

**2123-2177 Long Lake Rd. and 250 St.
Charles Lake Rd., Sudbury**

Presented To:	Planning Committee
Meeting Date:	June 26, 2023
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-21

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to “C2”, General Commercial in order to permit an automotive service station with accessory convenience store and car wash along with two general commercial buildings containing a mix of restaurant and retail store land uses. The development proposal also includes three drive-through service facilities associated with the proposed restaurant and car wash land uses.

This report is presented by Glen Ferguson, Senior Planner.

- Letter(s) of concern from concerned citizen(s)

Resolution

THAT the City of Greater Sudbury approves the application by E.L. Demattia Investments Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R1-5”, Low Density Residential One to “HXC2(S)”, Holding - General Commercial Special on those lands described as PINs 73475-0540, 73475-0530, 73475-0846 & 73475-1266, Parts of Lot 9 & 10, Plan M-340, Lot 6, Concession 6, Township of Broder, as outlined in the report entitled “2123-2177 Long Lake Rd and 250 St. Charles Lake Rd., Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of June 26, 2023, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) That a minimum of ten queuing spaces including the point of service be required for a maximum of one restaurant drive-through service facility;
 - b) That a minimum of two queuing spaces including the point of service be required for a gas bar drive-through service facility;
 - c) That a minimum distance of 2.4 metres be required between an accessory automated car wash and the nearest building containing a main commercial use;
 - d) That a planting strip having a width of 3 metres along with an opaque noise-attenuation fence having a maximum height of 2 metres be provided along the street-line of Brenda Drive and the entirety of the westerly interior side lot line; and,
 - e) That any further site-specific relief that is required for retaining walls along any of the street-lines

or the northerly interior side lot line be provided for accordingly.

2. That a holding provision be applied to the lands which shall not be removed from the lands until such time as the General Manager of Growth and Infrastructure is satisfied that sufficient municipal sanitary sewer infrastructure capacity is available in order properly service a general commercial development on the lands; and,
3. That the holding provision continue to only permit those residential land uses and accessory uses permitted in the standard "R1-5" Zone until such time as the holding provision has been removed 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 construction of an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses thereby contributing positively to economic activity within the private sector with a focus on job creation. Supporting the development proposal also demonstrates the City's ongoing commitment to being an attractive place to do business by signaling to business owners that the municipality welcomes new businesses in an environment that enables them to thrive.

The rezoning application to develop an automotive service station having an accessory convenience store and car wash along with two general commercial buildings containing a mix of restaurant and retail store land uses on the lands generally aligns well with the stated goals and recommendations that are contained within the CEEP. It is specifically acknowledged that there are elements of the development proposal that do align with the CEEP – for example, the lands are within an identified settlement area and would contribute positively to the compact complete community strategic sector insofar as the development proposal can be viewed as being a part of a complete community where people are able to access restaurants and retail stores without necessarily requiring an automobile. At the same time, the proposed automotive service station and three drive-through service facilities in general does not positively contribute to the low-carbon transportation strategic sector identified in the CEEP. The above could be mitigated in part by ensuring that the overall development proposal includes low-carbon transportation features such as the installation of electric vehicle charging stations, the provision of bicycle racks, and ensuring that site plan control properly contemplates appropriate connections (eg. pedestrian walkways) between the development proposal and the surrounding area.

Financial Implications

If approved, staff are unable to estimate taxation revenue at this time as the assessed value of the building would be determined the Municipal Property Assessment Corporation (MPAC).

The additional taxation revenue 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.

The amount of development charges will be based on final review of the property by Building Services Department.

Report Overview:

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from “R1-5”, Low Density Residential One to “C2(S)”, General Commercial Special in order to permit an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses on the middle and southerly portions of the lands. The development proposal also includes three drive-through service facilities associated with the proposed restaurant and car wash land uses. Site-specific relief from certain development standards applicable to a general commercial development under the City’s Zoning By-law is also being sought. Staff are also encouraging the owner to provide electric vehicle charging stations on the lands in order to offset the impacts that a new automotive service station would have on the stated goal sectors of the City’s CEEP. It is further recommended that a holding provision be applied to the lands that shall only be removed once adequate municipal sanitary sewer capacity exists in order to properly service the proposed general commercial development of the lands.

Staff is satisfied that the development proposal would conform 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 the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff is therefore supportive of the development proposal and have identified the site-specific relief that would be required in an amending zoning by-law in order to properly facilitate and permit the development proposal on the subject lands.

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

STAFF REPORT

PROPOSAL:

This application for Zoning By-law Amendment is intended to permit an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses on the middle and southerly portions of the lands. The development proposal also includes three drive-through service facilities associated with the proposed restaurant and car wash land uses. Site-specific relief from certain development standards applicable to a general commercial development under the City’s Zoning By-law is also being sought. The proposed general commercial development would be accessed from two private driveways providing access to both Long Lake Road and St. Charles Lake Road. There is also a pedestrian access proposed from St. Charles Lake Road on a south-westerly portion of the lands and from Long Lake Road via a ramp and walkway access. In order to accommodate the automotive service station, accessory convenience store and car wash along with two general commercial buildings containing a mix of restaurant and retail store uses on the lands, the proposed rezoning would change the zoning classification of the subject lands from “R1-5”, Low Density Residential One to “C2(S)”, General Commercial Special.

The owner’s agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on December 1, 2021 (File # PC2021-094). The owner’s agent was later provided with a Pre-Consultation Understanding Agreement (PCUA) from staff via email on December 17, 2021, following the SPART Meeting and later returned their PCUA to the Planning Services Division. The owner’s agent has subsequently now submitted a Zoning By-law Amendment application for consideration by the City’s Planning Committee.

The rezoning application was submitted to the City on November 3, 2022, and upon a preliminary review it was deemed to be a complete rezoning application on November 17, 2022. The application included the

submission of a Concept Plan, Planning Justification Report, Traffic Impact Study, and CGS Sewer & Water Capacity/Feasibility Review in support of the request to rezone the subject lands. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided. **Existing Zoning:** "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, group home type 1 within a single-detached dwelling and having a maximum of ten beds, private home daycare and a single-detached dwelling. Those development standards that are applicable to the "R1-5" Zone can be found under Section 6.3, Table 6.2 – Standards for the Low Density Residential One (R1) Zone of the City's Zoning By-law.

Requested Zoning: "C2(S)", General Commercial Special

The proposed rezoning to "C2(S)" would permit an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses on the middle and southerly portions of the lands. The development proposal also includes three drive-through service facilities associated with the proposed restaurant and car wash land uses. Site-specific relief from certain development standards applicable to a general commercial development under the City's Zoning By-law is also being sought. The site-specific relief required in order to accommodate the development proposal on the lands is discussed in further detail later in this report.

Location and Site Description:

The subject lands are located on the west side of Long Lake Road at the intersection of St. Charles Lake Road and Maclsaac Drive and to immediate east of Brenda Drive in the community of Sudbury. The lands are situated to the south of the "Four Corners" intersection at Regent Street, Paris Street and Long Lake Road. The lands have a total lot area of approximately 9,200 m² (99,027.98 ft²) with approximately 64 m (209.97 ft) of lot frontage on St. Charles Lake Road. The lands also have a street-lines measuring 144 m (472.44 ft) and 71 m (232.94 ft) respectively onto Long Lake Road and Brenda Drive. The lands are presently vacant. The submitted sketch depicts vehicular access from two driveways (ie. Long Lake Road and St. Charles Lake Road) along with pedestrian walkway accesses from both St. Charles Lake Road and Long Lake Road.

Surrounding Land Uses:

- North: General commercial land uses having frontage along Long Lake Road (eg. restaurants, automotive sales establishment, two general commercial plazas), and the "Four Corners" intersection.
- East: General commercial land uses along Long Lake Road (eg. The Outside Store, a yoga and wellness centre, etc.), Maclsaac Drive, and a shopping centre (ie. Southridge Mall).
- South: General commercial land uses along Long Lake Road (eg. Long Lake Family Dentistry), low and medium density urban residential land uses accessed from Wayne Road, Ester Road, and a general commercial plaza development (eg. A&W, Gamestop, Walmart, etc.) at Gateway Drive and Long Lake Road, and Highway #17.
- West: Low-density urban residential land uses with the predominant built-form being single-detached dwellings having frontage on Brenda Drive and St. Charles Lake Road, and St. Charles Lake.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the presently vacant lands where the proposed automotive service station with accessory

convenience store and car wash along with two general commercial buildings containing a mix of restaurant and retail store land uses are proposed to be situated.

Photos of the immediately surrounding area depict a pre-dominantly mixed-use commercial area situated along Long Lake Road with urban residential land uses in proximity to the corridor along Brenda Drive and St. Charles Lake Road.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on November 17, 2022. There was a further Notice of Application mailout that was sent to an expanded notification radius of 244 m (800 ft) at the request of the local councilor on November 25, 2022. The statutory Notice of Public Hearing dated June 8, 2023, was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

The owner's 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 application prior to the public hearing. The owner's agent indicated to staff after the application was submitted that they would be conducting their own public consultation with area residents to discuss the development proposal ahead of the statutory public hearing at the City's Planning Committee.

Staff did receive a copy of an invitation sent out to area residents ahead of a neighbourhood meeting that was initiated and hosted by the owner's agent at the Lockerby Legion (ie. 2200 Long Lake Road) on Thursday, February 23, 2023, between 7:00PM and 8:00PM.

At the time of writing this report, a high volume of phone calls, letters and emails with respect to the development proposal have been received by the Planning Services Division. Those letters and emails received are attached to this report for reference purposes. Staff advises that the majority of phone calls were related to wanting clarification around the various components of the development proposal with most callers also expressing generalized concerns around the development proposal.

POLICY AND REGULATORY FRAMEWORK:

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

- [2020 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 2020 PPS. The following PPS policies are relevant to the application for Zoning By-law Amendment:

1. With respect to Employment policies, Section 1.3.1 outlines that municipalities shall promote economic development and competitiveness by:
 - a) Providing for an appropriate mix and range of employment, institutional, and broader mixed uses

to meet long-term needs; and,

- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
2. With respect to Employment Areas policies, Section 1.3.2 outlines that municipalities shall plan for, protect and preserve employment areas for current and future uses and ensure that necessary infrastructure is provided to support current and projected needs.

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 for Zoning By-law Amendment 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 City's Official Plan. All land uses except Heavy Industrial uses are permitted within the Mixed-Use Commercial land use designation subject to the rezoning process.

Section 4.3(4) of the City's Official Plan establishes criteria to be considered when assessing a request to rezone lands within the Mixed Use Commercial land use designation. These criteria are as follows:

1. That municipal sewer and municipal water capacities are adequate for the site;
2. That parking can be adequately provided for on the site;
3. That no new access to Arterial Roads (ie. Long Laker Road) will be permitted where reasonable alternate access is available to the site;
4. That the traffic carrying capacity of the Arterial Road (ie. Long Lake Road) is not significantly affected;
5. That traffic improvements (eg. turning lanes) where required for a new development will be provided by the proponent of the development;
6. That landscaping along the entire length of road frontages and buffering between non-residential and residential uses are provided; and,
7. That the development proposal meets the policies outlined under Section 11.3.2 (ie. transit supportive development), Section 11.8 (ie. accessibility), and Chapter 14.0 (ie. urban design) of the City's Official Plan.

Zoning By-law 2010-100Z:

The owners are requesting that the subject lands be rezoned to a "C2(S)", General Commercial Special Zone in order to permit an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses on the middle and southerly portions of the lands. The development proposal also includes three drive-through service facilities associated with the proposed restaurant and car wash land uses. As mentioned previously in this report, site-specific relief where required from certain development standards applicable to a general commercial development under the City's Zoning By-law is also being sought. Staff also notes that the above noted site-specific relief has been identified in part by agencies and departments through the review of the rezoning application and the details of such are discussed later in this

report.

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 inform and identify appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, the City's Drainage Section, and Roads have each advised that they have no concerns from their respective areas of interest. Leisure Services was not circulated the application as the rezoning pertains to a general commercial land use matter.

Building Services has no concerns with the rezoning application but has provided the following comments:

1. There is a potential discrepancy between the water supply flow calculations and the parking calculations provided on the site plan sketch. The discrepancies once resolved may result in additional parking spaces being required based on the actual tenancies of the proposed commercial buildings;
2. Snow storage areas are not properly or fully depicted and/or are limited given the scope of the development proposal. The owner is advised that any snow storage areas on the lands may not impede required parking spaces;
3. The owner is advised that development standards for the proposed ground sign are applicable under [By-law 2021-111](#) being the Sign By-law for the City of Greater Sudbury. The proposed ground sign will require a sign permit under the [Ontario Building Code](#) (OBC);
4. With respect to site plan control, the owner must provide fire flow calculations as per Fire Underwriters Survey requirements and available fire flows on the site as per the OBC;
5. Notwithstanding any other provisions, as a result of development of this site the removal of site soils shall adhere to [Ontario Regulation 406/19: On-site and Excess Soil Management](#) under jurisdiction of [Environmental Protection Act](#); and,
6. With respect to additional considerations related to this development proposal, the Building Services reserves further comment until such time as site plan control proceeds and a building permit application has been submitted for review.

Development Engineering notes that the lands are serviced with municipal water and sanitary sewer infrastructure. It is further noted that there is capacity within the municipal water system to handle the added demand from the development proposal. It is noted however that there is no capacity at this time within the municipal sanitary system to handle the estimated peak flow from the development proposal. There is an existing municipal sanitary sewer pipe within the road allowance of Long Lake Road near the existing Mercedes-Benz dealership having a diameter of 200 mm (7.87 in) and a length of approximately 80 m (262.47 ft) that will need to be upgraded to an appropriate diameter in order to properly service the development proposal. The design work related to the above noted upgrade has not yet been completed and therefore the cost of the upgrade is not known at this time. The owners have been advised of the City's Policy on Development Cost Sharing.

Operations notes that owner is solely responsible for the maintenance of the retaining wall bordering the road allowance of Long Lake Road. The owner is advised that through site plan control this matter will be addressed in greater detail.

Transportation and Innovation reviewed the Traffic Impact Study (TIS) and requested additional information around the significant volume of anticipated primary site trips that is expected to be drawn from traffic passing through the area along the Highway #17 corridor to the south of the lands. The owner's agent has provided further clarifying information around primary site trips that would be generated from Highway #17 and there are no concerns with respect to the TIS in this regard. It was also noted during preliminary review of the rezoning application that the driveway entrance onto Long Lake Road would need to be located directly opposite to one of the existing driveway entrances on the east side of Long Lake Road in order to minimize the number of potential conflicts for left turning vehicles. The owner's agent has responded to this concern by reorienting the proposed driveway entrance onto Long Lake Road further to the north, which addresses the concerns around unnecessary conflict points being generated by the development proposal. Transportation and Innovation have since advised that they are satisfied with the relocated driveway entrance as it addresses their concerns around conflict points. It is also further noted that the TIS included a queuing analysis for the proposed drive-through service facilities and no concerns with respect to the reduced number of queuing spaces for a drive-through service facility were identified by Transportation and Innovation.

PLANNING ANALYSIS:

The 2020 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 the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. Staff are of the opinion that the proposed general commercial uses (ie. automotive service station, accessory convenience store and car wash, restaurants, retail stores) would contribute positively to the notion of providing for an appropriate mix and range of employment-related uses along an existing cluster of employment-related uses having frontage and access to an arterial road (ie. Long Lake Road). Staff are also satisfied that the longer term needs of employment uses along the arterial road are not anticipated to be negatively impacted should the rezoning be approved;
2. Staff notes that the proposed automotive service station with accessory convenience store and car wash along with restaurant and retail store uses would act to widen the range and choice of suitable sites and options for employment uses along Long Lake Road by introducing an additional employment-related land use to an underutilized and vacant lot within a mixed-use commercial corridor that is presently zoned only to permit urban residential land uses. The proposed land uses may also be viewed as being complimentary and ancillary in nature to other employment uses in the immediate area (eg. nearby medical offices). The proposed general commercial land uses also takes into account and does not compromise the needs of existing and future employment land uses situated along Long Lake Road; and,
3. Staff are of the opinion that the proposed rezoning would not negatively impact the notion of planning for and protecting employment areas. The proposed automotive service station with accessory convenience store and car wash along with restaurant and retail store uses would introduce additional employment-related land uses to a large block of otherwise vacant land along Long Lake Road that would have access to full municipal servicing infrastructure (ie. water and sanitary sewer) without negatively impacting current and projected servicing needs in the immediate area. Staff would note though that Development Engineering has identified improvements that would be required to existing municipal infrastructure in order to accommodate the development proposal on the lands. Staff would advise however that the lands are intended to be serviced by municipal water and sanitary sewer infrastructure and the development proposal does not propose unreasonable or unplanned extensions of municipal infrastructure into an area not intended to be municipally serviced.

With respect to the City's Official Plan, staff in general have no concerns with respect to the proposed

rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury.

Those policies relevant to the development proposal that would permit an automotive service station having an accessory convenience store and car wash on a northerly portion of the lands along with two general commercial buildings containing a mix of restaurant and retail store land uses on the middle and southerly portions of the lands are discussed below.

With respect to general Mixed Use Commercial policies in the Official Plan that are applicable to the subject lands, the proposed land uses being that of an automotive service station with accessory convenience store and car wash along with restaurant and retail store land uses are considered to be permitted uses as they would not amount to a heavy industrial use that would otherwise be directed to another land use designation.

With respect to Section 4.3(4) of the City's Official Plan, staff have the following comments with respect to the criteria that is to be considered when rezoning lands within the Mixed Use Commercial land use designation:

1. The lands are fully serviced with municipal water and sanitary sewer infrastructure that is available from Long Lake Road. Development Engineering has completed a water and sanitary sewer capacity analysis as it relates to the development proposal and have noted that there is capacity within the municipal water system to handle the added demand from the development proposal. It is noted however that from a technical perspective there is no capacity at this time within the municipal sanitary system to handle the estimated peak flow from the development proposal. Staff is therefore recommending that a holding provision be applied to the lands requiring that necessary upgrades to the municipal sanitary sewer infrastructure be completed prior to development proceeding on the lands;
2. Staff are satisfied that parking requirements for the proposed automotive service station with accessory convenience store and car wash along with restaurants and retail store uses can be adequately provided for on the lands without requiring considerable site-specific relief from applicable parking and loading provisions in the City's Zoning By-law. Staff notes that the minimum required number of parking spaces and bicycle parking spaces will be provided. Staff notes that a site-specific development standard reducing the number of queuing spaces required for the gas bar and the drive-through service facility for the proposed middle building (ie. "CRU2a" & "CRU2c" on the sketch) is being sought. The overall parking area that is shown on the sketch is discussed in further detail later in this planning report;
3. The development proposal does not involve the introduction of a new driveway access to Long Lake Road. The proposed automotive service station with accessory convenience store and car wash along with restaurant and retail store uses will utilize an existing driveway entrance that is to be relocated further to the north along the Long Lake Road street-line. The development proposal also includes the utilization of an existing second driveway entrance from St. Charles Lake Road, which would also be relocated in order to provide functional access to the lands. Staff would note that the driveway entrances proposed are also in conformity with Section 20.4.4 of South End Special Policy Area insofar as the proposed new development will not result in the need for any new accesses onto Long Lake Road as an existing driveway entrance will be utilized despite being relocated to align better with existing driveways on the opposite side of the road;
4. Roads has reviewed the development proposal and have not identified any areas of concern with respect to the carrying capacity of Long Lake Road being significantly affected should the rezoning application to permit an automotive service station with accessory convenience store and car wash along with restaurant and retail store land uses be approved;
5. Roads have also not identified the need for any traffic improvements that would be required in order to properly accommodate the proposed automotive service station with accessory convenience store and car wash along with restaurant and retail store land uses on the lands. Staff notes that that revised driveway entrance location onto Long Lake Road mentioned previously in this report avoids the need to install a right-in/right-out lane to access the lands;

6. Staff has not identified any land use planning concerns with respect to landscaping, screening and/or buffering between the proposed general commercial land uses and nearby residential uses along Brenda Drive.

Staff would note that the development proposal is not seeking any site-specific relief from applicable landscaping provisions of the City's Zoning By-law. The development proposal is also subject to site plan control and the site planning process will act to ensure that appropriate landscaping is provided along road frontages and that screening and buffering between non-residential and residential uses are provided for appropriately; and,

7. With respect to transit supportive development, the lands immediately about the GOVA public transportation network along Long Lake Road (ie. Route #1 – Main Line, Route #4 – Four Corners, Route #28 – South End, and Route #29 – Martindale) giving direct access to the South End Transit Hub, Downtown Transit Hub and the New Sudbury Centre Transit Hub. The lands also benefit from having bus-stops on both sides of Long Lake Road (ie. north-bound and south-bound) that are considered to be in very close proximity to the lands. Staff would therefore note that the development proposal would result in additional employment-related land uses being easily accessed via public transportation;
8. With respect to transit-supportive development policies in the City's Official Plan, staff notes that the lands are well-served by exiting GOVA public transportation routes including bus stops in close proximity to the lands in both directions along the street-line of Long Lake Road. Both of the available bus stops are well within 500 m (1,640.42 ft) walking distance of the lands. Staff is not recommending that an amending zoning by-law restrict the range of permitted land uses given that the site is on an arterial road and within an identified mixed use commercial corridor. Staff notes therefore that the opportunity to introduce a further mix of land uses including urban residential land uses would exist in the future, which would only further improve feasibility of transit services (ie. increased ridership, alleviating traffic congestion, reliance on automobiles, etc.) along Long Lake Road. Staff also communicated to the owner's agent during pre-consultation that the proposed buildings should be sited as close to the street-line of Long Lake Road as possible in order to reduce walking distances for transit user and to create an overall better street presence for the development. Staff notes that the owner's agent has responded to this and the current sketch has brought all three main commercial buildings as well as the car wash facility closer to the street-line of Long Lake Road. The submitted sketch also depicts pedestrian ramps and walkways providing integration opportunities with existing bus stops along Long Lake Road;
9. With respect to accessibility policies in the City's Official Plan, staff notes that the lands about an arterial road (ie. Long Lake Road) and creating appropriate and accessible linkages between the proposed commercial development and the Long Lake Road corridor will be addressed in finer detail through the site planning process. Staff would note however at this point that the submitted sketch depicts two ramps providing direct access to the site from Long Lake Road. Staff would advise the owner that the site planning process will take into consideration the provision of integrated and accessible facilities that fully respect the dignity and rights of persons with disabilities; and,
10. With respect to urban design policies, staff notes that there are no urban design guidelines applicable along this portion of Long Lake Road. Staff does note however that site plan control is applicable to the proposed general commercial development. The site planning process will therefore be utilized to ensure that the best possible urban design outcomes are achieved on the site with focus on but certainly not limited to good community and neighbourhood design, site and building design, and safety and accessibility. Staff are however satisfied at the rezoning stage that urban design considerations that were communicated to the owner's agent during pre-consultation have largely been addressed.

Staff is therefore of the opinion that development proposal to permit an automotive service station with accessory convenience store and car wash along with restaurant and retail store land uses on the subject lands conforms to the applicable policies in City's Official Plan.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and have the following comments:

1. That all land uses within the standard "C2", General Commercial Zone be permitted. Staff are satisfied that the lands are of sufficient size and shape to accommodate a full range of general commercial and urban residential land uses.

Staff would further note that the lands have frontage on a primary arterial road that is designated for mixed use commercial development including all land uses apart from heavy industrial uses. It is on this basis that staff would advise that flexibility be provided in an amending zoning by-law to both accommodate the specific development proposal itself but also a fuller range of general commercial and urban residential land uses should conditions change prior to construction taking place on the lands;

2. With respect to the drive-through service facilities, staff notes that in each case the menu-boxes, service windows and queuing spaces are each setback a minimum of 10 m (32.81 ft) from the nearest residential zone to the west (ie. single-detached dwellings along Brenda Drive) as required under Section 5.7.8 of the City's Zoning By-law. Staff would further note that the submitted sketch depicts a planting strip having a width of 3 m (9.84 ft) along with an opaque noise-attenuation fence having a maximum height of 2 m (6.56 ft) along the street-line of Brenda Drive and the westerly interior side lot line. Staff would advise that the functional and technical specifications of the fence and the contents of the planting strip are most appropriately addressed at the site planning stage and in order to solidify this requirement it is recommended that the amending zoning by-law also include a development standard addressing planting strip and fencing requirements. Staff have already informed the owner's agent during pre-consultation that close attention will be given to this feature of the development during through the site planning phase of the development process including the registration of a site plan control agreement on title of the lands depicting more detailed specifications of the fence and planting strip. Staff would further note that the planting strip and fence as shown on the submitted sketch in combination would exceed minimum zoning requirements for buffering and screening between a general commercial development and nearby urban residential dwellings;
3. With respect to queuing spaces associated with each of the drive-through service facilities and the gas bar, staff notes that one of the drive-through facilities that is associated with the middle building shown on the submitted sketch seeks to provide 10 queuing spaces whereas 11 queuing spaces is required under Section 5.7.2, Table 5.9: Queueing Space Requirements of the City's Zoning By-law. Staff have no concerns with one of the drive-through service facilities having 10 queuing spaces whereas 11 queuing spaces are required. Staff would further note that the accompanying TIS included a queuing analysis and no issues were identified by Roads in their review of proposed queuing space reduction for one of the drive-through service facilities;
4. With respect to parking requirements, staff notes that the lands abut a GOVA public transportation route and therefore a 10% reduction from the required number of parking spaces is afforded under Section 5.3.1 of the City's Zoning By-law. It is noted that a further reduction is afforded where bicycle parking spaces in excess of the minimum number required is provided under Section 5.3.2 and Section 5.8 of the City's Zoning By-law. Staff has reviewed the parking calculations based on the above assumptions and confirms that a minimum of 49 parking spaces are required whereas 51 parking spaces are depicted on the submitted sketch. In particular, it is noted that the presence of GOVA has resulted in six fewer parking spaces and the provision of extra bicycle parking spaces has resulted in a further reduction of five parking spaces for a total of 11 fewer parking spaces than what would be required if GOVA was not present and extra bicycle parking spaces were not being provided on the lands. Staff are satisfied that based on the proposed land uses that sufficient parking areas (ie. aisle widths, loading spaces, etc.) and parking spaces including accessible parking spaces have been provided on the lands;
5. Staff notes that the CEEP recommends that for new commercial buildings at least 25% of the required number of parking spaces be equipped for electric vehicle charging infrastructure. If this standard was applicable to the development proposal, a total of 12 electric vehicle charging stations would be required based on a total of 49 parking spaces being required for the proposed commercial uses depicted on the submitted sketch. Staff would strongly encourage the owner to consider providing EV charging stations on the lands as it is noted that the installation of electric vehicle charging stations would contribute positively toward balancing the goals and recommendations within the City's CEEP;

6. Staff notes that a sight triangle measuring 15 m (49.21 ft) along each street-line at the corner of Long Lake Road and St. Charles Lake Road has been provided in compliance with Section 4.35.1 of the City's Zoning By-law.

Staff would clarify that an increased sight triangle dimension as noted above is required for any lot that contains an automotive service station. Staff would further note that both the pump islands (ie. points of service) and canopy associated with the automotive service station comply with the 9 m (29.53 ft) setback for pump island from a street-line and the 6 m (19.69 ft) setback for a canopy from any street-line;

7. Staff notes that there is an existing retaining wall to be demolished along Long Lake Road that is presently higher than the maximum permitted height of less than 1 m (3.28 ft) under Section 4.2.5, Table 4.1 of the City's Zoning By-law. There are other retaining walls on the lands along the northerly interior side lot line and along a portion of the St. Charles Lake Road frontage. Staff would specifically note that the site planning process could generate the need for additional site-specific development standards to recognize said retaining walls. It is recommended that the amending zoning by-law provide for site-specific development standards related to the height of retaining walls where determined to be appropriate and necessary in order to properly accommodate a general commercial development on the lands;
8. Staff notes that all refuse storage areas shown on the submitted sketch would take the form of "in-ground moloks" with each appearing to be situated within interior yards and at appropriate setback distances from closest lot lines and residential zones in compliance with Section 4.2.9 of the City's Zoning By-law;
9. Staff notes that based on the proposed land uses a minimum of 5 bicycle parking spaces are required under Section 5.8 of the City's Zoning By-law. The submitted sketch depicts a total of 10 bicycle parking spaces are provided across two bicycle racks that are accessed from the street-line of Long Lake Road. Staff would note that the positioning of the bicycle parking spaces on the lands may be further refined during the site planning process however staff is satisfied with the number of bicycle parking spaces being provided given the land uses being proposed;
10. The submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking and loading provisions, and the "C2" Zone of the City's Zoning By-law; and,
11. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PINs 73475-0540, 73475-0530, 73475-0846 & 73475-1266, Parts of Lot 9 & 10, Plan M-340, Lot 6, Concession 6, Township of Broder.

With respect to site plan control, it is noted that the development proposal is subject to site plan control under [By-law 2010-220](#), as amended, being the Site Plan Control Area By-law for the City of Greater Sudbury. Staff notes that the owner's agent was advised during the pre-consultation process that site plan control is applicable to the development proposal and complete application requirements for such have already been communicated to the owner and their agent. Staff advises that the site planning process will address in finer detail those matters related but not entirely limited to the provision of bicycle parking, buffering and screening, landscaping, parking areas, refuse storage areas, retaining walls, storm-water management and drainage, and pedestrian walkways. It is also anticipated that a further meeting with SPART will be required as the proposed development proceeds beyond the rezoning stage to the site planning stage of the overall land use planning and development process.

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 the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed and recommended site-specific amending zoning by-law:

- a) That a holding provision be applied to the resulting "C2(S)" Zone requiring that adequate municipal sanitary sewer capacity be available prior to any general commercial development occurring on the lands. Existing land use permissions within the "R1-5" Zone would continue to be permitted on the lands until such time as the holding symbol is removed from the lands;
- b) That the lands be rezoned from "R1-5", Low Density Residential One to "C2(S)", General Commercial with no restrictions on the range of commercial and/or residential uses that would be permitted on the lands;
- c) That the drive-through service facility associated with the middle commercial building shown on the submitted sketch be required to provide a minimum of ten queuing spaces including the point of service;
- d) That a minimum two queuing spaces including the point of service be required for the gas bar;
- e) That a minimum distance of 2.4 m (7.87 ft) be required between an accessory automated car wash and the nearest building containing a main commercial use;
- f) That a planting strip having a width of 3 m (9.84 ft) along with an opaque noise-attenuation fence having a maximum height of 2 m (6.56 ft) be provided along the street-line of Brenda Drive and the westerly interior side lot; and,
- g) That any further site-specific relief that is required for retaining walls along any of the street-lines or the northerly interior side lot line be provided for accordingly.

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.