

4543 Old Wanup Road, Wanup

Presented To:	Planning Committee
Meeting Date:	June 24, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-9/24-01

Report Summary

This report provides a recommendation regarding an application to rezone a surplus institutional property to permit additional light industrial uses and office use.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Michael Glass to amend Zoning By-law 2010-100Z by changing the zoning classification from “M2(19)”, Light Industrial Special, to an amended M2(19), Light Industrial Special”, on lands described as PINs 73470-0231 & 73470-0288, Parcels 35220 & 26911 S.E.S., Part 1, Plan SR-551, Parts 1 & 2, Plan SR-2355 in Lot 1, Concession 2, Township of Dill, as outlined in the report entitled “4543 Old Wanup Road, Wanup”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 24, 2024, subject to the following conditions:

1. That the owner shall enter into an amended Site Plan Control Agreement with the City of Greater Sudbury and provide all required deposits to the satisfaction of the Director of Planning Services;
2. That the amending by-law includes the following site-specific provisions:
 - i. The only permitted uses shall be dry industrial uses permitted in the M2 zone and a business office;
 - ii. For the purposes of the lands zoned M2(S), ‘dry industrial use’ shall mean any M2 use whose wastewater consists solely of sewage of domestic origin such as washroom or kitchen waste and whose subsurface sanitary sewer system has an average daily flow of less than 4500 litres;
 - iii. Notwithstanding the above, the following uses shall not be permitted:
 - a. Automotive Body Shop
 - b. Automotive Service Station
 - c. Dry Cleaning Establishment

- d. Food Processing Plant
 - e. Gas Bar
 - f. Industrial Use, Light
 - g. Large-Scale Brewing Facility
 - h. Restaurant
- iv. Outdoor storage shall be permitted subject to the provisions of Section 4.28 with the following exceptions:
 - a. outdoor storage shall only be permitted north of the existing building no closer than 20.0 m to the northerly and westerly lot line, and shall be permitted in the rear yard no closer than 50.0 metres to the southerly interior side lot line abutting Part 2, Plan 53R-17031;
 - b. north of the existing building, the required screening device shall take the form of a berm;
 - c. to the rear of the existing building, the required screening device shall take the form of an opaque fence;
 - d. a screening device shall not be required adjacent to the existing natural vegetative buffer in clause (vi);
- v. Parking of commercial vehicles or vehicles associated with any construction work shall be subject to the outdoor storage provisions in clause (ii) above, with the exception of one row of parking perpendicular to Old Wanup Road along the northerly edge of the existing parking area;
- vi. The existing natural vegetative buffer shall be maintained 60.0 metres from the easterly limit of Part 1, Plan SR-2355;
- vii. The location of the existing building shall be permitted;
- viii. The minimum setback shall be 20.0 m from all property lines, inclusive of any required screening device;
- ix. A maximum of two driveways shall be permitted, with one to access the existing building and one to access a future building in the northerly portion of the property; and
- x. Any additional relief required in order to implement the final site plan.

- 3. That conditional approval shall lapse on June 25, 2026, unless Condition #1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by providing opportunities to diversify the employment base. The application also supports business retention and growth by expanding the uses permitted at the site. The proposed redevelopment is not expected to have any direct negative impacts on the stated goals and recommendations of the CEEP.

Financial Implications

If approved, staff is unable to estimate taxation revenues as the assessment value of this building may change as result of change in use and would be determined by Municipal Property Assessment Corporation (MPAC).

Any 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. There are no development charges as no new building or expansion are proposed at this time.

Report Overview:

An application for rezoning has been received in order to permit all uses listed in the M2 zone and office use on a surplus institutional site at 4543 Old Wanup Road, Wanup, specifically light industrial uses and office use. Site-specific relief covering a range of zone standards is also requested. The application is recommended for approval as described in the Resolution section subject to the implementation of site plan control.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury from “M2(19)”, Light Industrial Special, to an amended “M2(19)”, Light Industrial Special, to permit all uses listed in the M2 zone and office use on the whole of the property, permit the use of shipping containers, eliminate screening of outdoor storage on the east side of the existing building, permit the storage of vehicles and materials in the front yard without screening, and permit an additional driveway to access the northerly portion of the property. A concept plan was submitted with the application and which shows a new 1300 sq m building.

The subject lands are the site of a surplus institutional building being the former Wanup Public School in the community of Wanup. Staff observed the site appears to be used for the premises of a contractor’s yard, specifically ‘Comet Contracting Ltd.’, and an outdoor storage area is under construction to the north of the school.

The subject property has a split land use designation. The westerly portion containing the school building and part of the playing field along Old Wanup Road is designated as Living Area 2. The easterly remainder of the land is designated as Rural.

The lands are zoned “M2(19)”, Light Industrial Special, as a result of the approval of rezoning application [751-9/17-2](#) in 2018.

Since the in-effect zoning was approved in 2018, the City has received many complaints pertaining to the operations on the site related noise, vibration, off-site drainage, building without a permit, shipping containers on the property, exterior lighting, non-compliance with the zoning by-law and site plan agreement, non-permitted use inside the building, topsoil removal, dumping of snow and garbage, and with being allowed to make another application for rezoning. The City is currently working through the legal system to obtain compliance with the in-effect zoning and registered site plan control agreement. Specifically, the owner is facing one count: Operate outdoor storage with a prohibited area contrary to Zoning Bylaw 2010-100Z, Part 11, s. 3, ss. (3), para (s), clause (ii); and one count: Use property in a manner not permitted contrary to Zoning Bylaw 2010-100Z, Part 11, s. 3, ss. (3), para (s), clause (v). As an outcome of the legal proceedings to date, the owner is required to bring the site into compliance with the registered site plan control agreement and eliminate any zoning bylaw infractions or obtain relief through the rezoning process prior to the next hearing on September 16, 2024.

Existing Zoning: “M2(19)”, Light Industrial Special

Notwithstanding any other provision hereof to the contrary, within any area designated M2(19) on the *Zone Maps*, all provisions of this by-law applicable to the ["M2"](#), Light Industrial zone shall apply subject to the following modifications:

(i) The only permitted *uses* on the portion of the property described as Parcel 26911 S.E.S., Part 1, Plan SR-551, Part 2, Plan SR-2355 in Lot 1, Concession 2, Township of Dill, shall be a *contractor’s yard, commercial self-storage, service trade, warehouse* and related *accessory uses*;

(ii) *Outdoor storage* shall be permitted subject to the provisions of Section 4.28, except no *outdoor storage* shall be permitted within 50 metres of the southerly *interior side lot line abutting* Part 2, Plan 53R-17031;

(iii) The existing natural vegetative buffer shall be maintained as follows:

(a) 60 metres from the easterly limit of Part 1, Plan SR-2355;

(iv) The location of the *existing building* shall be permitted; and,

(v) That the *uses* permitted on the portion of the property described as Part 1, Plan SR-2355 in Lot 1, Concession 2, Township of Dill shall be restricted to the *uses* permitted in the “RU”, Rural *zone* and the Rural *zone* standards shall apply to those lands.

Requested Zoning: Amended “M2(19)”, Light Industrial Special

The application proposes to permit all uses listed in the M2 zone and office use on the whole of the property. Site specific relief is requested to permit the use of shipping containers, eliminate the requirement to provide screening along the southerly extent of the outdoor storage area on the east side of the existing building, permit the storage of vehicles and materials in the front yard to the west and south side of the existing building without screening requirements, and permit an additional driveway to access the northerly portion of the property.

Location and Site Description:

The subject property is described as PINs 73470-0231 & 73470-0288, Parcels 35220 & 26911 S.E.S., Part 1, PlanSR-551, Parts 1 & 2, Plan SR-2355 in Lot 1, Concession 2, Township of Dill, 4543 Old Wanup Road, Wanup. The lands are located on the east side of Old Wanup Road which is a primary arterial road under the jurisdiction of MTO. Old Wanup Road is also known as Provincial Highway 7042 and is built to a rural standard. The lands are approximately 700 m south of Highway 537, on the east side of Highway 69.

The subject lands are the site of a surplus institutional building being the former Wanup Public School in the community of Wanup. Total land area is 5.79 ha, with 335 metres of frontage and approximately 200 m of depth. The site is occupied by a 2,263 sq m former school built in 1961. Building height is predominantly one-storey with the former gymnasium area being higher than the rest of the building. An open space area north of the school is the former playing field, and where an outdoor storage area is under construction. The easterly portion of the property is forested with mature trees, as illustrated on the attached aerial photo.

There are no municipal water or sanitary sewer services in this area, and the area is not serviced by public transit.

A southeasterly portion of the property falls within a designated flood plain associated with the Wanapitei River further to the east. The subject property is located outside of the regulated area of Nickel District Conservation Authority and falls under the jurisdiction of the Ministry of Natural Resources and Forestry. The flood elevation is 220.80 m (see attached flood risk map).

Surrounding Land Uses:

The surrounding area is predominantly rural residential in character:

North and East: vacant lot zoned R1-1 (Part 2, Plan 53R-15317), farm with residence Wanapitei River;

South: single detached dwelling (4557 Old Wanup Road);

West: vacant lot zoned RU (Part 1, Plan 53R-4493), single detached dwelling opposite the former playing field (4494 Old Wanup Road)

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 site and the residential uses in this area.

Related Application

The lands are zoned “M2(19)”, Light Industrial Special, as a result of the approval of rezoning application [751-9/17-2](#) in 2018. This application permitted the school and a portion of the property to be used for a contractor’s yard with outdoor storage, service trade, commercial self-storage, and warehouse use. The request to permit outdoor storage in the front yard and the southerly interior side yard abutting the residential lot to the south was not approved. Uses permitted on the portion of the property described as Part 1, Plan SR-2355, comprising most of the former playing field, the forested area that forms the easterly portion of the property, and the designated flood plain were restricted to the uses permitted in the “RU”, Rural zone.

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 244 m of the property on April 10, 2024. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out on May 30, 2024. The applicant was advised of the City’s policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents 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](#); and,
- [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 (2020):

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.

Several sections of the PPS are relevant to the application.

The main school site is designated Living Area 2 and is therefore defined as part of a settlement area under the PPS. Section 1.1.3 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Land use patterns shall be appropriate for the infrastructure and public service facilities which are planned or available.

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.

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.

Policy 3.1.1 states that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

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. In general terms, the plan promotes economic diversification across all industrial sectors and geographic areas in Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject property has a split land use designation. The westerly portion containing the school building and part of the playing field along Old Wanup Road is designated as Living Area 2 and subject to the area-specific policies for the Wanup. The easterly portion of the land is designated as Rural, including a small portion within the designated Flood Plain.

Section 3.0 of the Official Plan establishes general policies for the Living Area 2 designation comprising non-urban settlements such as Wanup. These communities mainly rely on private services and are predominantly residential in character. Further, Section 20.10 of the Official Plan provides area specific policies for Wanup. Compatible uses including schools, churches, other local institutional uses, resort commercial uses, and small-scale commercial uses may be permitted subject to rezoning. When considering such rezoning applications, consideration should be given to the suitability of the site, the impact on adjacent uses, adequacy of parking, impact on roads and the ability to provide sanitary sewer and water services, among other matters.

Policy 4.4(3), states that rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions will be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed uses;
- c. for conversion to residential uses, the appropriateness of the proposed density; and
- d. the policies of Sections 2.3.2 (Settlement Areas), 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

Section 5.2.5 states that some limited rural industrial/commercial uses are permitted in Rural Areas, particularly those activities that provide rural economic benefits that are balanced with protection of the natural environment and the agricultural resource base.

Policy 5.2.5(1) states that rural industrial/commercial uses are generally resource-based and may include agriculture, dry industrial/commercial uses, and forestry uses, and forestry.

Policy 5.2.5(3) states that rural industrial/commercial sites are to be located with adequate separation distances from residential areas, and provide proper buffering and landscaping along Arterial Road frontages. Entrances are restricted to Secondary Arterial and Local Roads, and no temporary structures, outside storage or sales displays may be visible from the frontage of abutting roads. All such development is subject to rezoning and site plan control.

Policy 5.2.5(5) states that new resource-related industries should not impact the natural resource base. Rural industrial/commercial uses must generate limited amounts of wastewater and minimize land use conflicts.

A southeasterly portion of the property is located within a designated Flood Plain, as illustrated on the attached flood risk map. Lands with natural hazards are generally not suitable for development. The policies of Section 10.2, Flooding Hazards apply.

Section 19.5.8 establishes policies for the conversion of existing buildings, and states:

Notwithstanding Sections 19.2 (General Policies) and 19.5.4 (Holding Zones), the City may pass by-laws to permit the use of an existing building or structure for a use that does not conform with the land use designation in the following situations:

- a. where an existing building or structure, used for a non-conforming use, cannot economically, practically or reasonably be converted or adapted to a use in conformity with the Official Plan land use designation; and,
- b. where an existing building or structure and use which is permitted in the Zoning By-law and the Official Plan land use designation is discontinued and cannot economically, practically or reasonably be converted or adapted to a use in conformity with the land use designation.

The City, before passing such a by-law, will be satisfied that the following will be fulfilled to safeguard the wider interests of the public:

- a. the surplus building is suitable for the proposed use with respect to Building Code regulations;
- b. off-street parking is adequate;
- c. the proposed use is compatible with surrounding land uses with regard to noise, fumes, smoke, odours, traffic hours of operation, signs and other undesirable features;
- d. the neighbouring conforming uses are protected, where necessary, by the provision of landscaping, buffering or screening;
- e. parking, driveways, loading areas are improved, relocated, and buffered as warranted;
- f. wherever possible, the aesthetic appearance of the building and property is improved and maintained;
- g. sewer and water capacities are adequate to serve the new use;
- h. for conversion to residential uses, the proposed density is appropriate for the area and amenities are adequate; and,
- i. a site plan control agreement may be required prior to the enactment of an amending by-law.

Zoning By-law 2010-100Z:

The development standards for the M2 zone require a maximum height of 15 m. The minimum required front yard is 15.0 m, rear yard is 6.0 m and interior side yard is 15.0 m where the lot abuts a Residential Zone. The maximum lot coverage is 50%, and the minimum landscaped open space is 5%.

The development standards for the RU zone, which apply to Part 1, Plan SR-2355 require a maximum height of 21 m. The minimum required front yard is 15.0 m, rear yard is 10.0 m and interior side yard is 10.0 m to the north. The maximum lot coverage is 10%.

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. 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 adjacent to a Residential Zone. Parking rates are based on use, and 34 spaces are required based on the registered site plan.

Site Plan Control:

Industrial properties in proximity to arterial roads and residential uses are subject to Site Plan Control. A site plan control agreement between the Owner and the City was registered on title to the property in 2020, and Schedule A is attached to this report. The stated uses on the registered site plan agreement are a commercial self storage facility, service trade, warehouse and accessory office. To date, the Owner has not informed the City of Greater Sudbury that the site works have been completed and therefore no inspections have been conducted for the Site Plan Control Agreement.

Department/Agency Review:

Infrastructure Capital Planning Services and Transit have no concerns.

Development Engineering advises the site is not presently serviced with municipal water or sanitary sewer.

Building Services advises that the sketch provided does not provide enough detail for the proposed building to evaluate zoning compliance. Please be advised that Building Services may require additional relief once a complete evaluation is done at time of Building Permit application. Shipping containers are considered structures and will require Building Permits to the satisfaction of the Chief Building Official and will require review by a Professional Engineer Licensed in Ontario. Shipping containers are also subject to all zoning provisions for setbacks and building separation. The submitted sketch does not have enough information to evaluate at this time. The current M2(19) zoning requires buffers along the adjacent RU property to the south. These buffers should remain as a requirement and extended to the property as a whole.

Strategic and Environmental Planning advises that the owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the provincial Endangered Species Act and the federal Migratory Birds Convention Act.

The Ministry of Transportation (MTO) has advised that the subject lot is located within the MTO's permit control area; and therefore, is subject to review under the Public Transportation and Highway Improvement Act R.S.O. 1990 and will require proper permits. The MTO supports the proposed rezoning in principle and offers the following comments:

- Shipping containers must be setback a minimum of 14 meters from the Hwy 7042 (Old Wanup Rd) right-of-way.
- Placement of any new buildings or structures within 45 meters of the Hwy 7042 right-of-way will require an MTO Building/Land Use permit.
- The MTO is willing to accept an additional entrance at the proposed location. We will monitor the access situation and if any operational concerns are raised, it may result in the requested reduction in the number of entrances on the property.
- It is MTO policy to only allow one (1) access connection per lot of record. The subject lands are currently serviced by three (3) entrances.
- An MTO Commercial Entrance permit will be required for the new entrance proposed on the subject lot.
- MTO would like to encourage the owner to apply for commercial entrance permits for the existing driveways.
- MTO Would like to encourage the property owner to reduce the number of entrances on the subject lands, but does not intend to make it a requirement.

Conservation Sudbury advises they have no comment regarding the application for rezoning since the subject property is located outside the jurisdictional boundary of Conservation Sudbury. Conservation Sudbury has confirmed that the flood risk mapping attached to this report is the most up-to-date version and that the flood elevation is 220.80 m.

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 all uses listed in the M2 zone and office use on the whole of the property, with certain site specific relief.

The subject lands are partially within the Living Area 2 designation. The application aligns with the PPS as well as Official Plan section 2.3 regarding directing development to settlement areas. A portion of the site is designated Rural, and the application aligns with Official Plan policies that permit limited rural industrial uses. The application also aligns with Official Plan policies for surplus institutional buildings and more general policies for the conversion of existing buildings, which allow the conversion of buildings and lands to other uses.

The majority of the uses that are permitted in the M2 zone and office use would have the same or similar impacts as the current uses permitted on the property. The site is suitable to accommodate these types of uses, and site plan control will be used to address site design. Office use is generally quiet, with business activity largely limited to daytime hours. Staff support expanding the range of permitted uses as requested by the owner in order to accommodate opportunities for redevelopment and expand the employment base. However, some uses are not appropriate based on existing conditions, such as lack of municipal services and proximity to residential uses.

The PPS states that development must be appropriate for the infrastructure available, and there are no municipal water or sewer services available to the site. The Official Plan describes that 'dry industrial uses' may be permitted in rural areas. Staff recommends that the permitted uses be limited to dry industrial uses only, being those with wastewater only from washroom or kitchen waste and less than 4500 litres per day. Additionally, staff recommends that a food processing plant, large-scale brewing facility and restaurant be expressly prohibited since these are not considered to be 'dry'.

The Official Plan requires consideration of the compatibility with the surrounding land uses as part of the conversion of surplus institutional buildings, and rural industrial sites are to be located with adequate separation distances from residential areas. Staff recommends that the following uses, in addition to those noted above, should also be expressly prohibited since they often present nuisance factors related to noise and odour and may require environmental compliance approvals due to potential emissions into the environment: Automotive Body Shop; Automotive Service Station; Dry Cleaning Establishment; Gas Bar; and Industrial Use, Light.

The owner's request to permit all uses listed in the M2 zone and office use on the whole of the property includes the request to permit outdoor storage. To promote compatibility with the adjacent residential uses, staff recommends that outdoor storage be permitted no closer than 20.0 m to the northerly and westerly lot line, and shall be permitted in the rear yard no closer than 50.0 m to the southerly interior side lot line abutting Part 2, Plan 53R-17031 (further to the in effect by-law).

This will allow the outdoor storage area to legally expand approximately 100 m to the north and 40 m to the west. Further to the Official Plan policies applied to rural industrial sites that no outdoor storage may be visible from the frontage of any abutting roads, staff recommends that any screening of the outdoor storage area north of the existing building be provided in the form of a berm.

Further, to promote compatibility with the adjacent residential uses, staff recommends a minimum 20.0 m setback from all property lines, in anticipation of the future construction of accessory buildings.

The owner has requested to eliminate screening of outdoor storage on the east side of the existing building in the rear yard. During the site visit, staff observed some screening was in place in the form of an opaque fence secured to an existing chain link fence. Staff recommends that screening along the southerly boundary of the outdoor storage area be provided in the form of an opaque fence. Staff recommends that screening is not required along the forested area which extends 60.0 m from the easterly lot line since this functions as a natural screening device.

The owner has additionally requested to permit the storage of vehicles and materials in the front yard without screening. In order to promote compatibility with the adjacent residential uses, staff recommends that this request be denied, with the exception of one row of parking perpendicular to Old Wanup Road along the northerly edge of the existing parking area. This will allow some flexibility in the location of construction vehicles on the site.

The owner has requested to additionally permit the use of shipping containers beyond Section 4.34 of the Zoning By-law. Staff observed these located on the property during the site visit in association with the contractor's yard use. Staff is currently reviewing shipping container provisions under the zoning by-law and is working to prepare recommendations on the key findings. In regards to Planning approvals, Council has historically maintained a consistent approach.

Since the adoption of Zoning By-law 2010-100Z in September 2010, seven of eight applications submitted in order to permit shipping containers on a permanent or temporary basis have been denied by Council. There have been a further 16 applications where one or more shipping containers were determined to be present following a site visit, with removal typically required as a condition of approval. Staff recommends that the request to permit additional shipping containers be denied on the basis that storage needs beyond that of the existing building should be addressed either through an addition or another building on site.

Only one driveway to the site is shown on the registered site plan control agreement. The owner has requested an additional driveway to access the northerly portion of the property in the event that a building is constructed in the future. Further to comments from the Ministry of Transportation, staff recommends approval of the request, and the owner is directed to contact the Ministry directly regarding permitting requirements.

Development shall be directed to areas outside of hazardous lands adjacent to river systems which are impacted by flooding hazards. Staff recommends that the application complies with the PPS and Official Plan in this regard since no development is proposed in the designated flood plain on the southeast portion of the property. Further, staff recommends that the forested area, which extends 60.0 metres from the easterly lot line, be maintained.

Staff recommends that an amended Site Plan Control Agreement be entered into with the City, along with all required deposits, as a condition of approval of the rezoning. The Site Plan Control Agreement shall address the expanded storage area and berm, any additional buildings, and the observed use of the property, amongst other matters.

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 “M2(19)”, Light Industrial Special, to an amended “M2(19)”, Light Industrial Special, to permit certain dry industrial uses permitted in the M2 zone and office use on the whole of the property, with site-specific zone standards pertaining to outdoor storage, parking of vehicles, setbacks, vegetative buffers, and number of driveways.

The development of the subject lands complies with a number of policy directives including the promotion of economic development and the conversion of a surplus institutional building. 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 will permit a range of dry industrial uses on the whole of the site, while prohibiting certain uses that are known to conflict with residential uses.
- Outdoor storage will be restricted to the northerly portion of the property and part of the rear yard, and will be adequately screened.
- Parking of commercial vehicles will be subject to the outdoor screening provisions, with the exception of one row of parking.
- Shipping containers will not be permitted except in accordance with the policies of Section 4.34 of the Zoning By-law.

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.