

2380 Long Lake Road, Sudbury

Presented To: Planning Committee

Meeting Date: July 8, 2024

Type: Public Hearing

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Planning Services

Recommended by: Director of Planning
Services

File Number: 751-6/24-03

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands from “R1-5”, Low Density Residential One Zone and the “C3”, Limited General Commercial Zone to the “CS(S)”, Limited General Commercial Special Zone in order to remove a split-zoning and permit an addition to the existing commercial building and parking area on the southerly portion of the lands.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by 1679600 Ontario Ltd. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to change the zoning classification from "R1-5", Low Density Residential One and "C3", Limited General Commercial to "C3(S)", Limited General Commercial Special on those lands described as PIN 73475-1812, Lot 6, Concession 6, Township of Broder, subject to the following conditions:

1. A Holding symbol which shall not be removed by the City of Greater Sudbury until the following condition has been addressed:
 - a) The owner shall have completed an amendment to the site plan agreement with the City and said site plan control agreement shall be registered on title to the satisfaction of the Director of Planning Services; and
 - b) The owner shall rectify all outstanding Ontario Building Code records for the building at 2380 Long Lake Road to the satisfaction of the Chief Building Official.

Until such time as the H symbol has been removed, the only permitted uses shall be those legally existing on the date that the amending by-law comes into effect.

2. That the amending zoning by-law include the following site-specific provisions:
 - a) A front yard setback of 13.98 m, where 15 m setback is required abutting primary arterial roads;
 - b) 0 loading spaces, where 1 is required;

- c) A parking area within 0 m of a road with a width greater than 10 m, where a 3 m setback is required;
- d) A parking area within 0 m of a residential zone, where a 3 m setback is required;
- e) A rear yard setback of 0 m for a retaining wall greater than 1 m in height, where 1.2 m is required;
- f) A rear yard setback of 5.25 m for the commercial building, where 7.5 m is required;
- g) A 0 m wide landscaped area south of the driveway entrance, where a 3 m wide landscaped area is required abutting roads with a width greater than 10 m; and
- h) Refuse storage within an exterior side yard, where refuse storage is permitted within an interior yard.

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.

Financial Implications

If approved, staff is unable to estimate taxation revenues as the assessment value of with addition to existing building 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. The amount of development charges will be based on final review of the property by the Building Services department.

Report Overview:

An application for rezoning has been submitted to remove a split-zoning and permit an addition to the existing commercial building and parking area.

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 purpose and effect of the application is to rezone the subject lands from the “R1-5”, Low Density Residential One Zone and the “C3”, Limited General Commercial Zone to the “CS(S)”, Limited General Commercial Special Zone in order to remove a split-zoning and permit an addition to the existing commercial building and parking area on the southerly portion of the lands. The following special provisions have been requested:

- 0 loading spaces, where 1 is required;
- A parking area within 0 m of a road with a width greater than 10 m, where a 3 m setback is required;
- A parking area within 0 m of a residential zone, where a 3 m setback is required;
- A rear yard setback of 0 m for a retaining wall greater than 1 m in height, where 1.2 m is required;
- A rear yard setback of 5.25 m for the commercial building, where 7.5 m is required;
- A 0 m wide landscaped area south of the driveway entrance, where a 3 m wide landscaped area is required abutting roads with a width greater than 10 m; and
- Refuse storage within an exterior side yard, where refuse storage is permitted within an interior yard.

The lands are subject to Zoning By-law Amendment Applications 751-6/17-09 & 751-6/14-25, which have lapsed. The lands are subject to a Site Plan Control Application, which has not been finalized.

The subject lands are designated ‘Mixed Use Commercial’ within the City’s Official Plan and are zoned “C3”, Limited General Commercial and “R1-5”, Low Density Residential One within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The subject lands contain a commercial building and are serviced by a municipal water and sanitary connection. The subject lands are accessed by an existing driveway from Long Lake Road.

Surrounding uses are residential and commercial in nature.

A location map has been attached for reference.

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:

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 development.

1.3.1 Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the 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 is satisfied that the application conforms to the Growth Plan.

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 uses are permitted in the 'Mixed Use Commercial' designation except for Heavy Industrial. Subject to rezoning, new development may be permitted provided that:

- a) Sewer and water capacities are adequate for the site;
- b) Parking can be adequately provided;
- c) No new access to Arterial Roads will be permitted where reasonable alternate access is available;
- d) The traffic carrying capacity of the Arterial Road is not significantly affected;
- e) Traffic improvements where required are to be provided by the proponent; and,
- f) Landscaping along the entire length of road frontages and buffering between residential and non-residential uses are to be provided.

Section 4 of the Official contains policies on employment lands, which include commercial uses. An objective of the employment area is to ensure that an adequate supply and variety of serviced employment land exists throughout Greater Sudbury by ensuring that a broad range of commercial opportunities are provided for residents, employees and tourists. Intensification and revitalization of commercial areas should be promoted.

Section 19.5.4 contains policies on Holding Provisions and states that the City may pass Zoning By-laws containing "holding" provisions to specify the use to which lands, buildings, or structures may be put at some time in the future, providing:

- a. the holding symbol (H) is used only in the following instances:
 - i. when certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreements with the City;
 - ii. when the level of community services and/or infrastructure is not yet adequate to support the proposed use;
 - iii. where environmental conditions or constraints temporarily preclude development or redevelopment;
 - iv. where required studies have not yet been approved by the City; and
 - v. where a risk management plan for drinking water source protection is being developed.
- b. the zoning by-law containing the holding provisions may specify the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations or restrictions applying to the lands during the time the holding provision is in place; and,
- c. a by-law to remove the holding symbol may be adopted when all the conditions set out in the holding provision have been satisfied.

Zoning By-law 2010-100Z:

The subject lands are zoned "R1-5" Low Density Residential One and "C3" Limited General Commercial within the City's Zoning By-law.

The development standards for a commercial building in the requested zone being the "C3" Limited General Commercial Zone are as follows:

- Minimum lot area of 900 m²
- Minimum lot frontage of 30 m
- Minimum front yard setback 15 m
- Minimum rear yard setback 7.5 m
- Minimum interior side yard setback no minimum
- Minimum corner side yard 4.5 m
- Maximum lot coverage 50%
- Minimum landscaped open space 5%
- Maximum height 8 m

Parking provisions for the existing financial institution is 1 space per 30 m². Parking provisions for the existing medical office is 1 space per 20 m². The future use of the proposed building addition will need to comply to the parking standards of the zoning by-law.

Landscaping provisions require a 3.0 m landscape area along the right-of-way of Long Lake Road. Additionally, a 3 m wide planting strip, or 1.5 m tall opaque fence with 1.8 m planting strip is required to be provided along the rear lot line abutting the residential zone.

Refuse storage is permitted to be located in an interior yard only, and no encroachment into the required front yard is permitted.

2.6 Holding Zones

Notwithstanding any other provision in this By-law, where a Zone symbol is preceded by, a letter “H” and a number— for example H1M1 – the symbol refers to a Holding provision that applies to the lands noted. No person shall use or permit the land to which the Hold applies for any use other than the use which legally existed on the date the By-law applying the Holding provision came into effect or the use(s) permitted in the By-law enacting the Hold, or expand or replace an existing building or structure as the case may be, until the Hold (H) is removed in accordance with the policies of the Official Plan and Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

Consultation:

Public Consultation:

The statutory notice of the application was provided by newspaper on May 14th, 2024 along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on May 3rd, 2024. The statutory notice of the public hearing was provided by newspaper on June 15th, 2024, and courtesy mail-out within 122 m of the property on June 13th, 2024.

At the time of writing this report, two phone calls were received and no written submissions with respect to this application have been received by the Planning Services Division.

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. Comments received from departments generally had no concerns with the rezoning request subject to an amended to the site plan control agreement being completed. Additionally, Building Services has requested that all outstanding building permit records be rectified as a condition to the rezoning application.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis:

The Provincial Policy Statement, Growth Plan for Northern Ontario, and City of Sudbury Official Plan all encourage appropriate growth and commercial intensification to occur within settlement areas on full municipal services. The subject lands are located in an existing commercial area within the City of Sudbury and is serviced by a municipal water and sanitary connection.

The Provincial Policy Statement and City's Official Plan promote the intensification of employment lands and encourage a wide range of uses to service existing and future needs of the community and area. The proposed rezoning application would allow for a third commercial business to be located on the subject lands, which is considered to be an appropriate scale of intensification for the site. The additional business will contribute to the diversity of commercial uses in the area and will serve residents.

The City's Official Plan provides criteria for rezoning lands for development purposes within the 'Mixed Use Commercial' designation. Staff is of the opinion that the criteria are being met as the site is capable of being adequately serviced, parking standards are being adhered to, no new entrances are being proposed, no traffic concerns were identified through the circulation process, and landscaping has been identified on the concept plan. The proposed building expansion requires an amendment to the site plan control agreement. Any additional technical requirements will be addressed through this process.

Since the previous two rezoning applications, the applicant has acquired additional lands from the City and is now proposing to add an additional 8 parking spaces in the front yard. As a result of the additional parking, the applicant has requested a 0 m wide landscaped area south of the driveway entrance, where a 3 m wide landscaped area is required abutting roads with a width greater than 10 m, as well as a parking area within 0 m of a road with a width greater than 10 m, where a 3 m setback is required. All other requested relief remains unchanged from the previous applications and largely reflects existing site conditions, for example recognizing the rear yard setback of the existing building. In reviewing the application, staff identified that relief is also required for the front yard setback of the building. It is recommended that the front yard setback of 13.98 m be recognized within the site-specific zoning provisions, which is reflected within the resolution. Staff is of the opinion that the relief being sought is appropriate for the subject lands and do not anticipate negative impacts to surrounding land uses as a result of the rezoning and building addition. Adequate buffering is being maintained between the commercial use and residential homes to the east in accordance with the zoning by-law standards. Although, relief is being sought for buffering and setbacks from the frontage along Long Lake Road, there is a landscaped section of the right of way in between the property line and the travelled portion of the road.

Staff recommends that a holding provision be placed on the lands which would prevent new development from occurring until an amendment to the site plan has been completed and all outstanding building records have been addressed. Removal of the holding provision is contingent upon the completion of these items in accordance with the resolution section of the report. There are no lapsing date provisions associated with the removal of a holding provision.

Overall, staff is of the opinion that the proposed building expansion is an appropriate size for the subject lands. Staff will continue to review the proposal through the site plan control amendment process. The applicant should be advised that if additional relief is required, a subsequent planning act application will be required.

Conclusion:

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.

Appendix 1:

Departmental & Agency Comments

a) Building Services

1. The submitted sketch does not clearly identify the requested special provisions. The sketch requires correctly drafted property line with all setbacks indicated.
2. Building Services has several Building Permit records in Conditionally Issued status, as well as having outstanding Building Code infractions. We request that the required Site Plan Control Agreement and resolution of all outstanding records be rectified as a condition of rezoning.
3. Building Permit B20-1071 for the construction of the addition has been cancelled due to inactivity. A new Building Permit application to the satisfaction of the Chief Building Official will be required, complete with a drawing package submission in compliance with current Building Code.
4. A Building Permit application to the satisfaction of the Chief Building Official will be required to address retaining walls and required guards.

b) Development Engineering

This location is presently serviced with water and sanitary sewer and is subject to a Site Plan Control Agreement. No objections to the rezoning provided that any development to this site is through an amendment to the Site Plan Control Agreement.

c) Fire

No comments.

d) Infrastructure Capital Planning

No concerns.

e) Strategic & Environmental Planning

No concerns with this application.

f) Transit Services

No concerns or comments.

g) Nickel District Conservation Authority (NDCA)

Subject property is not located in any areas regulated by Conservation Sudbury. No objection to the proposed rezoning.