

Corporate Report

REPORT NUMBER 236-2025-Growth-Development Services-Planning Services			
DATE			
PREPARED	August 18, 2025	FILE	Z-03-2025
MEETING DATE August 25, 2025			
SUBJECT Proposed Zoning By-law Amendment – 33 Court Street South			

RECOMMENDATION

WITH RESPECT to Report 236-2025 – Growth – Development Services – Planning Services, we recommend that the Zoning By-law be amended on the subject lands being Town Plot South Park Lot 5 & West 99 Feet of Lot 4, shown as “Property Location One” on Attachment “A” to Report 236-2025, and municipally known as 33 Court Street South, by adding MS^{SP111} to Schedule “B” as follows:

SP111: Site-specific provision 111

The following applies to lands zoned MS^{SP111}.

- Despite Section 4.1.1c, A non-barrier free home may occupy the street-facing portion of the building within a 5.5 m wide portion of the first storey at the corner of Court Street South and Park Avenue with a 0.0 m setback from the street allowance and the street facing portion of the building along Park Avenue and Lincoln Street with a setback of 0.0 m from a street allowance
- Despite Section 4.1.1c, A minimum of 40% of the first storey floor area may be occupied by street-facing tenantable commercial units
- A first storey apartment is not permitted to have windows on the exterior wall of Court Street South

AND THAT the subject property be designated as an area of Site Plan Control:

AND THAT any necessary by-laws be presented to City Council for ratification.

EXECUTIVE SUMMARY

Planning Services has received an application for a Zoning By-law Amendment at 33 Court Street South, that if approved, would allow for the redevelopment of an existing building in the north core for mixed-uses, specifically a ground floor commercial unit, ground floor apartments and additional apartments within upper floors for a total of 70 homes.

Public consultation was carried out in accordance with the *Planning Act*.

Administration recommends approval of this application, subject to designating the lands for Site Plan Control. The proposed development is consistent with the Provincial Planning Statement, conforms to the Growth Plan for Northern Ontario, and maintains the general intent and purpose of the Official Plan and Zoning By-law.

Further, the intended development is consistent with the City's growth objectives, and Official Plan Policies by adding residential density, a range of housing options in the core area. Additionally, the proposal is an adaptive reuse of a previous government building that has been vacant.

DISCUSSION

Description of the Subject Property and Surrounding Area

The subject lands, municipally known as 33 Court Street South, are located between Park Avenue and Lincoln Street. The property has a frontage of approximately 50 metres on Court Street South, and an area of approximately 3,557m².

The lands are designated Commercial – Strategic Core in the Official Plan and zoned “MS” – Main Street Zone.

The property is developed with a large, 3 storey office building, built in 1952, and formerly used as a Federal Building accommodating various federal offices including Canada Post. The building occupies the width of an entire downtown block and has a 0.0m setback from the street. It is a prominent commercial building, highly visible from streets and sidewalks. The building possesses notable exterior heritage features that are not proposed to be altered as a result of this application. It is serviced with municipal water and sanitary services and has a surface parking lot with 14 parking spaces.

Gateway casino is situated to the southeast, and mixed-use buildings exist in the surrounding area across Court Street South, Lincoln Street and Park Avenue. These buildings can accommodate commercial uses on the main level and aside from barrier free units, residential uses are directed to upper floors to support a vibrant commercial area.

Description of Proposal

The applicant is seeking a site-specific Zoning By-law Amendment to the “MS” – Main Street Zone to allow non-barrier free homes on the main floor along both the Park Avenue and Lincoln Street building frontages and within a 5.5 metre wide portion of the building at the corner of Court Street South and Park Avenue, and to reduce the required percentage of main floor commercial area from 60% to 40%.

The existing Zoning By-law regulations require that only barrier free homes be placed on the main floor, that they be setback 10m from the street allowance and that a maximum of 60% of the main floor be used for commercial uses. Barrier free units will be placed on upper floors that are accessible by elevator per Ontario Building Code requirements.

If approved, the amendment would allow for the conversion of the existing building into 70 residential apartment units and a main floor commercial unit. The Applicant’s preliminary site development plan is shown as Attachment “B” to this report.

Neighbourhood Comments

Three signs were posted, and a Notice of Application was mailed to surrounding property owners on June 2, 2025 describing the nature of the application. At the time of writing this report, 8 comments had been received.

Of the 8 comments received, 2 expressed concerns related to:

- Parking
- Traffic
- Road closures due to construction
- Security issues and loitering in the rear yard
- Access to the decommissioned fire hydrants nearby

The original site plan circulated with the Notice of Application had a deficient supply of parking and landscaping. These were resolved and a revised site plan was circulated with the Notice of Public Meeting, demonstrating that the minimum required parking and landscaping can be provided on site.

Agency Comments

The following agencies and City divisions provided comments:

- Engineering Division:
 - Regarding the casino’s concerns with access to their loading bay during construction, Lincoln Street is a public road and access must be maintained with disturbances minimized during construction. If approved and building

- permits are issued, concerns may be directed to the One Stop Development Shop during construction.
- Regarding the public comment about nearby hydrants, the developer's designer/engineer will be required to consider and review nearby hydrants to ensure they are meeting applicable codes/standards, as part of the Building Permit process
- Archives: The building is not heritage designated or listed by the City but has the potential to be designated in the future, due to its history, the history of the area and the Tyndall Stone facade. Care should be taken to maintain, restore and not damage the exterior.
- Solid Waste Collection: No issues.
- Tbaytel: No concerns.
- Waterfront District BIA: Enquired about amenities provided on site, and whether transit volume may be a concern.
- COTB Housing Accelerator Coordinator: This property is subject to conditionally approved applications under the City's Housing Accelerator Fund Construction Assistance Grant and Affordable Rental Housing Funding Program based on a proposal to establish 70 new rental apartment units, 28 of which meet the policy definition of Affordable through the Affordable Rental Housing Funding Program.

Planning Analysis

Provincial Planning Statement (PPS), 2024

The proposal will result in residential intensification and growth through the redevelopment of a vacant commercial building. The development will add to the range and mix of housing options within the downtown area.

The proposal supports the achievement of Complete Communities through mixed-use development within the Urban Settlement Area, providing a mix of employment uses and housing, with optimal proximity to transit, active transportation facilities, parks, food stores, restaurants, and other amenities.

Planning Services is of the opinion that the proposal is consistent with the Provincial Planning Statement (PPS), 2024.

Growth Plan for Northern Ontario, 2011

The proposed amendment would facilitate a range and mix of employment and housing types, with good proximity to local stores, services, and recreational opportunities in the surrounding neighbourhood. The proposal encourages mixed use commercial and higher density residential use with access to active transportation and transit in the downtown Strategic Core Area. The proposal contributes to the City's revitalization and intensification, and growth goals for the strategic core. Planning Services is of the opinion that the proposal conforms to the Growth Plan for Northern Ontario, 2011.

Official Plan, 2019

The property is located within the Commercial Designation – and more specifically located within the Strategic Core Area. The intent of the Strategic Core policies are to encourage high density residential development along with commercial and residential mixed use development where it is appropriate. The proposal contributes to the Plan's goal of increasing density within the Strategic Core area by 25%. Further, the proposal supports one of the main objectives of the Strategic Core designation which is to attract new development, employment, and housing, to revitalize the area. Revitalization and redevelopment efforts are supported in Strategic Core Areas, and through the City's Community Improvement Plan. The site is located adjacent to both an active transportation route and an existing public transit route, where increased user access is promoted.

Increased residential development on upper floors is encouraged within the Strategic Core areas to promote commercial activity at the street level. The majority of the proposed residential units, are located within upper floors, and a 1000 m² (10,802 ft²) commercial unit would front on Court Street South which is the commercial 'main street' frontage. The remaining main floor space is proposed to be residential, with exterior walls of units located adjacent to Park Avenue and Lincoln Street, and a 5.5 m portion of Court Street South at the corner of Park Avenue.

Court Street South is a focal area of the north core having been recently redesigned and constructed with the vision to provide for increased pedestrian traffic and opportunities for outdoor patios and programming. It is classified as a collector road, designed and built to accommodate storefronts and public entrances, as well as carry moderate volumes of traffic from vehicles, cyclists, and pedestrians, whereas Park Avenue and Lincoln Street are local roads that have lower priority to draw pedestrian activity and traffic.

The location of the proposed residential setback reduction is adjacent to local roads serving as side streets, which are designed to carry low volumes of traffic, and building access points that are generally less visible, which supports the rationale for allowing residential units along Park Avenue and Lincoln Street. The location of the main floor residential unit that fronts on Court Street would be limited to a 5.5 metre portion, and would not be permitted to have a window facing the main street per the site-specific provision. Thus, views into the building from the Court Street facade would be limited to commercial portion only.

Planning services is of the opinion that the proposal maintains the intent and purpose of the Official Plan.

Zoning By-law 1-2022

The lands are zoned “MS” – Main Street Zone. The applicant is proposing to zone the subject lands “MS^{SP111}” – Main Street Zone with Site Specific Provision 111:

Presently, Homes are permitted on the main floor if they are barrier free, 60% of the main floor is available for commercial use, and the residential units are setback 10 metres from the street allowance. The intent and purpose of these regulations are to protect the vitality of downtown areas which provide a pedestrian commercial experience that may be programmed and accommodates shops and restaurants for example.

Further, the intent is to provide an opportunity for barrier free units, where they would not negatively impact the view and function of the streetscape.

The proposed elimination of the setback for residential units along Park Avenue and Lincoln Street is proposed along roads that experience lesser traffic, and do not restrict the ability to provide tenatable commercial space fronting the main street. The portion of the building containing a residential unit abutting Court Street is limited to a roughly 10% portion of the façade, while the majority remains commercial. Since no windows are proposed within the residential unit, nor will they be permitted along the Court Street South façade, the view and function from streetscape will be unchanged.

The site abuts 3 streets, and reducing the required setback to an apartment along 2 streets could allow for a more efficient development of the main floor for commercial and residential uses rather than providing commercial uses within the 10 metre setback along perimeter of the building.

The majority of residential units are proposed on upper floors and 40% of the main floor area is proposed for commercial space, which represents roughly 1000 m² (10,802 ft²). Due to the size of the structure, the proposed reduction still provides significant space for commercial business. The remaining residential units on upper floors that are accessible by elevator are proposed to be a mix of barrier free, and non-barrier free units meeting the minimum requirements of the Ontario Building Code.

Planning Services is of the Opinion that the proposed amendments maintain the general intent and purpose of Zoning By-law 1-2022 and recommends approval of the proposed SP111.

CONSULTATION

Through the *Planning Act* application process, public consultation has been achieved with the placing of a sign and circulation of a Notice of Application, Notice of Public Meeting, and the Statutory Public Meeting to be held on August 25th, 2025, at 6:30 p.m.

FINANCIAL IMPLICATION

All on-site development and off-site costs directly driven by the proposed use of the property are the Applicant's responsibility. The development will add to the provision of a range and mix of housing, employment opportunities, and contribute to the vitality of the Strategic Core downtown area.

CONCLUSION

Planning Services recommends support of the application to rezone the subject lands to "MS^{SP111}" – Main Street Zone with Site Specific Provision 111, which facilitates the renovation of an existing office building commercial building with into a mixed-use building with 70 apartment units.

The proposal is consistent with the Provincial Planning Statement, in conformity with the Growth Plan for Northern Ontario, conforms to the City of Thunder Bay Official Plan and meets the intent of the City of Thunder Bay Zoning By-Law 1-2022, and therefore Planning Services recommends the approval of application Z-03-2025.

REFERENCE MATERIAL ATTACHED

Attachment A – Property Location with Zoning
Attachment B – Applicant's Site Development Plan

REPORT PREPARED BY

Adam Crago, Planner II – Growth Department

REPORT SIGNED AND VERIFIED BY

Kerri Marshall, Commissioner - Growth

Date (08/18/2025)