

## 0 Remington Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-14 & 751-6/21-15

## Report Summary

This report provides recommendations regarding an application for rezoning to “M1” Mixed Light Industrial/Service Commercial in order to resolve a split zoning from a proposed consent.

This report is presented by Glen Ferguson, Senior Planner.

## Resolutions

### Resolution 1:

#### Resolution for File # 751-6/21-14:

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial on those lands described as Part of PIN 73478-1049, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Remington Road, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on October 26, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

### Resolution 2:

#### Resolution for File # 751-6/21-15:

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial on those lands described as Part of PIN 73478-1049, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Remington Road,

Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of October 13, 2021, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
  - a) The owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
  - b) The owner shall have applied to amend the existing site plan control agreement applicable to the benefitting lands and have entered into an amended site plan control agreement that has been registered on-title to the satisfaction of the Director of Planning Services.
2. That conditional approval shall lapse on October 26, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding.

## **Financial Implications**

There are no financial implications associated with this report for rezoning as there is no anticipated new buildings to be constructed at this time.

## **Report Overview**

This report reviews two applications for Zoning By-law Amendment on two portions of the subject lands that each seek to change the zoning classification on each portion from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial in order to prevent split-zonings. The split-zonings would result from two proposed future consents that are intended to facilitate two separate lot additions to existing mixed light industrial/service commercial lots (ie. 2555 & 2601 Regent Street) at the north-west and south-west corners of Remington Road and Regent Street in Sudbury. The benefitting lands in each case are presently zoned “M1”, Mixed Light Industrial/Service Commercial. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would in each case address an anticipated condition of provisional consent related to the above noted lot additions once formal consent applications are submitted to the City. In this particular case, the “M2” Zone applicable to the benefitting lands is more restrictive from a permitted land uses perspective than the “M1” Zone that is applicable to the benefitting lands. Staff would further note that an automotive sales establishment is not permitted in the “M2” Zone and the lands being severed are to be added to two existing lots containing automotive sales establishments. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric containing land use permissions that do not comply with the City’s Zoning By-law. The Planning Services Division is recommending that the applications be approved as outlined and noted in the Resolution section of this report.

# Staff Report

## PROPOSAL:

The applications for Zoning By-law Amendment both seek to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on two portions of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial in order to prevent split-zonings, which would result from two proposed future consents that are intended to facilitate two separate lot additions to existing mixed light industrial/service commercial lots (ie. 2555 & 2601 Regent Street) at the north-west and south-west corners of Remington Road and Regent Street in Sudbury. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would in each case address an anticipated condition of provisional consent related to the above noted lot additions once formal consent applications are submitted to the City.

The owner’s agent has submitted a Concept Plan in support of both the proposed rezonings that would facilitate the above noted lot additions, which in each case amounts to a lot boundary re-alignment between two abutting properties (ie. 2555 & 2601 Regent Street and 0 Remington Road).

### **Existing Zoning:** “M2”, Light Industrial

The “M2” Zone permits a range of light industrial land uses that are listed under Section 8.2, Table 8.1 of the City’s Zoning By-law. Those development standards that are applicable to the “M2” Zone are also found under Section 8.2, Table 8.2 of the City’s Zoning By-law.

### **Requested Zoning:** “M1”, Mixed Light Industrial/Service Commercial

The proposed rezoning seeks to prevent a split-zoning, which would result from anticipated future consent applications that would facilitate two separate lot additions to two existing mixed light industrial/service commercial lots to the east having frontage on Regent Street in Sudbury. The “M1” Zone permits a range of light industrial land uses that are listed under Section 8.2, Table 8.1 of the City’s Zoning By-law. Those development standards that are applicable to the “M1” Zone are also found under Section 8.2, Table 8.2 of the City’s Zoning By-law.

### **Location and Site Description:**

The subject lands are located to the west of Regent Street and generally situated between the westerly and easterly termination points (ie. Algonquin Road and Regent Street) of existing traveled portions of Remington Road. The lands to be rezoned at present have no public road frontage onto Remington Road.

The lands to be rezoned have areas measuring approximately 0.8 ha (1.98 acres) that would be added to 2555 Regent Street and 0.3 ha (0.74 acres) that would be added to 2601 Regent Street respectively. The northerly portion of the lands to be rezoned are presently vacant. The southerly portion of the lands to be rezoned presently contain a parking area associated with the automotive sales establishment located on those lands known municipally as 2601 Regent Street.

### **Surrounding Land Uses:**

North: Vacant lands zoned to permit mixed light industrial/service commercial land uses between Remington Road at Algonquin Road and Regent Street, existing general commercial and mixed light industrial/service commercial land uses along Regent Street, and vacant lands situated to the north-east and zoned to permit mixed light industrial/service commercial land uses having frontage on Regent Street.

- East: Two automotive sales establishments (ie. the benefitting lands – known as Southside Chevrolet, Buick & GMC and Doyle Chrysler Dodge Jeep Ram respectively), Regent Street and a cluster of limited general commercial land uses fronting Armstrong Street.
- South: Existing medium density residential development containing 19 rowhouse dwelling units, lower density urban residential land uses with the pre-dominant built-form being single-detached dwellings and semi-detached dwellings, and a large block of land zoned for park and future development purposes.
- West: Vacant lands zoned to permit mixed light industrial/service commercial land uses between Remington Road at Algonquin Road and Regent Street, existing low and medium density residential land uses along Algonquin Road, and existing mixed light industrial/service commercial land uses along Algonquin Road.

The existing zoning and location map attached to this report indicates the location of the subject lands that are to be rezoned, as well as the applicable zoning in the immediate area. Aerial photography of the subject lands depicting the two specific portions of the lands that are to be rezoned is also attached to this report for reference purposes.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on June 3, 2021. The statutory Notice of Public Hearing dated September 23, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner's agent indicated on their application form that they would be circulating a letter describing the development proposal to nearby landowners ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning.

At the time of writing this report, no phone calls, emails or letter submissions with respect to the development proposal have been received by the Planning Services Division.

### **POLICY AND REGULATORY FRAMEWORK:**

The property is subject to the following policy and regulatory framework:

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

### **2020 Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning applications be approved.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the applications to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **Official Plan for the City of Greater Sudbury:**

The subject lands are designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury. The Mixed Use Commercial land use designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General industrial land uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on a mixed use corridor. Heavy industrial uses are not permitted. Those land uses permitted in the Mixed Use Commercial land use designation are intended to provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

New development within a Mixed Use Commercial designation may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads are to be permitted where reasonable alternate access exists;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for new development will be provided by the owner;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The development proposal satisfies applicable transit-supportive, accessibility and urban design policies set out under Sections 11.3.2, 11.8 and 14.0 of the City's Official Plan.

Staff in general has no concerns with respect to the proposed rezonings conforming to the applicable Mixed Use Commercial policies in the Official Plan for the City of Greater Sudbury. Staff acknowledges that the proposed rezonings are largely technical in nature (ie. to facilitate two lot boundary re-alignments) and both applications are intended to prevent a split-zoning from occurring as a result of anticipated future consent applications.

### **Zoning By-law 2010-100Z:**

The lands are presently zoned "M2", Light Industrial in the City's Zoning By-law. The owner is requesting that the two portions of the lands subject to the two rezoning applications be rezoned to "M1", Mixed Light Industrial/Service Commercial in order to prevent a split-zoning, which would result from anticipated future consent applications that would be intended to facilitate two separate lot additions to two existing mixed light industrial/service commercial lots to the east having frontage on Regent Street. The benefitting lands to the east are in each case situated within an existing "M1" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "M1" Zone is being requested by the owner's agent.

### **Department/Agency Review:**

The applications including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to formulate appropriate development standards in an amending zoning by-law should the applications be approved.

Active Transportation, the City's Drainage Section, Fire Services, Operations, Roads, Transportation and Innovation, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services has advised and would caution the owner that any further and additional changes to the lands beyond those changes authorized by a site alteration permit that was issued in August 2020 will require a new application for a site alteration permit.

Conservation Sudbury has noted that the subject lands contain a number of small wetland features and said portions of the subject lands are therefore regulated by [Ontario Regulation 156/06](#). The owner is cautioned that works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the [Conservation Authorities Act](#). Further to this, Conservation Sudbury has advised that works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. The owner may be required at their own cost to provide scientific studies and/or technical reports in support of a permit application. Any permit issued by Conservation Sudbury may also include conditions of development and permits are not guaranteed. Conservation Sudbury also noted during pre-consultation that the owner must demonstrate that there are no hazardous lands on-site via the submission of a geotechnical/soils study. As a result, Conservation Sudbury is requesting that the rezoning applications be approved with a condition requiring the site plan control be required for both areas to be rezoned and that a geotechnical/soils study be provided as part of a complete site plan control application.

Development Engineering has noted that the subject lands are not currently serviced with municipal water and sanitary sewer infrastructure. It is noted however that both municipal water and sanitary sewer infrastructure is available within the road allowance of Regent Street. It is further noted that the benefitting lands are both already serviced by municipal water and sanitary sewer infrastructure located within the road allowance of Regent Street. Development Engineering has no concerns with the two proposed rezonings on the basis that future development continue to proceed by way of amendments to existing site plan control agreements that are presently applicable to the benefitting lands.

Environmental Planning Initiatives has advised that there are no significant environmental concerns associated with the applications.

Site Plan Control staff have noted that a site plan control agreement (SPCA) amendment is required for those lands known municipally as 2601 Regent Street. The amended SPCA is required in order to permit the existing parking lot expansion located on the lands that are to be rezoned and added to the lands at 2601 Regent Street. It is further noted that any proposed expansions or building additions associated with those benefitting lands known municipally as 2555 Regent Street may also require an amendment to the existing SPCA that is applicable to those lands.

## **PLANNING ANALYSIS:**

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the applications with respect to applicable policies, including issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that two separate portions of the subject lands be rezoned from "M2", Light Industrial to "M1", Mixed Light Industrial/Service Commercial. Staff has no concerns in each case with respect to the requested zone category and would note that the two portions of the lands to be rezoned would each act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignments. It is noted that Section 4.23 – Multiple Zones on One Lot of the City's Zoning By-law outlines where a lot is divided into more than one zone that the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entirety of the lot. Further to this, it should be noted that where a lot is divided into more than one zone that each such portion of the lot shall be used in accordance with the permitted uses and zone provisions of the applicable zone as if it were a separate lot. In this particular case, the "M2" Zone applicable to the benefitting lands is more restrictive from a permitted land

uses perspective than the “M1” Zone that is applicable to the benefitting lands. Staff would further note that an automotive sales establishment is not permitted in the “M2” Zone and the lands being severed are to be added to two existing lots containing automotive sales establishments. Staff notes that the lands to be severed in each case are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City’s Zoning By-law.

Staff notes that there is an existing site plan control agreement applicable to those lands known municipally as 2601 Regent Street (ie. Southside Chevrolet, Buick & GMC) that will need to be amended in order to address the existing parking area expansion that has already occurred on the lands being severed and added to the benefitting lands. It is therefore being recommended that the owner be required to apply to amend the existing site plan control agreement applicable to the benefitting lands and have entered into an amended site plan control agreement that has been registered on-title to the satisfaction of the Director of Planning Services prior to the passing of an amending zoning by-law.

It is on this basis that staff has no concerns with the requested zone category, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning applications being approved.

### **CONCLUSION:**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning applications be approved. Staff also notes that the applications both conform to and do not conflict with the Growth Plan for Northern Ontario.

Staff has no concerns with the requested zone category and would note that the two separate portions of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignments. If approved, the amending zoning by-law would prevent said split-zonings from occurring, which would result from anticipated future consent applications that would be intended to facilitate two separate lot additions to two existing mixed light industrial/service commercials lots having frontage on Regent Street in Sudbury.

Staff notes however that there is an existing site plan control agreement applicable to those lands known municipally as 2601 Regent Street (ie. Southside Chevrolet, Buick & GMC) that will need to be amended in order to address the existing parking area expansion that has already occurred on the lands being severed and added to the benefitting lands.

The Planning Services Division therefore recommends that the applications for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.