

2589 Ida Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	November 8, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-18

Report Summary

This report provides a recommendation regarding an application for rezoning on a portion of the subject lands to “FD” Future Development in order to prevent a split zoning.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Marslen Investments Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “M1(17)”, Mixed Light Industrial/Service Commercial to “FD”, Future Development on those lands described as PIN 73478-0286, Part of Part 7, Plan 53R-19015, Part of Lot 3, Concession 6, Township of Broder, as outlined in the report entitled “2589 Ida Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 8, 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 November 23, 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.

The rezoning application generally aligns with Goal # 2 - Business Attraction, Development and Retention in the City's Strategic Plan insofar as it would facilitate a lot addition to an existing large tract of land zoned to permit future urban development thereby contributing positively to the goal of fostering economic activity within the private sector and being supportive of local businesses associated with the development of land, including the building and construction industries.

The rezoning application would facilitate a lot boundary re-alignment between two abutting properties and it is not expected to have any direct negative impacts on stated goals and recommendations contained within the CEEP.

Financial Implications

There are no financial implications associated with this report for zoning by-law amendment as there are no anticipated new buildings to be constructed at this time.

Report Overview

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification on a northerly portion of the subject lands from "M1(17)", Light Industrial/Service Commercial to "FD", Future Development in order to prevent a split-zoning. The split-zoning would result from a provisionally approved consent to sever application (File # B0050/2020) that is intended to facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands. The benefitting lands are presently zoned "FD", Future Development. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would address and clear a condition of provisional consent included in the Consent Official's decision that was issued on April 19, 2021. In this particular case, the "FD" Zone applicable to the benefitting lands is more restrictive from a permitted land uses perspective than the "M1(17)" Zone that is applicable to the proposed severed lands. 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. Staff also notes that there is an existing site plan control agreement applicable to those lands known municipally as 2589 Ida Street and that in the future it may be appropriate to discharge the existing site plan control agreement on the portion of the lands that are to be severed and consolidated with the larger future development block of land situated to the immediate west of the subject lands. The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

Staff Report

PROPOSAL:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a portion of the subject lands from “M1(17)”, Mixed Light Industrial/Service Commercial to “FD”, Future Development in order to prevent a split-zoning, which would result from a related and conditionally approved consent application (File # B0050/2020) that is intended to facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would address and clear a condition of provisional consent included in the Consent Official’s decision that was issued on April 19, 2021.

The owner’s agent has submitted a Concept Plan in support of the proposed rezoning that would facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands.

Existing Zoning: “M1(17)”, Mixed Light Industrial/Service Commercial

The “M1(17)” Zone is site-specific and permits only a trucking business, warehousing and storage, and related accessory uses including accessory offices. The standard “M1” Zone apart from those uses that are permitted on the lands is otherwise applicable to the subject lands. Those development standards that are applicable to the “M1(17)” Zone are also found under Section 8.3, Table 8.2 of the City’s Zoning By-law.

Requested Zoning: “FD”, Future Development

The proposed rezoning seeks to prevent a split-zoning which would result from a related and conditionally approved consent application that is intended to facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands. The “FD” Zone permits only a single-detached dwelling on a legally existing lot and/or a park. Those development standards that are applicable to the “FD” Zone are also found under Section 10.3, Table 10.3 of the City’s Zoning By-law.

Location and Site Description:

The subject lands are located to the north-west of Ida Street and generally situated between Muriel Crescent to the west and Lake Laurentian to the north-east in the community of Sudbury. The lands to be rezoned presently have no public road frontage and are accessible only via a private driveway entrance located to the south from Regent Street. The lands to be rezoned have an area measuring approximately 5 ha (12.36 acres) which are intended to be added to an existing vacant future development block of land situated immediately to the west of the subject lands. The lands to be rezoned appear to contain a vehicular turnaround and otherwise contains mature vegetation, rocky topography and a trail leading in a northerly direction.

Surrounding Land Uses:

North: Vacant and well-vegetated lands zoned to permit future urban development.

East: Large tract of well-vegetated open space conservation land owned by the Nickel District Conservation Authority, wetlands, and Lake Laurentian.

South: Vacant lands zoned to permit future urban development, existing low density urban residential land uses along Ida Street, a truck refueling facility with related accessory uses (ie. Petro-Pass Cardlock), and a trucking business, warehousing and storage, and related accessory uses including accessory offices (ie. Ethier Sand & Gravel).

West: Vacant and well-vegetated lands zoned to permit future urban development, and existing low density urban residential land uses along Muriel Crescent.

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 portion 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 August 12, 2021. The statutory Notice of Public Hearing dated October 21, 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 were 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 not be engaging in further public consultation ahead of the public hearing at the City's Planning Committee given that public notice on the related and now provisionally approved consent application did not generate any significant concerns from the general public or nearby landowners.

At the time of writing this report, several phone calls seeking clarification on the purpose and intent of the rezoning application was received, and further to this, no emails or letter submissions with respect to the development proposal were 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 application 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 application 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 Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Living Area 1 land use designation includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

Section 2.3.2 notes that the subject lands are within an identified Settlement Area, but are outside of the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Living Area 1 policies in the City's Official Plan. Staff acknowledges that the proposed rezoning is largely technical in nature (ie. to facilitate a lot boundary re-alignment) that is intended to prevent a split-zoning from occurring as a result of a provisionally approved consent application.

Zoning By-law 2010-100Z:

The lands are presently zoned "M1(17)", Light Industrial/Service Commercial Special in the City's Zoning By-law. The owner is requesting that a northerly portion of the lands be rezoned to "FD", Future Development in order to prevent a split-zoning and facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands. The benefitting lands to the west are situated within an existing "FD" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "FD" Zone is being requested by the owner's agent.

Department/Agency Review:

The application 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 application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Active Transportation, Building Services, 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.

Conservation Sudbury has noted previously in their review of the related consent application that the development proposal does not involve the creation of any new lots, but rather it would amount to a lot boundary re-alignment between two existing parcels of land. Further to this, it is noted that the resulting future development block of land does contain areas of land regulated by [Ontario Regulation 156/06](#) and permits under Section 28 of the [Conservation Authorities Act](#) may be required in the future once development proceeds on the lands. It was however also noted by Conservation Sudbury that the resulting future development block of land appears to contain lands that are situated outside of areas regulated by Ontario Regulation 156/06. The owner is therefore cautioned that the limits of any future development will be impacted by the natural hazards (ie. floodplain and floodway) present on-site and said limits will be established through further review of future planning applications (eg. rezoning and/or subdivision applications) by Conservation Sudbury.

Development Engineering has noted that the subject lands are not currently serviced with municipal water and sanitary sewer infrastructure. Development Engineering has no concerns however with the proposed rezoning on the basis that it would at this time only facilitate a lot addition.

Environmental Planning Initiatives noted previously in their review of the related consent application that portions of the subject lands have a high potential of serving as habitat to two species protected by the [Endangered Species Act](#) being the Eastern Whip-poor-will and the Blanding's Turtle. The owner is solely responsible for ensuring that site alteration on the subject lands, including the removal of existing vegetation, does not contravene the Endangered Species Act, the [Fisheries Act](#) and the [Migratory Birds Convention Act](#).

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 application with respect to applicable policies, including issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that a northerly portion of the subject lands be rezoned from "M1(17)", Light Industrial/Service Commercial Special to "FD", Future Development. Staff has no concerns with respect to the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. 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 “FD” Zone applicable to the benefitting lands permits only a single-detached dwelling on a legally existing lot and/or a park and is therefore more restrictive from a permitted land uses perspective than the “M1(17)” Zone that is applicable to the lands that are to be severed. The proposed “FD” Zone is also more appropriate and desirable from the perspective of preserving large and intact parcels of land that are planned for future urban development. In this regard, it should be further noted that Schedule 7 – Transportation Network of the City’s Official Plan depicts a Proposed Road traversing the lands to be severed in a northerly direction which would eventually connect Regent Street to both Hunter Street and to South Bay Road. Staff notes that the lands to be severed 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.

For the owner’s information, staff has previously noted during their review of the related consent application that there is an existing site plan control agreement applicable to those lands known municipally as 2589 Ida Street in Sudbury. It is further noted that the original site plan control agreement on the lands was registered on January 12, 1990 and an amendment to said existing site plan control agreement was later registered against the lands on March 24, 1992. The amended site plan control agreement was intended to facilitate the development of a commercial self-storage facility on the northerly portions of the lands that are proposed to be rezoned at this time. As a result, the owner may wish to request that the existing site plan control agreement on the lands be discharged once future development intentions are properly contemplated and future planning applications (eg. rezoning and/or subdivision plans) to facilitate said future development are filed with the City.

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 application being approved.

CONCLUSION:

Staff has reviewed the development proposal and is satisfied that it conforms with the City’s Official Plan. 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 application be approved. Staff also notes that the application both conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff has no concerns with the requested zone category and would note that the northerly portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. If approved, the amending zoning by-law would prevent said split-zoning from occurring, which would result from the anticipated completion of a related and provisionally approved consent application. The related application for consent is intended to facilitate a lot addition to an existing future development block of land situated immediately to the west of the subject lands.

Staff notes that there is an existing site plan control agreement applicable to those lands known municipally as 2589 Ida Street and that in the future it may be appropriate to discharge the existing site plan control agreement on the portion of the lands that are to be severed and consolidated with the larger future development block of land situated to the immediate west of the subject lands.

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