

257 Hill Street, Wahnapiatae

Presented To:	Planning Committee
Meeting Date:	September 25, 2023
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-3/23-02

Report Summary

This report provides a recommendation regarding an application for rezoning to “M1(S)”, Mixed Light Industrial/Service Commercial Special, to permit the continued operation of the existing business with an additional snow storage area.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Joel Builders and Supplies Limited & Dryhill Investments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “M1”, Mixed Light Industrial/Service Commercial & “RU”, Rural to “M1(S)”, Mixed Light Industrial/Service Commercial Special, on lands described as PINs 73481-0128 & 73481-0561, Parcel 43307 & 134, Part 1, Plan 53R-4483, Lot 9, Concession 3, Township of Dryden, as outlined in the report entitled “257 Hill Street, Wahnapiatae”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 25, 2023, subject to the following conditions:

1. That prior to the enactment of the amending zoning by-law:
 - a. The owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the amending zoning by-law; and
 - b. The owner shall have constructed a test maintenance hole to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
 - a) To additionally permit a home improvement centre with outdoor sales;

- b) For a home improvement centre with outdoor sales, to permit outdoor storage in the front yard and to within 0 m of the right-of-way with no screening, to eliminate the requirement for a 3.0 m wide landscape area along the right-of-way and a planting strip along the southerly boundary, and to provide 10 parking spaces; and
 - c) To permit the location of the existing main building.
3. Conditional approval shall lapse on September 26, 2024 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 Zoning By-law is an operational matter under the Planning Act to which the City is responding. The applications contribute to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Report Overview:

An application for rezoning has been submitted to permit the continued operation of the existing business with an additional snow storage area. The subject land is designated as Town Centre in the Official Plan and zoned “M1”, Mixed Light Industrial/Service Commercial & “RU”, Rural.

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

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit the continued operation of the existing business with an additional snow storage area. The subject land is designated as Town Centre in the Official Plan. The existing business is zoned “M1”, Mixed Light Industrial/Service Commercial and the lands for snow storage are zoned “RU”, Rural, and are to be added to the business by way of a land severance (consent) for lot addition.

Staff has reviewed building permit and Committee of Adjustment records and have confirmed that the existing business was established as a building supply store and lumber yard, which is not a permitted use in the current M1 zone. The extent of legal non-conforming status of the existing business has not been confirmed through legal research and/or an opinion by Building Services. The applicant indicates that this use was established in 1972. Specific information from building permit records follows:

- 1975: a copy of a Ministry Order from 1974 wherein the description of the building to be added on to is defined as an “existing lumber retail building”; the application to the MTO notes the description as “addition to rear of existing building supply outlet”.

- 1979: a copy of the committee of adjustment decision for A132/79 wherein the application notes the requested relief to expand the legal non-conforming use of the “Building Supply Store and Lumber Yard”; the plot plan for the property describes the area as “lumber yard”; the approval from the Ministry of Labour notes the “lumber storage shed”.
- 1988: the intended use of the addition is identified as “lumber storage”, and the plot plan in file identifies areas of planned Lumber Storage for waferboard and plywood.

The applicant is proposing the use now be considered a ‘home improvement centre’ which is permitted in the M1 zone, but with outdoor sales (rather than primarily indoor sales). The application includes a description of the business use, which is currently branded as RONA, as selling construction materials displayed and stored inside and outside, including lumber, landscaping materials, plumbing supplies, electrical supplies, *etc.*

Site specific relief has been requested to permit a home improvement centre with outdoor sales, to permit outdoor storage in the front yard, to eliminate the screening of outdoor storage with an opaque fence, to eliminate the 3.0 m landscape area along the right-of-way, and to provide 10 parking spaces. The relief requested reflects the current business operation and layout of the property.

The applicant’s concept plan illustrates the lands proposed for snow storage, and the existing business including inside storage, office and retail space, parking, outside lumber storage area and chain link security fence.

Existing Zoning: “M1”, Mixed Light Industrial/Service Commercial & “RU”, Rural

The M1 zone permits a range of uses including industrial, retail and service uses, and offices. A home improvement centre is a permitted use, and the definition states that these are primarily for indoor sales.

The RU zone permit a range of residential and resource-based uses.

Requested Zoning: M1(S), Mixed Light Industrial/Service Commercial Special

Site specific relief has been requested to permit a home improvement centre with outdoor sales, to permit outdoor storage in the front yard, to eliminate the screening of outdoor storage with an opaque fence, to eliminate the 3.0 m landscape area along the right-of-way, and to provide 10 parking spaces. The relief requested reflects the current business operation.

Location and Site Description:

The subject property is described as PINs 73481-0128 & 73481-0561, Parcel 43307 & 134, Part 1, Plan 53R-4483, Lot 9, Concession 3, Township of Dryden, 257 Hill Street, Wahnapiatae. The subject lands are located on the east side of Hill Street, approximately 650 m south of Highway 17. The lands to be rezoned have an area of approximately 1.4 ha with 137 m of frontage on Hill Street and a depth of 109 m. Hill Street is a primary arterial road in this location, and the lands are serviced with municipal water and sanitary sewer. The existing business is oriented to Hill Street, with the easterly portion of the property encumbered by a large rock outcrop.

Surrounding Land Uses:

The area surrounding the site includes a post office, fire hall, low density residential uses, a rural mobile home park, and vacant rural lands.

North: post office, vacant rural lands

East: vacant rural lands

South: low density residential use and rural mobile home park

West: Hill Street, low density residential use and rural mobile home park

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

Site photos show the residential and non-residential uses in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on June 21, 2023. The statutory notice of the public hearing was provided by newspaper on September 9, 2023, and courtesy mail-out on September 7, 2023. The owner was advised of the City's policy recommending that applicants consult with their neighbours, Ward Councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

Policy & Regulatory Framework:

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

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

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

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 (PPS).

Several sections of the PPS are relevant to the application.

Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

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

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

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform to the Growth Plan for Northern Ontario. Section 4.4 of the Growth Plan establishes Greater Sudbury as one of five northern municipalities that contain 'Strategic Core Areas', which are defined as delineated medium-to-high density areas within identified municipalities that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.

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

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

Official Plan for the City of Greater Sudbury:

The subject property is designated as Town Centre in the City of Greater Sudbury Official Plan. Town Centres are considered to be Strategic Core Areas.

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

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments and make the most efficient use of existing infrastructure and public service facilities.

Section 4.0 identifies Employment Areas as lands where people presently work and where employment opportunities will be provided in the future. Policy 4.2.5(1) states that Town Centres will be planned to include a diverse mix of land uses, an appropriate range of housing types, high quality public spaces and the provision of easy access to stores, services and recreational opportunities. Town Centres will be planned as high quality areas that support active transportation and transit as outlined in Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

Policy 4.2.5(2) states that permitted uses in Town Centres may include retail, offices, institutional and other related community services and activities, with the exception of the Valley East Town Centre which is addressed in Section 21.3.2.

Policy 4.2.5(4) states that when considering rezoning applications for new or expanded uses in Town Centres, the City will ensure that the proposed use preserves the character of the area and is harmonious with adjacent uses and their buildings. The City will also have regard to parking requirements if applicable, traffic impacts and road access. Sewer and water services must be adequate for the site.

Policy 4.2.5(6) states that parking requirements for new development in Town Centres may be reduced where off-street municipal or privately owned communal parking facilities already exist and can accommodate additional automobiles.

Zoning By-law 2010-100Z:

A 'building supply and lumber outlet' is not permitted in the M1 zone, and is defined as an establishment engaged in the wholesale or retail sale of building or construction supplies, or accessories including, without limiting the generality of foregoing, lumber, millwork, cement, siding, roofing, plumbing or electrical supplies and heating, cooling or ventilating systems, and may include the premises of a construction contractor and an outdoor storage area but does not include any retail store engaged primarily in the indoor retail sale of furnishings, appliances, stoves, fireplaces, windows, paints, wall coverings, floor coverings, plumbing supplies or items normally associated with a hardware store.

A home improvement centre use was first permitted in the former Town of Nickel Centre through By-law 2010-100Z. A 'home improvement centre' is permitted in the M1 zone, and is defined as an establishment primarily engaged in the indoor sale of building or construction materials and home maintenance and improvement supplies and may include landscape and garden supplies and the sale of appliances, and includes a hardware store but does not include the premises of a construction contractor.

The development standards for the M1 zone require a maximum height of 12 m. The minimum required front yard is 15.0 m, rear yard is 6.0 m and interior side yard is 9.0 m where the lot abuts a Residential Zone. The maximum lot coverage is 50%, and the minimum landscaped open space is 5%. Outdoor storage must be located in a rear or interior side yard and shall not be located any closer than 9.0 m to any street line. Outdoor storage shall be screened by opaque fencing with a minimum height of 2.2 m. Parking provisions for the proposed home improvement centre require 1 space per 30 square metres net floor area, for a total of 36 spaces based on gross floor area ($1075/30=36$). Parking is not permitted within 4.5 m of the road.

A 3.0 m wide landscape area is required to be provided along the road and a 5.0 m wide planting strip including a screening device is required to be provided along the southerly boundary adjacent to a Residential Zone.

Site Plan Control:

A Site Plan Control Application is not required for this application. Any major redevelopment of the property in the future will be subject to site plan control.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies.

No concerns were raised by Transit, Infrastructure Capital Planning Services, or Conservation Sudbury or Strategic and Environmental Planning.

Development Engineering advises that, based on the requested zoning of the property, a test maintenance hole is required on the sanitary sewer service to the building.

Building Services advises that in addition to the noted relief, the location of the existing main building requires relief for the interior side yard setback adjacent to a residential zone, providing 2.24 m where 9 m is required. Ensure 1 parking space meets the Zoning By-law Section 5.2.3.5. requirements for an accessible parking space.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The application proposes to permit the continued operation of the existing business with an additional snow storage area with certain site specific relief.

The subject lands are within a fully-serviced settlement area. The application aligns with the PPS as well as Official Plan section 2.3 regarding directing development to settlement areas to maximize the use of existing infrastructure.

Official Plan policies for the Town Centres have been established to conform with section 4.4 of the Growth Plan for Northern Ontario, which requires municipalities to identify strategic core areas and plan for these areas to function as mixed-use districts to attract a range of amenities and uses including employment uses. This part of the community of Wahnapiatae is designated as Town Centre in the Official Plan, which is intended to be developed with a range of land uses and provide easy access to stores and services, and which is implemented through the M1 zoning of the property. Similar and related employment land policies in the PPS and the Official Plan acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide employment opportunities.

Staff recommend that, going forward, describing the use as a home improvement centre is appropriate considering that this use is very similar to the originally established use, and is permitted in the M1 zone.

Additionally permitting outdoor sales will recognize that residents have existing access to a retail store that sells building supplies in this area, and will enable this use to expand onto the portion of the lands that are currently zoned 'RU', Rural. The proposed use is generally in keeping with other uses permitted in the "M1", Mixed Light Industrial/Service Commercial zone, such as a 'garden centre' or 'rental store', and where accessory outdoor display and storage are permitted. Staff recommend to additionally permit a home improvement centre with outdoor sales as requested. While the applicant indicates that the "RU", Rural-zoned lands to be added to the site are to be used for snow storage, staff do not recommend limiting the portion of the lot to snow storage use only given this would be too restrictive in the scenario of a larger redevelopment proposal in the future.

Policy 4.2.5(4) also requires the consideration of traffic impact and road access, and availability of sewer and water services. Traffic is not expected to be impacted by this proposal. Sewer and water services are adequate for the site.

Policy 4.2.5(4) requires that the preservation of the character of the area and harmony with adjacent uses and buildings be considered. The applicant's requested zoning relief to permit outdoor storage in the front yard, to eliminate the screening of outdoor storage with an opaque fence, and to eliminate the 3.0 m landscape area along the right-of-way is recommended to be appropriate given it reflects the existing development and the existing character of the area. This layout enables the use of the property considering the significant rock outcrop located on the easterly portion of the site. A 5.0 m planting strip including a screening device is required adjacent to the southerly lot line along the Residential Zone boundary, which cannot be accommodated due to the location of the existing building and parking area. It is recommended that relief be provided to eliminate the requirement to provide a planting strip, which is in keeping with the existing character and is not anticipated to further impact the adjacent southerly residential use, and will allow some flexibility for the ongoing maintenance of this area.

Policy 4.2.5(4) and (6) requires the consideration of parking requirements and establishes criteria to reduce parking in new developments. Staff is of the opinion that this project should not be considered 'new development', and that the proposed parking reflects current operational needs. Given the site layout, there are additional locations to accommodate vehicles that would not impact the municipal road. Staff recommend the requested parking reduction is appropriate and should be approved. The owner is advised that parking is not permitted within 4.5 m of Hill Street or within 4.5 m of a Residential Zone, which can be accommodated as illustrated on the concept plan.

It is recommended that the requested zoning relief pertaining to outdoor storage, landscaping and parking be applied only to a home improvement centre with outdoor storage, such that any future change of use on the property would not benefit from this same relief.

Staff also recommend permitting the location of the existing main building, given the interior side yard setback is 2.24 m where 9.0 m is required adjacent to a Residential Zone.

Staff recommend that the rezoning be approved subject to conditions that would require a survey be provided in order to implement the amending bylaw, and further to comments from Development Engineering, that a test maintenance hole be provided on the sanitary sewer service to the building to the satisfaction of the Director of Planning Services.

Conclusion:

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

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

- To rezone the lands from “M1”, Mixed Light Industrial/Service Commercial & “RU”, Rural to “M1(S)”, Mixed Light Industrial/Service Commercial Special to permit the continued operation of the existing business with an additional snow storage area.

The development of the subject lands achieves a number of policy directives including the promotion of economic development in a Town Centre in a manner that considers the character of the existing neighbourhood. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposal aligns with policies for Town Centres which are intended to be developed with a range of land uses and provide easy access to stores and service. The existing business is a retail store that sells building supplies in this area, and approval of the application will enable this use to expand.
- The location within the settlement area takes advantage of the existing infrastructure. The impact on local streets will be minimal, and sewer and water services are adequate for the site.
- The requested site-specific zoning relief reflects the existing development and character of the area, and enables the use of the property considering the significant rock outcrop located on the easterly portion of the site.
- Adequate parking can be provided.

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