

58 Jacobson Drive, Lively

Presented To:	Planning Committee
Meeting Date:	January 20, 2025
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-8/24-03

Report Summary

This report provides a recommendation regarding an application for Rezoning to permit the use of the existing building for retail use for a period of three years.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Azzurri Development Inc. to amend Zoning By-law 2010-100Z in order to permit the use of the existing building for retail use in accordance with Section 39 of the Planning Act for a temporary period of three (3) years, on those lands described as PIN 73375-0003, Parcel 10080 SEC SWS SRO, Lot 6, Concession 4, Township of Waters as outlined in the report entitled “58 Jacobson Drive, Lively”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 20, 2025, subject to the following conditions:

1. That prior to the enactment of the amending by-law, the owner shall have applied for a building permit and submitted plans for the change of use and for any construction required to the satisfaction of the Chief Building Official.
2. That conditional approval shall lapse on January 21, 2027, 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 application aligns with 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 (CEEP) by supporting the strategy of compact, complete communities through the continued reuse of an existing underutilized building.

Financial Implications

There are no financial implications associated with this report.

Report Overview:

An application for a temporary use by-law has been submitted pursuant to Section 39 of the Planning Act in order to permit the use of the existing building for retail use at 58 Jacobson Drive, Sudbury for a period of three (3) years. Staff recommends approval of the application.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to permit a temporary use by-law for a period of three years, pursuant to Section 39 of the Planning Act, to permit the use of the existing building for retail use. No exterior construction or additions are proposed in conjunction with this temporary use.

The property had previously been advertised as Pet Save's Cat & Dog Adoption Centre. The building has been more recently been advertised as a business called 'Relic House Market'. This application was preceded by enforcement action by By-law Services regarding the use of the property in contravention of the City's zoning by-law.

The applicant has provided two Survey Plans, a Concept Plan, and a Floor Plan in support of the application.

Existing Zoning: "RU", Rural

The subject lands are zoned "RU", Rural under By-law 2010-100Z. A retail use is not permitted in this zone.

Requested Zoning

The application proposes to permit a temporary use by-law for a period of three years, pursuant to Section 39 of the Planning Act, to permit the use of the existing building for retail use.

Location and Site Description:

The subject property is described as PIN 73375-0003, Parcel 10080 SEC SWS SRO, Lot 6, Concession 4, Township of Waters. The subject lands are on the east side of Jacobson Drive, approximately 150 m from the intersection of Jacobson Drive and Municipal Road 24 in Lively.

The total property area is approximately 0.7 ha in size, with a driveway extending from Jacobson Drive. The existing building is situated on the easterly portion of the property and is 2 storeys in height. The application indicates the building has a gross floor area of approximately 3725 square feet and was constructed in 1952. The site contains a significant amount of natural vegetation, along with a gravel parking area that can accommodate 15 spaces as shown in the applicant's concept plan. Development Engineering advises that the site is presently serviced with municipal water and sanitary sewer.

Surrounding Land Uses:

The area surrounding the site includes:

North and South: low density residential use zoned "RU", Rural

East: lands owned by the City of Greater Sudbury and zoned "I", Institutional

West: commercial use (Home Hardware, Circle K convenience store and gas station)

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

Site photos show the subject lands and the existing building, low density residential and commercial 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 of 122 m of the property on October 15, 2024. 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. The statutory notice of the public hearing was provided by newspaper on December 28, 2024 (Sudbury Star) and January 8, 2025 (Voyageur) and courtesy mail out on December 23, 2024.

Policy and Regulatory Framework:

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

- [2024 Provincial Planning Statement](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury, 2006](#); and,
- [Zoning By-law 2010-100Z](#).

Provincial Planning 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 Planning 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.

2.3.1 General Policies for Settlement Areas

1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities;
 - c) support active transportation;
 - d) are transit-supportive, as appropriate; and
 - e) are freight-supportive.
3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:
 - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and
 - e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

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. The following policies of the Growth Plan for Northern Ontario are relevant to the application.

4.4.2 Municipalities that contain strategic core areas are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts that can:

- a. attract employment uses and clusters, including office and retail
- b. accommodate higher densities
- c. 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.

4.4.3 Municipalities that contain strategic core areas should develop in their official plans and other supporting documents a revitalization strategy that includes:

- a. delineation of the strategic core areas
- b. targeted approaches to support the revitalization and intensification of the strategic core areas, including:
 - i. identification and prioritization of opportunities for the redevelopment of brownfield sites within the strategic core areas
 - ii. a minimum target for the intensification of the strategic core areas.

Official Plan for the City of Greater Sudbury:

The lands are designated Town Centre in the Official Plan, and are within the settlement area and the built boundary. Section 2.3.2 of the Official Plan establishes Town Centres as strategic core areas. Section 4.2.5 of the Official Plan establishes policies for the Town Centres, which are Employment Areas recognized as the existing and historic commercial centers of communities such as Lively. Town Centres will be planned to include a diverse mix of land uses. Permitted uses may include retail use. Section 20.5.3 of the Official Plan indicates that conformity with the land use policies of the Plan is not required for temporary use by-laws.

Zoning By-law 2010-100Z:

The subject lands are zoned "RU", Rural. A range of residential and non-residential uses are permitted in the rural zone including single detached dwellings and mobile homes, as well as agricultural use, animal shelter, distilling facility, garden nursery, public utility, small-scale brewing facility, veterinary clinic and winery. A retail use is not permitted in this zone.

Site Plan Control:

Site plan control is not required for this development given the temporary nature and scope of the proposed use.

Department/Agency Review:

Planning staff circulated the development application to all appropriate internal departments and external agencies. These responses have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

Development Engineering, Transit, Strategic & Environmental Planning, Conservation Sudbury, and Infrastructure Capital Planning have advised that they have no concerns with respect to the application. |

Building Services advises that a Building Permit to the satisfaction of the Chief Building Official will be required for the Change of Use and for any construction required.

Planning Analysis:

The PPS (2024), the Growth Plan (2011), and the 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.

This proposed temporary retail use in the existing building is consistent with the Provincial Policy Statement in that it intensifies the use of an existing building within the City's settlement area, and provides a location for economic activity. The application conforms to the Growth Plan for Northern Ontario by aligning with the provincial strategy of planning for strategic core areas, in this case a Town Centre, to function as a walkable mixed use district that can attract employment use including retail, and contribute to the amenities accessible to residents.

Given this is an application for a temporary use, there is no requirement for the by-law to conform to the Official Plan though staff recommend that the proposed use conforms with the Official Plan policy direction for Town Centres. The proposed use is expected to be compatible with the adjacent uses and not result in land use conflicts given the extent of natural vegetation on the property that serves as a buffer between adjacent residential properties to the north and staff. Staff is of the opinion that the driveway and on-site parking can accommodate this use.

It is recommended that the proposed temporary use for a three year period would be appropriate, subject to a condition requiring submission of a building permit and plans to the satisfaction of the Chief Building Official for the change of use and for any construction required, as described in the Resolution.

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 Amendment:

- to permit temporary retail use in the existing building for a period of three (3) years.

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

- The application is consistent with the Provincial Policy Statement in that it intensifies the use of an existing building within the City's settlement area, and provides a location for economic activity.
- The application conforms to the Growth Plan for Northern Ontario by aligning with the provincial strategy of planning for strategic core areas, in this case a Town Centre, to function as a walkable mixed use district that can attract employment use including retail, and contribute to the amenities accessible to residents.
- The use is compatible with surrounding properties.
- The existing parking facilities and driveway access are appropriate and can accommodate the use.

The application is considered to be consistent with the Provincial Policy Statement and in conformity with the Growth Plan for Northern Ontario. As noted, conformity with the City of Greater Sudbury Official Plan is not required for temporary use by-laws. Planning Services recommends that the application be approved subject to the above noted conditions which have been included in the recommendation section of this report.