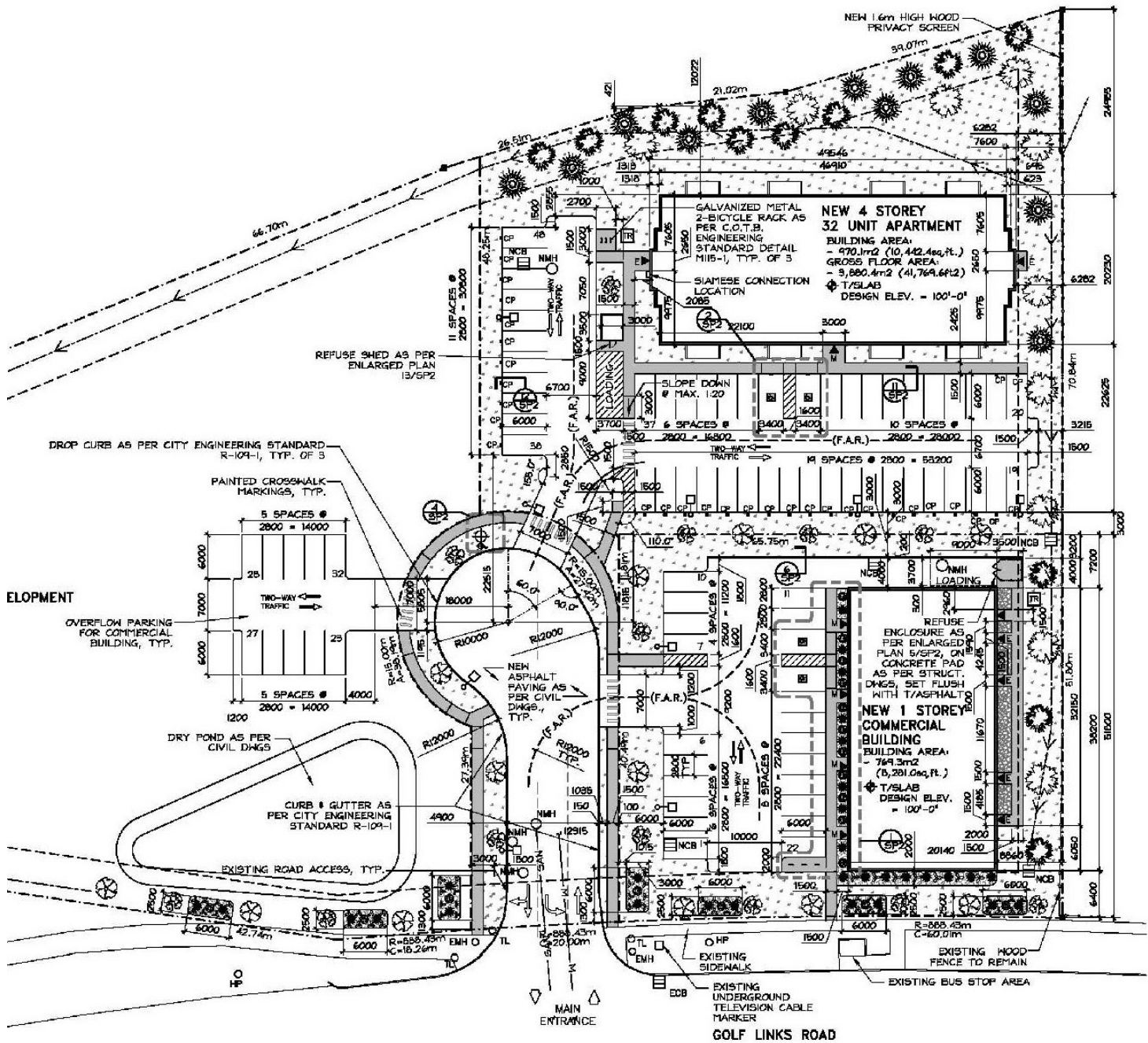
EP - Environmental Protection  
NC3 - Neighbourhood Centre Three  
OS - Open Space

Property Location  
Environmental Overlay

1535 & 1545 Golf Links Road  
PROPERTY LOCATION WITH ZONING

MCINTYRE SECTION PT SW QUARTER 40 RP 55R14739 PARTS 1 AND 2, RP 55R14693 PARTS 1 TO 7	
FILE NO: 58T-21501	PLANNER: Jillian Fazio
DATE: 26/04/2021	APPLICANT: MGN TBAY INC. and LORMAR CONSTRUCTION LIMITED

TITLE: <b>Property Location</b>		Date: <b>June 2021</b>
PREPARED BY <b>JF</b>	SCALE <b>As Noted</b>	FILE NO. 58T-21501 & Z-01-2021



TITLE: <b>Approved Site Plan</b>	SCALE: <b>As Noted</b>	FILE NO: <b>Z-01-2021</b>	Date: <b>June 2021</b>
PREPARED BY: <b>JF</b>			

**ATTACHMENT D - Draft Approval Conditions for File 58T-21501**

DRAFT APPROVAL CONDITIONS FOR 58T-21501 apply for a period of 3 years, ending on June 14, 2024 for the plan, shown on Attachment "A" of Report R 65/2021 (Planning Services) being the draft plan prepared by TBT Surveyors Inc., dated March 4, 2021, which shows a total of three lots, one block, and one street:

**STANDARD CONDITIONS:**

1. The lands being, "Gabriella Court" and Block 4, shall be shown, opened, and dedicated as a public highway on the final plan, and shall be free and clear of any encumbrances.
2. The street shall be named to the satisfaction of the City of Thunder Bay.
3. The proposed Zoning By-law amendment, file no. Z-01-2021, for the subject lands shall be approved by City Council.
4. The owner shall satisfy itself that all lots conform to the requirements of By-law 100-2010, as amended.
5. Easements and Easement Agreements as may be required for utility or drainage purposes shall be granted by the appropriate Authority and that the City is to be advised in writing, by the appropriate authority, as to how this condition has been satisfied.
6. The owner shall enter into an agreement for the lands shown as Lot 1, 2, and 3, satisfactory to Engineering & Operations and the Planning Services Division to satisfy all the requirements, financial, insurance, and otherwise, concerning the dedication of lands, provision of roads, sidewalks, street lighting, and the installation of services and drainage facilities.

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

7. A water valve access Easement shall be dedicated to the City across Lot 2, to the satisfaction of the Engineering & Operations Division and the Realty Services Division.
8. The owner shall satisfy the City Engineer with respect to servicing the subdivision, including obtaining any related Ministry approvals.
9. The owner shall:
  - (i) enter into an agreement with Synergy North for the costs of supplying electricity service to the development and that the City is to be advised in writing, by Synergy North how this condition has been met.



**ATTACHMENT D - Draft Approval Conditions for File 58T-21501**

- (ii) enter into agreements with Telecommunications Providers for the provision of telecommunications services to the development and that the City is to be advised in writing by those Providers how this condition has been met.
- (iii) enter into an agreement with Union Gas Limited for the provision of natural gas service to the development and that the City is to be advised in writing by Union Gas Limited how this condition has been met.
- (iv) satisfy the City Engineer that the applicable requirements of the *Environmental Assessment Act* have been met.
- (v) satisfy the City Engineer with respect to the dedication of land for drainage and stormwater management purposes.
- (vi) satisfy the City Engineer with respect to servicing the subdivision and providing all required easements and for releasing or modifying any existing easements.

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

10. The agreement shall be registered against the title of the lands to which it applies.