

## 1933 Regent Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	December 13, 2021
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-022

## Report Summary

This report provides a recommendation regarding an application for rezoning to an amended “C5(3)”, Shopping Centre Commercial Special, to facilitate the development of additional office space and light industrial use.

This report is presented by Wendy Kaufman, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by 1763931 Ontario Limited, to amend Zoning By-law 2010-100Z by changing the zoning classification from “C5(3)”, Shopping Centre Commercial Special, to an amended “C5(3)”, Shopping Centre Commercial Special on those lands described as PIN 73475-1638 (LT), Part Lot 6 Concession 6 Broder, Being Part 2 53R17568; PIN 73475-1643 (LT), Part Lot 5 Concession 6 Broder; PIN 73475-1771 (LT), Part Lots 5 and 6 Concession 6 Broder, Parts 1 to 6 53R14213 except Part 1 53R20333, Part 1 53R17904, Parts 3, 6, 7, 8, 9 & 10 53R20341; Secondly: Part Lot 6 Concession 6 Broder Part 5 53R8886 & Part 1 53R8936 except Part 3 Plan 53R21282; PIN 3595-0542 (LT), Part Lot 6 Concession 1 McKim Parts 1 to 4 Plan 53R8886 except Parts 1 & 2 Plan 53R21282 & Parts 2 & 3 Plan 53R21287, as outlined in the report entitled “1933 Regent Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 13, 2021, subject to the following conditions;

1. That the amending zoning by-law for the “C5(3)”, Shopping Centre Commercial Special zone replace the current site-specific provisions with the following:
  - i) The maximum gross floor area to be permitted on site shall be 60,850 square metres.
  - ii) Light industrial use shall be permitted, to a maximum of 5,575 square metres, and where permitted shall either be:
    - a) Light industrial use that does not require an Environmental Compliance Approval (ECA); or
    - b) Be located a minimum of 70 m from a residential use, commercial school, day care centre, institutional use, or Residential (R) Zone boundary.
  - iii) Development and site alteration shall not be permitted within the hazardous lands associated with the watercourse.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goal of business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact and complete communities.

## **Financial Implications**

If the rezoning application is approved, staff is unable to estimate the taxation revenue as changes in assessed value for this existing building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

## **Report Overview**

An application for rezoning has been submitted to change the zoning classification on the subject lands from "C5(3)", Shopping Centre Commercial Special to an amended "C5(3)", Shopping Centre Commercial Special to remove the maximum office floor area, building height and office tower height; utilize the Shopping Centre parking standard; and additionally permit light industrial use subject to special setback provisions. The subject land is designated Regional Centre in the Official Plan.

Staff recommends approval of the application on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest, and represent good planning.

# Staff Report

## Proposal:

The application proposes to amend By-law 2010-100Z, being the Zoning By law for the City of Greater Sudbury, to facilitate the development of additional office space and light industrial use.

The property currently includes the Southridge Mall which is occupied by a range of commercial and retail uses, office employment, institutional use (hospital), and commercial recreational use (gym). The concept plan submitted with the application is based on the currently-approved site plan control agreement with the City for the property. It shows the location of the existing shopping centre building being 29,356 square metres gross floor area, as well as the location of parking spaces and access driveways. There are three buildings shown in the southwest corner of the site plan that have not yet been constructed, totaling 6,039 square metres gross floor area. Approximately 7 ha of land at the southeast corner of the site provide for stormwater management or are undeveloped.

No new development or changes to the site plan agreement are proposed at this time. The application is intended to facilitate future development by adjusting or eliminating development standards established in the 1990s that currently restrict office use, height, and establish a site-specific parking rate. The application also seeks to additionally permit light industrial use subject to special setback criteria.

A Planning Justification Memo and an updated Sewer and Water Capacity Review were submitted with the application.

## **Existing Zoning:** "C5(3)", Shopping Centre Commercial Special

The current C5(3) zone permits a range of residential and commercial uses, with the following site-specific development standards:

- i) The maximum gross floor area to be permitted on site shall be 60,850 m<sup>2</sup>.
- ii) The minimum number of parking spaces shall be provided in accordance with the following:
  - a) One space per 18.58 square metres of net floor area, where net floor area is equal to gross floor area less any common enclosed pedestrian mall areas, minus five percent (5%) of the gross floor area.
- iii) Office uses shall be restricted to a total gross floor area of 5,575 square metres.
- iv) The maximum building height shall be 2 storeys, with one exception being that an office tower shall be permitted to a maximum height of 4 storeys.

## **Requested Zoning:**

An amended "C5(3)", Shopping Centre Commercial Special is requested to remove the maximum office floor area, building height and office tower height in favour of the C5 maximum height of 20 m (approximately 5 storeys); utilize the Shopping Centre parking standard of 1 space per 25 square metres net floor area; and additionally permit light industrial use.

The applicant has proposed site-specific development standards to limit the light industrial use to a maximum of 5,575 sqm, and where permitted shall either be:

- a) Light industrial use that does not require an Environmental Compliance Approval (ECA); or
- b) Be located a minimum of 70m from sensitive uses.

Light industrial use is a broad term and is defined in the zoning by-law as an industrial use engaged in, or used for:

- a) Producing apparel and finished textile products, other than the production of synthetic fibres;
- b) Warehousing or storing goods or materials indoors;
- c) Printing, duplicating or bookbinding;
- d) Manufacturing finished paper and allied products other than processing wood pulp;
- e) Producing cosmetics, drugs and other pharmaceutical supplies; and
- f) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monuments, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use.

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

The subject property is described as PIN 73475-1638 (LT), Part Lot 6 Concession 6 Broder, Being Part 2 53R17568; PIN 73475-1643 (LT), Part Lot 5 Concession 6 Broder; PIN 73475-1771 (LT), Part Lots 5 and 6 Concession 6 Broder, Parts 1 to 6 53R14213 except Part 1 53R20333, Part 1 53R17904, Parts 3, 6, 7, 8, 9 & 10 53R20341; Secondly: Part Lot 6 Concession 6 Broder Part 5 53R8886 & Part 1 53R8936 except Part 3 Plan 53R21282; PIN 3595-0542 (LT), Part Lot 6 Concession 1 McKim Parts 1 to 4 Plan 53R8886 except Parts 1 & 2 Plan 53R21282 & Parts 2 & 3 Plan 53R21287. The subject lands are located on the southeast corner of Regent Street and Long Lake Road in Sudbury. The subject lands, in total, are approximately 20 ha in size with frontage on Regent Street, Long Lake Road, MacLssac Drive and Old Burwash Road.

The lands are currently serviced with municipal water and sanitary sewer. Access to the site is via three points: Long Lake Road, MacLssac Drive and Old Burwash Road which extends from Regent Street. Long Lake Road consists of four lanes including a centre turn lane at the point of access. MacLssac Drive consists of three lanes including a centre turn lane. Old Burwash Road consists of three lanes of traffic. Separate two-way bicycle lanes are provided on MacLssac Drive. There are several transit routes/stops surrounding and within the site, and the site is adjacent to the City's Main Line route which provides high frequency service from the South End Walmart to New Sudbury Centre.

The majority of the site is developed, however there are approximately 7 hectares of undeveloped land at the southeast corner of the site which contain a watercourse and small wetland.

### **Surrounding Land Uses:**

The area surrounding the site includes:

- |        |  |
|--------|--|
| North: | Regent Street, commercial uses (e.g. Cedar Point Mall, Super 8 Motel)  |
| South: | MacLssac Drive, low density residential use fronting on Alice Street, vacant lands zoned Future Development  |
| East:  | Old Burwash Road, fitness centre and industrial use, South End Sudbury Library   |
| West:  | Long Lake Road, institutional, commercial and low density residential uses fronting on Long Lake Road (e.g. Royal Canadian Legion Branch 564, the Outside Store, Pro Physio) |

The location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the existing uses in this part of the community of Sudbury.

## **Related Applications:**

### **Rezoning Files 751-6/92-15**

This rezoning application resulted in the current C5(3), Shopping Centre Commercial Special zone which is currently in effect. This application permitted the expansion of the shopping centre and was initially considered in 1992, and resulted in a holding symbol on the property which was removed in [2012](#) based on confirmation of adequate water and sanitary services and an agreement with the City regarding road improvements as identified in a Traffic Impact Study. The parking standard established for this property was intended to maintain consistency with other proposals at the time. The restrictions on office space and height were included in 'Minimum Development Guidelines' prepared to support the site plan control agreement that was approved prior to the passage of the amending zoning by-law.

## **Public Consultation:**

The statutory notice of the application was provided by newspaper along with a courtesy mail out to surrounding property owners and tenants within 120 m of the property on September 30, 2021. The statutory notice of the public hearing was provided by newspaper on November 27, 2021 and courtesy mail out on November 25, 2021. The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents of the application prior to the public hearing. The applicant has advised of their intent to provide a notice and contact information to area residents via mail-out in advance of the public hearing. As of the date of this report, the Planning Services Department had received two general phone inquiries, but no comments or concerns from the public.

## **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The subject lands are situated in a part of the City where development can support a range of significant land use planning goals. It is important to recognize that the completion of ongoing policy initiatives such as the Nodes and Corridors Strategy and Employment Lands Strategy may result in updates to the Official Plan that would impact the subject lands. However, until the results of this work are known and any subsequent updates to the Official Plan are in effect, the currently-approved policy framework continues to apply.

## **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.

Section 1.3. of the PPS establishes policies for employment, and requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites, which take into account the needs of existing and future businesses. This section also encourages compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Policy 1.3.2.2 states that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

Section 1.6.6.2 outlines that municipal water and sanitary sewer infrastructure are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety, and further that within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Section 1.7.1 (a) & (c) state that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure.

Section 3.1.1 states that development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Section 3.1.5 states that development shall not be permitted to locate in hazardous lands and hazardous sites where the use is uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

### **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 to the Growth Plan for Northern Ontario. Section 4.4 of the Growth Plan establishes Greater Sudbury as one of five northern municipalities that contain 'Strategic Core Areas', which are defined as delineated medium-to-high density areas within identified municipalities that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.

Municipalities are required to identify these areas in their Official Plan, and are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts to attract employment uses and clusters including office and retail, accommodate higher densities, and provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social and cultural services.

The City of Greater Sudbury Official Plan identifies that the City's Strategic Core Areas consist of the Downtown, the Town Centres, the Regional Centres, and the major public institutions listed in Section 4.4. of the official plan (Laurentian University, Cambrian College, College Boreal, Health Sciences North, Science North and Dynamic Earth).

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

Section 1.3.2 of the Official Plan acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

Section 4.0 identifies Employment Areas as lands where people presently work and where employment opportunities will be provided in the future. Section 4.2.2 establishes policies for the Regional Centres designation, which form part of the City's Employment Areas, and which are local and regional retail and tourism destinations as well as strategic core areas in northern Ontario. There are three Regional Centres in the City:

- Kingsway at Barry Downe Road / Second Avenue;
- Lasalle Boulevard at Barry Downe Road; and,
- Regent Street at Paris Street / Long Lake Road.

Regional Centres are traditionally linked to retail and business services, and may include other uses such as medium and high density residential, as a means of utilizing existing infrastructure and achieving increased urban intensification. The intent of the Official Plan is to encourage planning for these areas to function as vibrant, bikeable, walkable, mixed use buildings and districts that can accommodate higher densities and provide a broader range of amenities accessible to residents and visitors. Permitted uses in Regional Centres may include retail, service, residential, institutional, recreational, entertainment, office and community-oriented activities.

Policy 4.2.2(2) states that Regional Centres shall be planned to:

- a) Encourage a cycling and pedestrian friendly built form by locating commercial and other active non-residential uses at grade;
- b) Develop at transit-supportive densities;
- c) Provide for a mix of housing types, tenures and affordability;
- d) Be designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower-density neighbourhoods;
- e) Include, where appropriate, open spaces that are either parks and/or plazas accessible to the public; and,
- f) Provide mobility choices and associated facilities to encourage alternate active transportation options.

Policy 4.2.2(3) states that reductions in parking shall be considered in order to promote a greater mix of uses and a more compact, cycling and pedestrian-friendly built form.

Policy 4.4.4(4) states that Regional Centres may be appropriate locations for certain light industrial uses which are conducted entirely indoors provided that appropriate landscaping and buffering can be established to shield any adjacent sensitive uses. Outside storage is not permitted unless it is for the purpose of displaying goods for retail sale.

Policy 4.2.2(5) states that when considering rezoning applications for new or expanded employment uses in Regional Centres, the City will have regard to the following criteria:

- a) off-street parking can be adequately provided;
- b) a traffic impact study may be required to identify any necessary improvements to upgrade the transportation network to ensure that traffic-carrying capacity of the road is not significantly affected;
- c) no new access to Arterial Roads is permitted where alternate access is available. In general, entrances will be kept to a minimum and at locations with the least impact on traffic flow. The use of joint entrances will be encouraged;
- d) pedestrian walkways will be included, with linkages to transit stops and other modes of active transportation including sidewalks and trails; and,
- e) sewer and water services must be adequate for the site.

Section 10.2 of the Official Plan establishes policies for Flooding and Erosion Hazards. Policy 10.2(1) states that because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury. Development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury Policy 10.2 (3) states that industrial uses involving the disposal, manufacture, treatment or storage of hazardous substances are not permitted on lands subject to flooding or erosion hazards. Policy 10.3(1) states that development is

discouraged in areas with known or suspected unstable soils.

Section 10.7 of the Official Plan establishes policies for Noise, Vibration and Odour. Policy 10.7(2) of the Official Plan states that, depending on the type, purpose and location of a development application, a supporting study that addresses noise, vibration, odour and other contaminants may be required to ensure compatibility between existing and proposed uses. The study may recommend various measures that must be implemented by the proponent of a development as a condition of approval. These studies will be conducted in accordance with provincial guidelines established for this purpose.

Policy 20.4.3 of the Official Plan provides specific policies for the South End, and requires that where a proposal is brought forward to develop only part of a land holding, a Concept Plan for the entire land holding shall be submitted with the development proposal. It should show how development is to be generally distributed, the location and character of open space, phasing, and how linkages to adjacent developments will be enhanced or created, entrance locations, and any road network being proposed. In considering a concept for the entire land holding, Official Plan section 20.4.7 requires a connected street pattern or other such design alternatives to reduce the need for cul-de-sacs. The policy also directs that developers shall be required to provide vehicle, pedestrian and bicycle linkages to future developments on abutting lands.

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

Development standards for the requested amended C5(3) zone include a maximum height of 20 m and minimum landscaped open space of 15%. The minimum required yards are 10 m, or 15 m abutting Long Lake Road and Regent Street which are primary arterial roads. Outdoor storage is not permitted in the C5 zone with the exception of accessory outdoor display and sales.

Parking for a shopping centre is required to be provided at the rate of 1/25 square metres net floor area. Net floor area is defined as the aggregate of the floor areas of a building above or below finished grade, but excluding car parking areas within the building, stairways, elevator shafts, service/mechanical rooms and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a public concourse or common hallway, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

### **Site Plan Control:**

The site is subject to a site plan control agreement with the City originally dated September 12, 1996, and amended in 2004. The applicant's site sketch is based on Schedule A to the approved site plan control agreement. There are three buildings shown in the southwest corner of site plan that have not been constructed. There is an area of approximately 7 hectares at the southeast corner of the site that is vacant and undeveloped, and is labelled as 'Future Development Area'. An amendment to the site plan agreement would be required prior to any further development of the site beyond what is illustrated in the site plan.

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

Planning staff circulated the development application to all appropriate internal departments and external agencies. Responses received have been used to assist in evaluating the application. Building Services, Transit, Roads, Transportation & Innovation, Active Transportation, Roads Operations, and Drainage Section have advised that they have no concerns with respect to the rezoning application.

Development Engineering has advised that they have no objection rezoning application. The site is presently serviced with municipal water and sanitary sewer. A water and wastewater capacity review was performed on this site. Based on information provided by the applicant's engineer regarding proposed usages, there is sufficient capacity in both the sanitary sewer system and the water supply system for the proposed development. All requirements for site grading, stormwater management, water and sanitary sewer servicing, snow storage, etc., will be reviewed through the site plan control agreement process.



Conservation Sudbury does not object to the rezoning application but have requested a condition that would require site plan control to address the limits of development in association with the on-site watercourse to their satisfaction. It is recommended that the site-specific development provisions include that development and site alteration shall not be permitted within the hazardous lands associated with the watercourse (discussed further in the Planning Analysis section).

### **Planning Analysis:**

The PPS (2020), the Growth Plan (2011), and the 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 application in respect of the applicable policies, including issues raised through agency circulation.

The subject lands are designated Regional Centre in the Official Plan. The Official Plan policies for the Regional Centres have been established to conform with section 4.4 of the Growth Plan for Northern Ontario, which requires municipalities to identify strategic core areas and plan for these areas to function as mixed-use districts to attract a range of amenities and uses including employment uses. Similar and related employment land policies in the PPS and the Official Plan acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide a mix of employment opportunities. Section 1.7.1 (a) & (c) of the PPS states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure. While no new development or changes to the site plan agreement are proposed at this time, the application is intended to facilitate future development by adjusting or eliminating development standards established in the 1990s that currently restrict office use, height, and establish a site-specific parking rate. The application also seeks to additionally permit light industrial use subject to special setback criteria. Staff are of the opinion that this application will not result in a more intensive use of the site than what is currently permitted given the overall gross floor area permitted in the zone will be maintained. However, removal of the zoning restriction on office use and additionally permitting industrial use complies with these broad employment policies given this may facilitate future development of the site. Also, the proposed changes to the development standards pertaining to height and parking will enable a more compact built form and flexibility in site design.

The Official Plan establishes policies for how the Regional Centres are intended to develop and function, as well as specific requirements for the lands given they are located in the South End (policy 20.4.3). The applicant has provided a concept plan for the entire site which is based on the current site plan and which illustrates the existing and planned buildings, parking, landscaping, vacant areas planned for future development, stormwater management areas, as well as pedestrian linkages, and driveway entrance locations. The concept plan identifies potential locations for light industrial use to be added to the site. No changes or conceptual layout has been shown for the future development area. An amendment to the site plan agreement would be required prior to any further development of the site beyond what is illustrated in the site plan and would address matters related to site design.

The applicant has proposed to remove the maximum building height of 2 storeys and maximum office tower height of 4 storeys for this site, in favour of the C5 maximum height of 20 m (approximately 5 storeys). These site-specific height maximums were established for the site as part of the previous planning process completed in the 1990s, and were reflective of the development proposed at the time. It is recommended that given the size of the site and that the majority of the site is bounded by roads, there is little potential for a height increase to negatively impacts surrounding properties. A future site plan control process will provide an opportunity to address the massing and placement of any future buildings. Staff have no concerns with the elimination of the site-specific height maximums, and recommend that the requested height increase is appropriate. The applicant has also proposed to remove the maximum gross floor area for office use. Similarly to maximum building height, this maximum was established for the site as part of the previous planning process completed in the 1990s and reflected the development proposed at the time. Staff have no concerns with the elimination of this development standard.

The applicant has requested to additionally permit light industrial uses on the site with no outdoor storage, and limited to a maximum gross floor area of 5,575 square metres. The PPS section 1.3.2.2 requires the

consideration of land use compatibility and potential impacts on adjacent sensitive uses. Policy 4.2.2 (4) of the Official Plan states that Regional Centres may be appropriate locations for certain light industrial uses which are conducted entirely indoors provided that appropriate landscaping and buffering can be established to shield any adjacent sensitive uses. Light industrial use is a defined use in the zoning by-law and includes certain types of manufacturing and warehousing. These uses are considered to be Class I industrial uses as per provincial guidelines, and can be described as small scale, self-contained operations with low probability of outputs of noise, odour or dust, with limited truck movement and no outside storage. Outdoor storage is not permitted in the C5 zone with the exception of accessory outdoor display and sales. Development Engineering has confirmed that there is sufficient water and wastewater capacity for the proposed amount of light industrial use.

In lieu of a land use compatibility study which is required by the Official Plan when land use compatibility is to be assessed, the applicant has proposed site-specific development standards that would enable a light industrial use to be located anywhere on the site if the use does not require an Environmental Compliance Approval (ECA) to be issued by the Ministry of Environment, Conservation and Parks (MECP). This means that the business activity would be considered to be low risk to the environment and human health and use equipment and/or processes that are considered to be “standard” or have known environmental impacts and associated mitigation measures. The business may still need to register on the Environmental Activity and Sector Registry (which is a form of environmental approval from MECP) which includes providing information on emissions, mitigation, maintenance and operational procedures as well as complaints and records management procedures. In the case where an ECA is required, which are for more complicated operations with higher potential for environmental impacts, the light industrial use must be located a minimum of 70 m from a sensitive use, which is the potential influence area for a Class I industrial use as per provincial guidelines.

Staff are of the opinion that the request to additionally permit light industrial uses on the subject lands complies with the Official Plan, subject to the applicant’s proposed site-specific development standards, with the exception that sensitive uses should be listed explicitly for clarity (e.g. that where a light industrial use requires an ECA, it shall be located a minimum of 70 m from a residential use, commercial school, day care centre, institutional use, or Residential (R) Zone boundary).

Section 3.1.1. and 3.1.5 of the PPS, as well as 10.2 of the Official Plan require the consideration of flooding and erosion hazards. Conservation Sudbury has identified the requirement for the proponent to address the limits of development due to the hazards associated with the watercourse and wetland being the erosion hazard and hazardous lands (unstable soils). The undeveloped vacant area where these features are located are restricted from future development as per the registered site plan control agreement, and an amendment to the site plan control agreement would be required prior to any future development. The future site plan amendment process will provide an opportunity to establish the limits of development as required by Conservation Sudbury. It is recommended that the site-specific zoning provisions include that development and site alteration shall not be permitted within the hazardous lands associated with the watercourse.

The application complies with Policy 4.2.2(5) of the Official Plan, which establishes criteria for rezoning applications for new or expanded employment uses in Regional Centres:

- a) off-street parking can be adequately provided. It should be noted that Official Plan Policy 4.2.2(3) states that reductions in parking shall be considered in order to promote a greater mix of uses and a more compact, cycling and pedestrian-friendly built form.

The applicant has requested to eliminate the site-specific parking rate of 1 space/18.58 square metres of net floor area, where net floor area is equal to gross floor area less any common enclosed pedestrian mall areas, minus five percent (5%) of the gross floor area. This parking rate was established through the previous planning process completed in the 1990s and was intended to maintain consistency with the parking rate for other properties. In January 2021, the City updated several commercial parking rates including the parking rate for a shopping centre as 1 space per 25 square metres net floor area (previously 1/20). Applying this parking rate to the development shown on the site plan results in a decrease of approximately 358 required parking spaces (1452 spaces are currently required, and approximately 1094 would be required as per the

proposed rate). This parking rate is expected to be adequate and reflects that the site is well-served by public transit and active transportation facilities. Staff has no concerns with the elimination of the site-specific parking rate, and recommend that the requested parking rate is appropriate.

- b) a traffic impact study may be required to identify any necessary improvements to upgrade the transportation network to ensure that traffic-carrying capacity of the road is not significantly affected;

The applicant has not requested to change the maximum gross floor area currently in effect for the site, and staff recommend that this maximum be maintained. This maximum gross floor was the basis of the previous planning process completed in the 1990s, which required the preparation of a Traffic Impact Study and agreement with the City regarding road improvements. The existing mall plus the three buildings shown on the approved site plan that have not yet been constructed result in a total of 35,395 square metres gross floor area, leaving 25,455 square metres gross floor area available for future development. Roads staff have not identified a need to prepare a new traffic impact study to assess the change in uses, and upgrades to the transportation network are not required.

- c) no new access to Arterial Roads is permitted where alternate access is available. In general, entrances will be kept to a minimum and at locations with the least impact on traffic flow. The use of joint entrances will be encouraged;

No new access to Arterial Roads is proposed.

- d) pedestrian walkways will be included, with linkages to transit stops and other modes of active transportation including sidewalks and trails; and,

The site is currently well-serviced with pedestrian walkways, transit stops, and there is a two-way bicycle lane on MacLissac Drive. An amendment to the site plan agreement would be required prior to any further development of the site beyond what is illustrated in the site plan, which will consider pedestrian connections, transit stops and active transportation

- e) sewer and water services must be adequate for the site.

Development Engineering has confirmed that the site is presently serviced with municipal water and sanitary sewer. A water and wastewater capacity review was performed on this site. Based on information provided by the applicant's engineer regarding proposed usages, there is sufficient capacity in both the sanitary sewer system and the water supply system for the proposed development.

## **Conclusion:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site-specific Zoning By-law Amendment:

- To rezone the lands to an amended "C5(3)", Shopping Centre Commercial Special to facilitate the development of additional office space and light industrial use; and
- To remove the maximum office floor area, building height and office tower height in favour of the C5 maximum height of 20 m; utilize the Shopping Centre parking standard of 1 space per 25 square metres net floor area; and additionally permit light industrial use subject to special setback provisions.

The development of the subject lands achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is of the opinion that the proposed amendment is appropriate based on the following:

- The proposal aligns with policies for Regional Centres which requires planning for these areas to function as mixed-use districts to attract employment uses and promote economic prosperity, along with development standards that facilitate compact development;
- Additionally permitting light industrial use complies with the Official Plan and adequate buffers to sensitive uses can be accommodated;
- A future amendment to the site plan control agreement will provide an opportunity to establish the limits of hazards due to flooding and erosion in the undeveloped portion of the site; and
- The application complies with Policy 4.2.2(5) of the Official Plan, which establishes criteria for rezoning applications for new or expanded employment uses in Regional Centres.

Staff recommends approval of the application on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest, and represents good planning.