

4548 Notre Dame Avenue, Hanmer

Presented To:	Planning Committee
Meeting Date:	July 14, 2025
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/24-09

Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit a rental store with accessory outdoor storage.

This report is presented by Wendy Kaufman, Senior Planner.

Letter(s) of concern from concerned citizen(s).

Resolution

THAT the City of Greater Sudbury approves the application by Colin's Haulage Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "C2", General Commercial, to "C2(S)", General Commercial Special on lands described as PIN 73508-1010 and Part of PIN 73508-1009, Parcels 9323 & 9436, Lot 12, Concession 3, Township of Capreol, as outlined in the report entitled "4548 Notre Dame Avenue, Hanmer", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 14, 2025, 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 by-law includes the following site-specific provisions:
 - (i) That a rental store with accessory outdoor storage shall be additionally permitted.
 - (ii) That the location of the existing building shall be permitted.
 - (iii) A minimum 3.0 m drive aisle shall be permitted on the west side of the existing building.
 - (iv) A minimum of 16 parking spaces shall be provided for a rental store with accessory outdoor storage.
 - (v) An opaque fence with a minimum height of 2.2 metres shall be provided along the southerly lot line adjacent to 8 Legault Lane and 10 Legault Lane.

(vi) A fence with a maximum height of 2.0 m shall be permitted in the required front yard and shall not be opaque above 1.0 m in height.

3. That an “H”, (Holding) symbol be applied to the zoning to prohibit accessory outdoor storage until a stormwater management plan and spill containment protocol for the property has been provided by a qualified professional(s) and that the owner enter into an agreement with the City to implement any recommendations, or municipal water services are provided to 7 Legault Lane, 8 Legault Lane and 10 Legault Lane, to the satisfaction of the Director of Planning Services.

4. That conditional approval shall lapse on July 15, 2026, unless Condition #1 above have 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 contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to business attraction, development and retention. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of compact, complete communities.

Financial Implications

If approved, staff are 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 at the time of permit issuance.

Report Overview

An application for rezoning has been submitted in order to permit a rental store with accessory outdoor storage. The application is recommended for approval as described in the Resolution section.

Staff Report

Proposal:

An application for rezoning has been submitted in order to permit a rental store with accessory outdoor storage. A related consent application B0097/2024 has been submitted in order to sever the lands subject to this application from the remainder of the applicant's holdings to the north.

The applicant's concept plan illustrates an existing 161 square metre building on the west side of the property oriented to Notre Dame Avenue, with a proposed 817 square metre addition and approximately 1600 square metre open storage area to the rear of the property to the east. Two sketches, a Source Water Protection s. 59 application, and a Technical Memo were submitted in support of the application.

The application was preceded by a Stop Work Order and an Order to Comply issued by Building Services on Oct 5, 2023. Both pertain to the construction of foundations without benefit of permit. The property is also subject to MECF Provincial Officer's Order Number 3008-BP5SMT, related to the previous use of the site and ongoing environmental work described in the Technical Memo.

The zoning by-law defines a rental store as follows: "A retail store in which a building, or part of a building where goods are kept for the purpose of temporary loan to the public and shall include a light equipment sales and rental establishment. A sum of money is paid for the use of the goods for a set period of time and after which the goods are returned. However, a rental store shall not include an automotive leasing establishment or heavy equipment sales and rental."

The site is currently advertised as the location of the 'The Weld Doctor Inc.' and staff observed business operations. Staff also observed the proposed building addition is partially constructed and there are a number of shipping containers on the subject lands and on the adjacent lands owned by the applicant, and as shown in site photos on January 3, 2025 and June 3, 2025. Staff presume that shipping containers are being used for temporary construction use as permitted by section 4.40.5 of the zoning by-law, and the applicant is advised these are not permitted on a permanent basis.

Existing Zoning: "C2", General Commercial

The current C2 zone permits a wide range of residential and non-residential uses such as automotive uses, retail store, service shop, and service trade.

Requested Zoning: "C2(S)", General Commercial Special

The requested zoning would additionally permit a rental store with accessory outdoor storage. No site-specific relief from any zone standard is requested.

Location and Site Description:

The lands are legally described as PIN 73508-1010 and Part of PIN 73508-1009, Parcels 9323 & 9436, Lot 12, Concession 3, Township of Capreol. The total area of the subject parcel is approximately 6000 square metres. The subject lands are located on the east side of Notre Dame Avenue in Hanmer, just south of the intersection of Notre Dame Avenue and Municipal Road 80. The lands have approximately 48 m of frontage on Notre Dame Avenue, which is a primary arterial road in this location, and a depth of 116 m. The lands are currently serviced with municipal water and sanitary sewer, and transit stops in both directions are located approximately 100 m to the south.

It is acknowledged that the former use of the site included a retail fuel outlet, as described in the Technical Memo. As of the date of this report, there is no Record of Site Condition posted to the online Environmental Site Registry maintained by the Ministry of Environment, Conservation and Parks.

The lands are located within a Wellhead Protection Area 'C' with a vulnerability score of 8. Water/Wastewater staff has indicated that no activity or activities engaged in or proposed to be engaged in on the above property are considered to be significant drinking water threats at this time.

Surrounding Land Uses:

The area surrounding the site includes:

North:	remainder of the applicant's holdings, low density residential use fronting on Oscar Street, Canada Post Office
East:	vacant land zoned "I", Institutional and associated with the place of worship fronting on Cote Boulevard to the south, St. Jacques Cemetery
South:	vacant land zoned "C2", General Commercial, low density residential use fronting on Legault Lane
West:	Notre Dame Avenue, medium and low density residential use

The 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.

Public Consultation:

The statutory notice of complete application was provided by newspaper on January 11, 2024, along with a courtesy mail-out circulated to surrounding property owners within 120 metres of the property following the conclusion of the Canada Post labour disruption (December 17, 2024). The statutory notice of the public hearing was provided by newspaper on June 21, 2025, along with a courtesy mail-out circulated to surrounding property owners within 120 metres of the property on June 19, 2025.

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, two (2) comment letters/requests for notice of decision have been received by the Planning Services Division. Staff also met with adjacent residents. Concerns raised include impacts on private wells, noise from the business and loading, potential use of the property for a demolition/excavation business or change of the use of the property over time, trees falling onto the adjacent property, use of shipping containers on the property, request to move the location of loading and include a fence, and impacts on property values.

Policy & Regulatory Framework:

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

- [2024 Provincial Planning Statement \(PPS\);](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [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 (PPS):

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 Planning Statement. A number of policies are relevant to the application.

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.

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.

2.8.2 Employment Areas

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.

Policy 3.6 Sewage, Water and Stormwater

8. Planning for stormwater management shall:

- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads.

Growth Plan for Northern Ontario (GPNO):

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 application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject property is designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury.

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.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets, and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

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.

Policy 4.3(4) for the Mixed Use Commercial designation 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.

Section 8.3 regarding the Greater Sudbury Source Protection Area Source Protection Plan states that Development, certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan (policy 1). The City will continue to ensure that the Zoning By-law will restrict land uses that have the potential to cause contamination of groundwater resources in areas identified on Schedules 4a and 4b as WHPAs and IPZs (policy 6).

Policy 8.5.1(e) regarding Stormwater Management states that stormwater management in the City is needed to ensure that any development or redevelopment utilizes best management practices such as low impact development, minimizes the impact of change to the groundwater regime, increased pollution, increased erosion or increased sediment transport, especially during construction.

Section 10.5 regarding Contaminated Lands states that contaminated lands are those lands where the environmental condition of the property has been harmed through past activities. Although such lands represent a potential hazard due to real or perceived environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification in built-up urban areas and other community objectives.

Zoning By-law 2010-100Z:

Table 7.3 establishes that in the "C2", General Commercial zone, the minimum lot area is 1350.0 square metres and the minimum lot frontage is 30.0 m. The minimum front yard is 15.0 m and minimum rear yard is 7.5 m. There is no minimum interior side yard. The maximum height is 15.0 m. The maximum lot coverage is 50%. The minimum landscaped open space is 5%. Accessory outdoor storage is not permitted. Parking is not permitted within 3.0 m of Notre Dame Avenue. Parking for a rental store is to be provided at the same rate as a retail store, being 1/33 square metres net floor area, and subtracting 10% for being located on a GOVA route.

Under Section 4.34 of the Zoning By-law, shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone.

Site Plan Control:

A site plan control agreement is required prior to development of the lands.

Department/Agency Review:

Transit, Hydro One, Strategic and Environmental Planning, Conservation Sudbury, Fire Services and Infrastructure Capital Planning Services have no concerns regarding this matter.

Development Engineering advises both water and sanitary sewer are available for this development.

Building Services advises of no objections with the proposed use subject to the following advisory comments:

- A Building Permit to the satisfaction of the Chief Building Official will be required for the proposed building addition.
- At this time, the submitted sketch is insufficient to review all zoning provisions. Complete review at time of Building Permit may require further relief subject to Minor Variance.

Water/Wastewater staff has provided a Notice pursuant to subsection 59(2)(a) of the Clean Water Act, which states that no activity or activities engaged in or proposed to be engaged in on the property are considered to be significant drinking water threats at this time. The owner is advised they may undertake the activity or activities described in the application and proceed to apply for a Building Permit or Planning Approval as they are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2024), 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.

An application for rezoning has been submitted in order to permit a rental store with accessory outdoor storage.

The application is consistent with the PPS and conforms 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 for a diversified economic base.

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 building and services to the site. Further, given the historical use of the property including as a former retail fuel outlet, the redevelopment of this underutilized commercial site aligns with the Official Plan policies regarding brownfields redevelopment and intensification in built-up areas.

The rezoning application meets the specific considerations listed in policy 4.3(4) of the Official Plan regarding the rezoning to permit new development in the Mixed Use Commercial designation:

- Sewer and water capacity is adequate for the site.
- Sixteen spaces are proposed where 25 would be required, and this is considered to be adequate parking for the proposed use.
- No new access to Notre Dame Avenue, a primary arterial road, is being proposed. Traffic carrying capacity is not expected to be impacted and traffic improvements are not required.

- Landscaping can be accommodated along Notre Dame Avenue. Buffering is not required adjacent to the residential uses to the south because the lots are zoned for commercial use.
- Considerations related to accessibility and heritage resources are not relevant to this application. Site design matters will be further addressed through the site plan control agreement process, and the proposed built form with screening of outdoor storage areas and fence further described below is expected to align with the character of this area in accordance with the urban design objectives of Section 14.7 of the Official Plan.

Staff acknowledges that the property is located within a vulnerable area identified in the Greater Sudbury Source Protection Plan. Water/Wastewater staff has provided a Notice pursuant to subsection 59(2)(a) of the Clean Water Act, which states that no activity or activities engaged in or proposed to be engaged in on the property are considered to be significant drinking water threats at this time.

Staff is generally supportive of the application given a rental store is considered a retail use and is located in an area intended to transition to commercial uses. In the interim, this use is expected to be generally compatible with the surrounding mix of existing uses comprised mainly of low-density residential use. However, the scale of the proposed outdoor storage area would generally be associated with an industrial yard use rather than a commercial use. The site abuts residential uses to the south, being 8 Legault Lane and 10 Legault Lane. A fence is recommended to be provided adjacent to these properties to promote compatibility. Additionally, the owners of these houses have advised that they are not currently connected to the municipal water supply. It is also understood by the author, though not confirmed, that 7 Legault Lane is not connected to the municipal water supply.

Further to provincial and official plan policy regarding stormwater management, it is recommended that an “H”, (Holding) symbol be applied to the zoning to prohibit accessory outdoor storage until a stormwater management plan and spill containment protocol for the property has been provided by a qualified professional(s) and that the owner enter into an agreement with the City to implement any recommendations (i.e. site plan control agreement). Alternatively, municipal water services could be provided to 7 Legault Lane, 8 Legault Lane, and 10 Legault Lane. It is acknowledged that providing municipal services to these properties may be difficult and potentially cost-prohibitive given Legault Lane is not owned by the City and is not constructed to a municipal standard.

Staff advises that site-specific relief is required to enable the concept plan, which is recommended to be approved as described in the Resolution, as follows:

- Staff recommends that the location of the existing building shall be permitted since it does not appear to comply with the required 15.0 m setback from a primary arterial road.
- In future, approximately 5.0 m of land will be required to be provided to the City for road widening. Staff notes the minimum 6.0 m wide drive aisle for two-way traffic has not been met in front of the existing building, and that a width of approximately 3.5 m can be accommodated. Staff recommends that relief be provided to a minimum of 3.0 m (which is the minimum required for one-way traffic). This will enable the road widening, trees to be planted outside of the road right-of-way, and drive aisle, to all be accommodated in front of the building.
- The parking calculations shown on the applicant’s concept plan are based on a portion of the building being used for a rental store, with a separate portion being used as ‘warehouse’. Staff advises that a warehouse use is not permitted in the C2 zone, and parking for all of the building is to be provided at the rate for a rental store, being 1/33 square metre net floor area. The total parking required would be 25 spaces $[(124+786)/33-10\% \text{ GOVA reduction}]$. The applicant’s concept plan illustrates 16 spaces, and staff recommends that the zoning bylaw require a minimum of 16 parking spaces, which is considered to be adequate for the proposed use.

- It is understood that there is an existing fence along the front property line which may exceed the maximum height permitted in the zoning by-law in the required front yard (e.g. a maximum height of 1.0 m is permitted in the required front yard, and elsewhere any portion of a fence above 2.0 m in height shall not be opaque). Staff recommends that relief be provided to permit a height of up to 2.0 m in the required front yard and shall not be opaque above 1.0 m in height. This will permit the existing fence to be retained.

Staff recommends a condition requiring submission of a plan of survey in order to implement the rezoning by-law.

The applicant is advised to ensure that, at the time of site plan control, the site statistics calculations include the lands within the road widening (if they aren't already) and a front yard dimension be included on the plan. Zoning relief is not required for a 1.5 m landscape area along the right of way since the lands for road widening have not yet been acquired by the City.

The applicant is advised that approval of this rezoning application and subsequent site plan control application would permit the requested use, being a rental store with accessory outdoor storage. A rental store is defined as follows: "A retail store in which a building, or part of a building where goods are kept for the purpose of temporary loan to the public and shall include a light equipment sales and rental establishment. A sum of money is paid for the use of the goods for a set period of time and after which the goods are returned. However, a rental store shall not include an automotive leasing establishment or heavy equipment sales and rental." Using the building for a different use may require a further rezoning application and/or site plan control agreement application. For example, a rental store specifically does not include heavy equipment sales and rental, which includes commercial vehicles, heavy machinery and equipment. A contractor's yard is a separately defined use which is also not permitted, which includes the use of land for the storing of equipment, vehicles or materials used in the construction industry and may include shop or assembly work.

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 "C2", General Commercial, to "C2(S)", General Commercial Special, to permit a rental store with accessory outdoor storage, with site-specific relief to permit the location of the existing building, to provide a reduced drive aisle width to the west of the existing building, to provide a minimum of 16 parking spaces for a rental store with accessory outdoor storage, to require an opaque fence along part of the southerly lot line, and to permit a fence height of 2.0 m in the required front yard.
- To apply an "H", (Holding) symbol to prohibit accessory outdoor storage until certain criteria are met.

The development of the subject lands 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 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:

- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- 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 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.