

0 Kingsway Boulevard, Sudbury

Presented To:	Planning Committee
Meeting Date:	July 8, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/24-03 & 751-6/24-04

Report Summary

This report provides a recommendation regarding applications for Official Plan Amendment and Rezoning to facilitate a 2 ha lot addition to an abutting property for the expansion of the existing businesses.

This report is presented by Wendy Kaufman, Senior Planner.

Resolutions

Resolution 1:

Resolution Regarding the Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Peter Kyrzakos Estate and Michael Kyrzakos Estate to amend the City of Greater Sudbury Official Plan by redesignating the subject land from Parks and Open Space to Mixed Use Commercial on those lands described as Part of PIN 02132-0463, Parcel 24005A, Lot 3, Concession 4, Township of McKim, as outlined in the report entitled “0 Kingsway Boulevard, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of July 8, 2024.

Resolution 2:

Resolution Regarding the Rezoning:

THAT the City of Greater Sudbury approves the application by Peter Kyrzakos Estate and Michael Kyrzakos Estate 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 “OSP” Open Space Private to an amended “C2(106)” General Commercial (Special) Zone on those lands described as Part of PIN 02132-0463, Parcel 24005A, Lot 3, Concession 4, Township of McKim, as outlined in the report entitled “0 Kingsway Boulevard, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of July 8, 2024, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:

- a. That the only permitted uses shall be Automotive Body Shop; Tire Storage Building; Warehouse; Automotive Repair Shop; and Commercial or Public Garage.
3. That conditional approval shall lapse on July 9, 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 applications to amend the City's Official Plan and Zoning By-law are operational matters under the Planning Act to which the City is responding. The applications generally align with Goal # 2 - Business Attraction, Development and Retention in the City's Strategic Plan insofar as they would facilitate the future expansion of existing businesses. The applications are 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 is unable to estimate taxation revenues as the assessment value of the proposed building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it 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:

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment that are intended to facilitate a 2 ha lot addition to benefit the property to the east known as 1024 Kingsway for the future expansion of the existing businesses onto the subject lands. The lands are designated Parks and Open Space in the Official Plan.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, and conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.

STAFF REPORT

PROPOSAL:

The applications propose to amend the City's Official Plan and Zoning By-law 2010-100Z to facilitate a 2 ha lot addition to benefit the property to the east known as 1024 Kingsway, for the future expansion of the existing businesses onto the subject lands. The requested uses include Automotive Body Shop; Tire Storage Building; Warehouse; Automotive Repair Shop; and Commercial or Public Garage. A 1522 sqm warehouse is shown on the applicant's concept plan, which straddles the boundary between the subject lands and benefitting lot, and which would be accessible via private driveway extending from Kingsway Boulevard across the benefitting lands. Existing land uses and buildings situated on the benefitting lands would continue to remain and are not proposed to be altered. In order to accommodate the proposed uses, the proposed official plan amendment would redesignate the lands from Parks and Open Space to Mixed Use Commercial. The rezoning would change the zoning classification of the subject lands from "OSP" Open Space Private to an amended "C2(106)" General Commercial (Special) Zone.

The applications included the submission of the following documents and technical studies:

- Existing Conditions Plan
- Concept Plans and Elevation Plan
- Planning Justification Report
- Source Water Protection S. 59 Application
- Sewer and Water Capacity Request

Existing Zoning: "OSP", Open Space Private

The only permitted use in the OSP zone is a park.

The benefitting lands to the east, known as 1024 Kingsway, are zoned "C2(106)", General Commercial Special, which additionally permits an automotive body shop, tire storage and warehouse. It also establishes that a tire storage and warehouse building shall have a maximum gross floor area of 1,600 square metres.

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

The proposed rezoning to an amended "C2(106)" would permit the development of the requested uses including Automotive Body Shop; Tire Storage Building; Warehouse; Automotive Repair Shop; and Commercial or Public Garage on the subject lands. A survey would be required to implement the amending by-law. No site-specific zoning relief is requested.

Location and Site Description:

The subject lands are described as Part of PIN 02132-0463, Parcel 24005A, Lot 3, Concession 4, Township of McKim. 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 subject lands are approximately 2 ha in size, with the remainder of the property being approximately 45 ha in size. The subject lands have no road frontage. The subject lands are partially cleared and the planning justification report indicates these lands are being used as a temporary parking area. The benefitting lands to the east, known as 1024 Kingsway, are approximately 6 ha in size with 20 m of frontage on Kingsway Boulevard. The benefitting lands contain two main buildings occupied by automotive and retail uses (Imperial Collision Centre, Forest & Lawn Equipment Supply, Insurance Company).

Development Engineering advises that municipal water and sanitary sewer are available at the Kingsway, and the existing buildings at 1024 Kingsway are serviced with water and sanitary sewer services. The nearest transit stop is located approximately 100 m to the east on Kingsway Boulevard.

The lands are located within a Source Water Protection area, being the Ramsey Lake Intake Protection Zone 3 with a Vulnerability Score of 9.

Surrounding Land Uses:

North and west: retained lands being vacant with mature vegetation and rocky topography

East: the benefitting lands, known as 1024 Kingsway, which contain two main buildings occupied by automotive and retail uses (Imperial Collision Centre, Forest & Lawn Equipment Supply, Insurance Company)

South: commercial use fronting on Kingsway Boulevard (Palladino Honda)

The existing zoning and location map are attached to this report and indicate the location of the subject lands, as well as the zoning on other parcels of land in the area.

Site photos show the proposed lands for lot addition, the benefitting lands, and surrounding commercial uses.

Related Applications

The benefitting lands to the east, known as 1024 Kingsway, are zoned “C2(109)”, General Commercial Special, as a result of the approval of rezoning application [751-6/15-11](#) in 2015 and [751-6/22-24](#) in 2023. These applications additionally permitted an automotive body shop, and tire storage and warehouse. The tire storage and warehouse building shall have a maximum gross floor area of 1,600 square metres.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m of the subject lands on April 30, 2024. The statutory Notice of Public Hearing dated June 13, 2024, was provided to the public by newspaper and to nearby landowners and tenants located within 122 m of the subject lands.

The owner’s agent was advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. 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. Several sections of the PPS are relevant to the applications.

The lands are included in the City's settlement area.

Section 1.1.1 states that healthy, liveable and safe communities are sustained by (a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

Section 1.1.3 identifies that settlement areas are to be the focus of growth and development.

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.

Policies 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 with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and is satisfied that the applications conform to and do not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Parks and Open Space in the Official Plan for the City of Greater Sudbury and are located within the settlement area boundary and outside the built boundary. The subject lands are proposed to be designated Mixed Use Commercial in the Official Plan.

Section 7.3.2 states that Parks and Open Space held in private ownership form an integral part of the open space network. In some instances, public access is provided through arrangements made with private landowners. Such lands could potentially fill missing linkages in the open space network, or provide buffers between incompatible land uses. For these reasons, the City will encourage the protection of privately owned Parks and Open Space.

Policy 1 states that private lands designated Parks and Open Space primarily consist of:

- a. lands with natural hazards such as flood plains that are not suitable for development;
- b. lands that are difficult and uneconomical to develop and service;
- c. lands that are intended to be left undeveloped to serve as buffers between mining or heavy industrial uses and built-up areas;
- d. hydro corridors; and,
- e. lands occupied by private outdoor recreational facilities such as golf courses.

Section 1.3.2 of the Official Plan regarding Economic Development 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.

Policy 2.3.2(1) states that future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas.

Policy 2.3.2(3) states that intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.

Section 4 of the Official Plan regarding employment areas identifies these areas as lands where people presently work and lands where employment opportunities will be provided in the future. Section 4.3 regarding the Mixed Use Commercial designation describes that these uses are generally concentrated along certain stretches of Arterial Roads. Given the function and high visibility of these areas, special attention is to be given to sound urban design principles including supporting active transportation and transit.

Policy 4.3(1) states that all uses permitted by the Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process. Uses permitted in the Mixed Use Corridor designation shall provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

Policy 4.3(3) states that in order to minimize the disruption of traffic flow along Arterial Roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted.

Policy 4.3(4) states that 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, such as turning lanes, where required for a new development, will be provided by the proponent;
- f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
- g. the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

Policy 14.7.1 states that new land uses or design features that would detract from the enhancement of major focal point areas within the City, such as Science North, the Big Nickel, Bell Park, Tom Davies Square and Laurentian University are discouraged. The open space character and natural aesthetic environment of the Paris Street corridor, especially that section between Walford Road and York Street, will be preserved and enhanced. In particular, the view corridor to and from Science North will be protected.

Employment Land Strategy (July 2022)

The City's Employment Land Strategy (July 2022) identifies a vacant commercial land inventory of approximately 340 hectares (almost half is serviced), with 90% of these lands located in the Community of Sudbury. The report recommends planning for 20 hectares of additional retail-commercial land through 2046. The report goes on to recommend that, to the extent that developer interest is identified on lands that are not currently designated, land use conversion requests should be evaluated on a case-by-case basis. The report states that a reactive and flexible approach is preferred, in allowing market participants to guide site selection preferences rather than the City trying to anticipate occupier needs. Further, that entertaining applications for Official Plan and Zoning By-law amendments to allow retail-commercial uses in areas where they are not currently permitted is supportable, given the conclusions of the Employment Land Strategy that the overall employment land supply is more than sufficient to accommodate anticipated growth through the forecast horizon.

Zoning By-law 2010-100Z:

Development standards for the requested 'C2' zone include a maximum height of 15 m. The minimum required rear yard is 7.5 m, and the minimum required interior side yard to the west and south is 0 m given the adjacent non-residential zoning. The maximum lot coverage is 50%. The minimum landscaped open space required is 5%.

Site Plan Control

A site plan control agreement would be required prior to development of the subject lands. A registered site plan control agreement is in place for the lands to the east with the existing businesses and that would benefit from the lot addition.

Department/Agency Review:

The applications including relevant accompanying materials have been circulated to all appropriate agencies and departments. Responses received have been used to assist in evaluating the applications.

Infrastructure Capital Planning, Transit, Strategic and Environmental Planning Services, and Fire Services have each advised that they have no concerns from their respective areas of interest.

Building Services advises that the proposed building construction will require a Building Permit to the satisfaction of the Chief Building Official. Applicant to be advised that further comments may arise at time of fulsome review of the project plans.

Conservation Sudbury advises that 0 Kingsway (the Larger Property) land cover is primarily exposed bedrock with sparse tree cover. The portion proposed to be rezoned (Subject Property) includes similar ground cover as the Larger Property as well as a gravel fill pad used for parking, and an ephemeral watercourse draining towards 1024 Kingsway. As per Ontario Regulation 41/24, made pursuant to the Conservation Authorities Act, Conservation Sudbury regulates development adjacent to the watercourse. Conservation Sudbury has no objection to the proposed Official Plan amendment and Zoning By-Law amendment. The Existing Condition Plan by Tulloch shows the extent of the watercourse. Future warehouse plans shown on the Concept Plan by Luciw Boudreau Architecture appears to be located adjacent to the watercourse and would require permission of Conservation Sudbury. On site plan control agreement applications, the site plan should show the watercourse and separation distance between such and warehouse.

Development Engineering advises that municipal water and sanitary sewer are available at the Kingsway. The existing building at 1024 Kingsway is serviced with water and sanitary sewer services. There is sufficient sanitary sewer capacity within the Kingsway sanitary sewer, and the watermain within the Kingsway road allowance can provide 87 litres/second for firefighting purposes. Any development of this site will need to address the limited fire flow available, through sprinklers within the building or other construction methods at the time of building permit application.

Water/Wastewater advises that no activity or activities engaged in or proposed to be engaged in on the subject lands 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 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, 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 applications with respect to the applicable policies, including issues raised through agency and department circulation.

The applications would increase the amount of land designated Mixed Use Commercial along Kingsway Boulevard, and permit the site to be used for Automotive Body Shop; Tire Storage Building; Warehouse; Automotive Repair Shop; and Commercial or Public Garage.

Staff recommends that the proposed increase in Mixed Use Commercial land in this area is appropriate. The proposal conforms with the Growth Plan for Northern Ontario in that it aligns with the general economic policies. The applications are consistent with PPS policies and conform with Official Plan policies that acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide employment opportunities. Further, the increase is supported by the direction provided in the City's Employment Lands Strategy, specifically the recommendation to plan for 20 hectares of additional retail-commercial land through 2046 through the review of Official Plan and Zoning By-law Amendments to allow retail-commercial uses. The proposal would contribute positively to providing for an appropriate mix and range of employment-related uses along an existing cluster of employment-related uses, and meet the longer-term needs of existing automotive-related uses.

The proposed location aligns with the Official Plan direction to locate Mixed Use Commercial areas along Arterial Roads. The proposed designation and zoning would match the benefitting lands to the east, and represent a logical extension of the Mixed Use Commercial designation in this area. This site is well-served by transit. Land assembly in this manner is identified in the Official Plan as a strategy to minimize the disruption of traffic flow along Arterial Roads.

The subject lands are within a fully-serviced settlement area. The applications align with the PPS as well as Official Plan section 1.3.2 regarding directing development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure. The applications will enable the efficient use of the existing transportation infrastructure being Kingsway Boulevard.

The reduction of lands designated as Parks and Open Space in this location is not expected to have a negative impact on the supply of natural park area. Despite the Official Plan policy that states these lands may be unsuitable for development, review of the applications has not identified significant physical constraints. Further to comments from Conservation Sudbury, the location of an ephemeral stream shown on the Existing Conditions Plan will need to be shown on any future site plan application and appropriate setbacks applied.

The rezoning application meets the specific considerations listed in policy 4.3 of the Official Plan:

- The lands are fully serviced with municipal water and sanitary sewer infrastructure that is available from Kingsway Boulevard. Further to comments from Development Engineering, development of this site will need to address the limited fire flow available, through sprinklers within the building or other construction methods at the time of building permit application.
- The site is large enough to accommodate required parking.
- No new access to Arterial Roads is requested or required.
- Regarding traffic carrying capacity, the applicant was advised during pre-consultation that a request to permit all uses listed in the C2(106) zone would require a Traffic Impact Study to be submitted with the application given the significant size of the subject land. The applicant has chosen to scope the request to certain uses intended to accommodate their business needs, rather than provide a traffic impact study to assess the impact and any required road upgrades needed to permit a full range of commercial uses. Restricting the uses to those requested will ensure that the traffic carrying capacity of the Arterial Road is not significantly affected.
- Landscaping requirements can be met.
- Matters relating to site design will be further addressed through the site plan control agreement process. The applicant has provided a building elevation plan that illustrates the proposed built form, which is expected to compliment the commercial character of the Kingsway Boulevard, in alignment with Section 14.7 of the Official Plan.

Staff recommends the official plan amendment be passed without any conditions, and not tied to the rezoning approval. This is because staff recommends the zoning by-law amendment be approved subject to a condition requiring submission of a plan of survey in order to implement the rezoning by-law, and a survey will also be required for the consent application. After the official plan amendment comes into effect, the owner can apply for and receive conditional consent approval with any special instructions for the survey. This will enable the owner to complete the survey for both the rezoning and lot addition at the same time.

CONCLUSION:

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

The following are the principles of the proposed official plan amendment and zoning by-law amendment:

- to permit Automotive Body Shop; Tire Storage Building; Warehouse; Automotive Repair Shop; and Commercial or Public Garage on the subject land.

The development of the subject land achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is of the opinion that the proposed amendments are appropriate based on the following:

- The proposed increase in Mixed Use Commercial land is appropriate.
- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- There are no identified servicing constraints and the traffic increase can be accommodated. Adequate on-site parking can be provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.