

## 1024 Kingsway Boulevard, Sudbury

Presented To:	Planning Committee
Meeting Date:	May 8, 2023
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-24

## Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to an amended “C2(106)”, General Commercial Special in order to permit the development of a tire storage and warehouse building on a westerly portion of the subject lands.

This report is presented by Glen Ferguson, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by 900281 Ontario Inc. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from “C2(106)”, General Commercial Special to an amended “C2(106)”, General Commercial Special on those lands described as PIN 02132-1364, Parcel 46109, Parts 1 to 5, Plan SR-3246, Lot 2, Concession 4, Township of McKim, as outlined in the report entitled “1024 Kingsway Boulevard, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 8, 2023, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:
  - a) That tire storage and warehouse be added as permitted uses on the lands; and,
  - b) That the tire storage and warehouse building shall have a maximum gross floor area of 1,200 m<sup>2</sup> (12,916.69 ft<sup>2</sup>).

## 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 a tire storage and warehouse building thereby laying the ground for the future expansion of nearby businesses.

The rezoning application would facilitate the construction of a tire storage and warehouse building on the lands and as such it is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

## **Financial Implications**

If approved, staff are unable to estimate taxation revenue at this time as the assessed value of the building would be determined by 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 "C2(106)", General Commercial Special to an amended "C2(106)", General Commercial Special in order to permit a tire storage and warehouse building on a westerly portion of the lands. The proposed tire storage and warehouse building would be accessed from a private driveway entrance to Kingsway Boulevard. The existing buildings on the lands containing an automotive body shop and retail store are proposed to remain and would continue to be accessed from private driveway entrance to Kingsway Boulevard.

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 the development of a tire storage and warehouse building on a westerly portion of the subject lands. No site-specific relief is being requested by the owner's agent in order to accommodate the proposed additional land use on the subject lands. The proposed tire storage and warehouse building would be accessed from a private driveway on the lands which provide access to the south toward Kingsway Boulevard. Existing land uses (eg. automotive body shop) and buildings situated on the lands would continue to remain and are not proposed to be altered. In order to accommodate the proposed tire storage and warehouse building as permitted uses on a westerly portion of the lands, the proposed rezoning would change the zoning classification of the subject lands from "C2(106)", General Commercial Special to an amended "C2(106)", 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 July 15, 2022 (File # PC2022-070). The owner's agent was later provided with a Pre-Consultation Understanding Agreement (PCUA) from staff via email on August 2, 2022, following the SPART Meeting and have since 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 December 23, 2022, and initially deemed to be an incomplete application on January 23, 2023. The rezoning application was later deemed to be complete on February 13, 2023, following the submission of several outstanding items that were required in order to form a complete rezoning application. The application included the submission of a Concept Plan, Elevation Plans, and an application for a Restricted Land Use Review – Section 59 Notice under the [City's Source Water Protection Plan](#) was also submitted 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:** "C2(106)", General Commercial Special

The "C2(106)" Zone is a site-specific zone that permits an automotive body shop in addition to those uses otherwise permitted in the standard "C2", General Commercial Zone. The standard "C2" Zone is otherwise applicable with a broad range of permitted land uses being found under Section 7.2, Table 7.1 – Permitted Residential Uses and Table 7.2 – Permitted Non-Residential Uses of the City's Zoning By-law. Those development standards that are applicable to the "C2(106)" Zone can be found under Section 7.3, Table 7.3 – Standards for Commercial Zones of the City's Zoning By-law.

**Requested Zoning:** "C2(106)", General Commercial Special (Amended)

The proposed rezoning to an amended "C2(106)" would permit the development of a tire storage and warehouse building on a westerly portion of the subject lands. No further site-specific relief is being requested by the owner's agent with respect to having a tire storage and warehouse building on the lands.

**Location and Site Description:**

The subject lands are located on the north side of Kingsway Boulevard between Silver Hills Drive to the east and Bancroft Drive to the west in the community of Sudbury. The lands have a total lot area of approximately 6.05 ha (14.96 acres) with approximately 20 m (65.62 ft) of lot frontage on Kingsway Boulevard. The lands presently contain two buildings occupied by an automotive body shop (ie. Imperial Collision Centre) and a retail store (ie. Forest & Lawn Equipment Supply). The proposed tire storage and warehouse building would be situated behind the existing Northern Nissan building (ie. 1000 Kingsway Boulevard) and approximately 70 m (229.66 ft) from the street-line of Kingsway Boulevard. The proposed tire storage and warehouse building would be accessed via an existing private driveway entrance from Kingsway Boulevard.

## **Surrounding Land Uses:**

- North: Several large tracts of privately-owned open space containing mature vegetation and rocky topography, antenna systems, Adanac Ski Hill, and Rotary Park.
- East: General commercial land uses along Kingsway Boulevard (eg. Pioneer Gas Station, Lot 88, Kia Sudbury Motors, etc.), several large tracts of both public and privately-owned open space, and Silver Hills Drive.
- South: General commercial land uses along Kingsway Boulevard (eg. Northern Nissan, Wendy's, Esso Canada Gas Station, Tim Hortons, etc.), and low density urban residential land uses and built-forms fronting Bancroft Drive.
- West: General commercial land uses along Kingsway Boulevard (eg. Palladino Honda), and two large tracts of public and privately-owned open space containing mature vegetation and rocky topography.

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 proposed location for a tire storage and warehouse building on a westerly portion of the subject lands that is currently being utilized as a parking area. Photos of the immediately surrounding area depict existing land uses on the subject lands as well as abutting general commercial land uses situated along Kingsway Boulevard.

## **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 February 13, 2023. The statutory Notice of Public Hearing dated April 20, 2023, was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 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 on their application form that they would not be engaging in any public consultation ahead of the statutory public hearing at the City's Planning Committee.

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

## **POLICY AND REGULATORY FRAMEWORK:**

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

- [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 Official Plan for the City of Greater Sudbury. 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. Kingsway Boulevard) will be permitted where reasonable alternate access is available to the site;
4. That the traffic carrying capacity of the Arterial Road (ie. Kingsway Boulevard) 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 an amended “C2(106)”, General Commercial Special Zone in order to permit a tire storage and warehouse building on a westerly portion of the lands. As noted previously in this report, the rezoning application does not propose any further site-specific relief to accommodate the above noted land use and additional building on the lands. Staff also notes that no further site-specific relief has been identified 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, Operations, Roads, and Transportation and Innovation 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 would note that the proposed tire storage and warehouse building must otherwise comply with all applicable general provisions, parking and loading provisions and specifically applicable development standards of the “C2(106)”, General Commercial Special Zone.

Development Engineering notes that the lands are serviced with municipal water and sanitary sewer infrastructure. It is further noted that there is a site plan control agreement (SPCA) applicable to the lands and a request to amend the SPCA was submitted in March 2023 (File # S.P.C.A. 2015-007A). Development Engineering has no concerns with respect to the rezoning application provided that the above noted SPCA is amended to reflect the presence of the new tire storage and warehouse building.

Water/Wastewater advises that no activity or activities engaged in or proposed to be engaged in on the subject lands (ie. 1024 Kingsway Boulevard) are considered to be significant drinking water threats at this time. The owner is advised that they may undertake the activity or activities described in the rezoning application and proceed to apply for a building permit or any further planning approvals as they are neither prohibited nor restricted for the purpose of Part IV of the [Clean Water Act](#).

## **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 tire storage and warehouse building 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. Kingsway Boulevard). Staff notes in particular that the proposed tire storage and warehouse building is anticipated to meet the longer-term needs of automotive-related uses that are already situated along Kingsway Boulevard;
2. Staff notes that the proposed tire storage and warehouse building would act to widen the range and choice of suitable sites for employment uses along Kingsway Boulevard by introducing an additional

employment-related land use to an existing lot containing a general commercial use (ie. retail store) and light industrial use (ie. automotive body shop). The proposed land use also takes into account the needs of existing and future employment land uses situated along Kingsway Boulevard; 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 tire storage and warehouse building would introduce additional employment-related land uses to a large block of land along Kingsway Boulevard 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.

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 the development of a tire storage and warehouse building on the subject 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 additional land use being that of a tire storage and warehouse building 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 Kingsway Boulevard. Development Engineering has completed a water and sanitary sewer capacity analysis as it relates to the development proposal and have identified no issues with respect to the proposed tire storage and warehouse building;
2. Staff are satisfied that parking requirements for the proposed tire storage and warehouse building be adequately provided for on the lands without requiring any site-specific relief from applicable parking and loading provisions in the City's Zoning By-law. The parking area that is proposed is discussed in further detail later in this planning report;
3. The development proposal does not involve the introduction of a new access to Kingsway Boulevard. The proposed tire storage and warehouse building will utilize an existing driveway entrance that is also used by the automotive body shop and retail stores situated on the lands to access Kingsway Boulevard;
4. Roads have reviewed the development proposal and have not identified any areas of concern with respect to the carrying capacity of Kingsway Boulevard being significantly affected should the rezoning application to permit a tire storage and warehouse building 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 tire storage and warehouse building on the lands;
6. Staff notes that the proposed tire storage and warehouse building would be situated behind the existing Northern Nissan building (ie. 1000 Kingsway Boulevard) and approximately 70 m (229.66 ft) from the street-line of Kingsway Boulevard. There are no land use planning concerns with respect to buffering the proposed building from residential uses as the lands do not abut any pre-existing residential uses or lands zoned for future residential uses. Staff notes in this regard that the lands to the immediate north and to the west are zoned for open space purposes (ie. "OSP", Open Space – Private). The owner's agent is also not seeking any site-specific relief from applicable landscaping provisions of the City's Zoning By-law; and,
7. With respect to transit supportive development, the lands immediately about the GOVA public transportation network along Bancroft Drive (ie. Route #2 – Barry Downe/Cambrian) giving direct access to the Downtown Transit Hub and the New Sudbury Transit Hub. There are two bus-stops situated within 500 m (1,640.42 ft) of the proposed tire storage and warehouse building. The development proposal would result in additional employment-related land uses being easily accessed

via public transportation. Staff also have no concerns with respect to applicable accessibility and urban design policies given the proposed tire storage and warehouse building would be setback 70 m (229.66 ft) from the street-line of Kingsway Boulevard and screened from view by existing buildings situated along Kingsway Boulevard.

Staff is therefore of the opinion that development proposal to permit a tire storage and warehouse building 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. It is recommended that the existing "C2(106)", General Commercial Special Zone be amended to add a tire storage facility and warehouse as permitted uses on the lands;
2. It is further recommended that a maximum gross floor area be established for the proposed tire storage and warehouse building in order to ensure that the predominant use or opportunity to make the predominant use of the lands mixed use commercial in nature. Staff notes in this regard that a warehouse is an industrial use which is therefore normally permitted only within the "M1-1", Business Industrial, "M1", Mixed Light Industrial/Service Commercial, "M2", Light Industrial Zone and "M3", Heavy Industrial Zone. Staff recommends that the amending zoning by-law permit a tire storage and warehouse with a maximum gross floor area of 1,200 m<sup>2</sup> (12,916.69 ft<sup>2</sup>). Staff is of the opinion that the above will act to ensure that the proposed land uses are accommodated on the lands in a well-defined, clear and contextually appropriate manner given that the lands are situated along a primary arterial road and within a Mixed Use Commercial land use designation;
3. Staff notes that the residential parking standard applicable for a warehouse use under Section 5.5, Table 5.5 of the City's Zoning By-law is to be calculated at one parking space per 90 m<sup>2</sup> (968.75 ft<sup>2</sup>) of gross floor area within the building. It is noted that a 10% reduction in the number of required parking spaces is afforded when a commercial use immediately abuts a GOVA route. Staff notes that the 10% parking reduction is applicable in this circumstance and a total of 12 parking spaces (ie. 11.95 parking spaces rounded to 12 parking spaces) is therefore required on the lands based on the proposed tire storage and warehouse building having a gross floor area of 1,195 m<sup>2</sup> (12,862.87 ft<sup>2</sup>). The submitted sketch depicts a total of 18 parking spaces, which exceeds minimum parking space requirements for the proposed tire storage and warehouse building. Staff would note that no site-specific relief is required in terms of the number of parking spaces that will be provided;
4. Staff notes that under Section 5.6.3, Table 5.8 of the City's Zoning By-law that the proposed tire storage and warehouse building will be required to provide one loading space. The submitted sketch does not explicitly appear to depict a loading space, however there does appear to be sufficient area on the lands to provide a loading space and the location for such can be addressed during the site planning process. Staff notes for example that up to five parking spaces can be removed to make room for a loading space with one location possibility being to the immediate north of the proposed tire storage and warehouse building. Staff are of the opinion that from a good land use planning perspective the proposed tire storage and warehouse building should provide a loading space on the lands in compliance with zoning requirements;
5. The dimensions of the parking spaces and parking aisle widths on the sketch appear to comply with those minimum requirements set out in the City's Zoning By-law. Staff notes that one accessible parking space is required for the tire storage and warehouse building under Section 5.2.3.5 – Table 5.2 of the City's Zoning By-law. Staff notes that the submitted sketch does not depict any accessible parking spaces, however staff are satisfied that sufficient space exists on the lands to provide one accessible parking space on the lands. It is expected that the site planning process will further examine this requirement in order to identify an appropriate location for said accessible parking space;
6. The submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking provisions, "C2(106)" Zone and standard "C2" Zone; and,



7. 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 PIN 02132-1364, Parcel 46109, Parts 1 to 5, Plan SR-3246, Lot 2, Concession 4, Township of McKim.

With respect to site plan control, it is noted that proposed tire storage and warehouse building 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. The owner's agent was advised during the pre-consultation process that an amendment to the existing site plan control agreement will be required. Staff advises that the matters related to the location of the proposed tire storage and warehouse building, servicing connections, and associated parking areas will be appropriately addressed in finer detail through the site planning 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 tire storage and warehouse be added as permitted uses on the lands; and,
- b) That the tire storage and warehouse building shall have a maximum gross floor area of 1,195 m<sup>2</sup> (12,862.87 ft<sup>2</sup>).

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.