

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Public Hearings
File Number:	751-6/19-15

## Request for Decision

### 1582628 Ontario Ltd. – Application for Zoning By-law Amendment in order to prevent a split-zoning, 488 Falconbridge Road, Sudbury

#### Resolution

THAT the City of Greater Sudbury approves the application by 1582628 Ontario Ltd. to amend Zoning By-law 2010-100Z, by changing the zoning classification on the subject lands from “M1-1”, Business Industrial to “M1(41)”, Mixed Light Industrial/Service Commercial Special on a portion of those lands described as PIN 73570-0545, Lot 11, Concession 5, Township of Neelon, as outlined in the report entitled “1582628 Ontario Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020.

#### Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

#### Report Summary

This report reviews an application for Zoning By-law Amendment intended to prevent a split-zoning that would result from an approved consent application that is intended to facilitate a lot boundary re-alignment between two abutting properties having frontage on Falconbridge Road in Sudbury. The lands being acquired do not permit an automotive body shop which is a use that is permitted on the benefitting lands. There is a related application for consent (File # B0101/2019) which was approved by the City’s Consent Official on November 4, 2019 which required that the lands being acquired were rezoned accordingly to avoid non-compliance with Section 4.23 of the Zoning By-law. The agent for the owner has submitted a registered survey plan in advance with the rezoning application, which describes the lands to be rezoned in order to prevent a split-zoning from occurring as a result of the related lot boundary re-alignment. The Planning Services Division is recommending that the application be approved.

#### Signed By

##### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Dec 13, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Dec 13, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Dec 16, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Dec 19, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Dec 20, 19*

##### **Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Dec 23, 19*

## **Financial Implications**

This report has no financial implications.

**Title: 1582628 Ontario Ltd.**

**Date: December 12, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

The application for the Zoning By-law Amendment seeks 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 "M1-1", Business Industrial to "M1(41)", Mixed Light Industrial/Service Commercial Special.

The application is intended to facilitate a lot boundary re-alignment with abutting lands known municipally as 440 Falconbridge Road and would address the split-zoning provisions found under Section 4.23 of the City's Zoning By-law whereby the more restrictive zone applies. The lands being acquired do not permit an automotive body shop which is a use that is permitted on the benefitting lands. There is a related application for consent (File # B0101/2019) which was approved by the City's Consent Official on November 4, 2019 which required that the lands being acquired were rezoned accordingly to avoid non-compliance with Section 4.23 noted above.

The owner has submitted a registered survey plan of the lands to be transferred in support of the proposed rezoning that would permit special needs facility on the subject lands. Staff would note that as a result no condition of approval related to having a registered survey plan is required should the Planning Committee and Council choose to approve the rezoning application.

#### **Existing Zoning:** "M1-1", Business Industrial

The "M1-1" Zone permits a range of business industrial uses ranging from an auctioneer's establishment to a warehouse. Land uses that are more intensive from an industrial perspective are excluded from the land use permissions found in the standard "M1-1" Zone. The lands being severed and added to those lands known municipally as 440 Falconbridge Road are therefore more restrictive in terms of permitted uses than the abutting "M1(41)" Zone insofar as an automotive body shop would not be permitted on the portion being acquired by the abutting landowner.

#### **Requested Zoning:** "M1(41)", Mixed Light Industrial/Service Commercial Special

The existing "M1(41)" Zone is site-specific and in addition to those uses permitted in the "M1" Zone an automotive body shop is also permitted. The requested zoning to "M1(41)" would prevent a split-zoning from occurring on the lands known municipally as 440 Falconbridge Road, which are the benefitting lands in the related consent application.

#### **Location and Site Description:**

The subject lands are located on the east side of Falconbridge Road at Auger Avenue in the community of Sudbury. Frobisher Street is located further to the south of the lands. The lands subject to the rezoning application have a total area of 781 m<sup>2</sup> (0.19 acres) and are being consolidated with lands which presently have lot frontage onto Falconbridge Road. The lands being acquired through consent presently contain an asphalt paved driveway and parking area.

**Surrounding Land Uses:**

North:	Commercial use at Auger Avenue intersection of Falconbridge Road, lower density urban residential uses and a small park use accessed from Summerhill Crescent.
East:	Automotive uses and further to the east vacant, well vegetated and vacant lands.
South:	Light industrial uses, including municipally-owned facilities on Frobisher Street.
West:	Commercial uses along Falconbridge Road and lower density residential uses along Churchill Avenue.

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Site photos depict four existing buildings located on the subject lands. Abutting lands to both the east and to the west on the south side were also photographed to provide contextual background.

**Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on November 27, 2019. The statutory Notice of Public Hearing dated December 19, 2019 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also 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. Staff understands that the owner and agent opted to not engage in any public consultation prior to the public hearing at Planning Committee on the basis that the application is technical in nature and further notice of the proposed lot boundary re-alignment was already been provided during the consent process.

At the time of writing this report, no phone calls, emails and/or letter submissions have been received by the Planning Services Division.

**POLICY AND REGULATORY FRAMEWORK:**

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

- [2014 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.

### **2014 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 2014 (PPS). Staff has reviewed the PPS 2014 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

### **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 are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

### **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.

Lands designated Mixed Use Commercial are generally concentrated along certain stretches of Arterial Roads (eg. Primary Arterial – Falconbridge Road). Mixed uses include commercial, institutional, residential, and parks and open space and may in each case be considered and permitted through the rezoning process. General industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors.

Subject to a rezoning application, new development may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads will be permitted where reasonable alternate access is available;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The proposal meets the policies related to supporting transit needs, accessibility, and urban design.

### **Zoning By-law 2010-100Z:**

The owner is requesting that the lands be rezoned to “M1(41)” in order to avoid split-zoning the lands at 440 Falconbridge Road once a lot boundary re-alignment has been completed. No other site-specific relief is being requested by the owner. The rezoning seeks only to address the provisions of Section 4.23 of the City’s Zoning By-law and to ensure that after transfer of the lands there are no areas of non-compliance created.

**Title: 1582628 Ontario Ltd.**

**Date: December 12, 2019**

**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 formulate appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, the City's Drainage Section, Operations, Roads, Traffic and Transportation have each advised that they no concerns from their respective areas of interest.

Development Engineering has noted that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

Water/Wastewater has advised that the lands are within a Vulnerable Area identified in the Greater Sudbury Source Water Protection Plan. Water/Wastewater has however advised that no activity or activities engaged in or proposed to be engaged in on the lands are considered to be significant drinking water threats at this time.

**PLANNING ANALYSIS:**

The 2014 PPS, the 2011 Growth Plan, and 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 application in respect of the applicable policies, including issues raised through agency and department circulation.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Staff notes that the rezoning is largely technical in nature and that none of the criteria identified in the Official Plan when rezoning lands zoned Mixed Use Commercial have identified any areas of concern with respect to the proposed lot boundary re-alignment. Staff is therefore of the opinion that the rezoning application conforms to the Official Plan for the City of Greater Sudbury.

The applicant is requesting that the subject lands be rezoned from "M1-1", Business Industrial to "M1(41)", Mixed Light Industrial/Service Commercial Special. Staff has no concerns with the requested zone category. The requested zone category prevents a split-zoning of the lands that would otherwise cause the benefitting lands to fall out of compliance with Section 4.23 of the Zoning By-law. Staff would note that no condition related to the submission of a registered survey plan is required as a condition of approval as a copy of Registered Plan 53R-21281 has already been provided to the Development Approvals Section.

**Title: 1582628 Ontario Ltd.**

**Date: December 12, 2019**

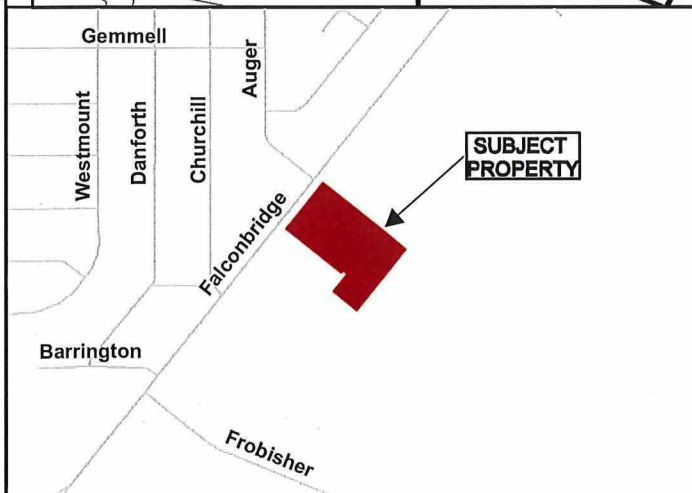
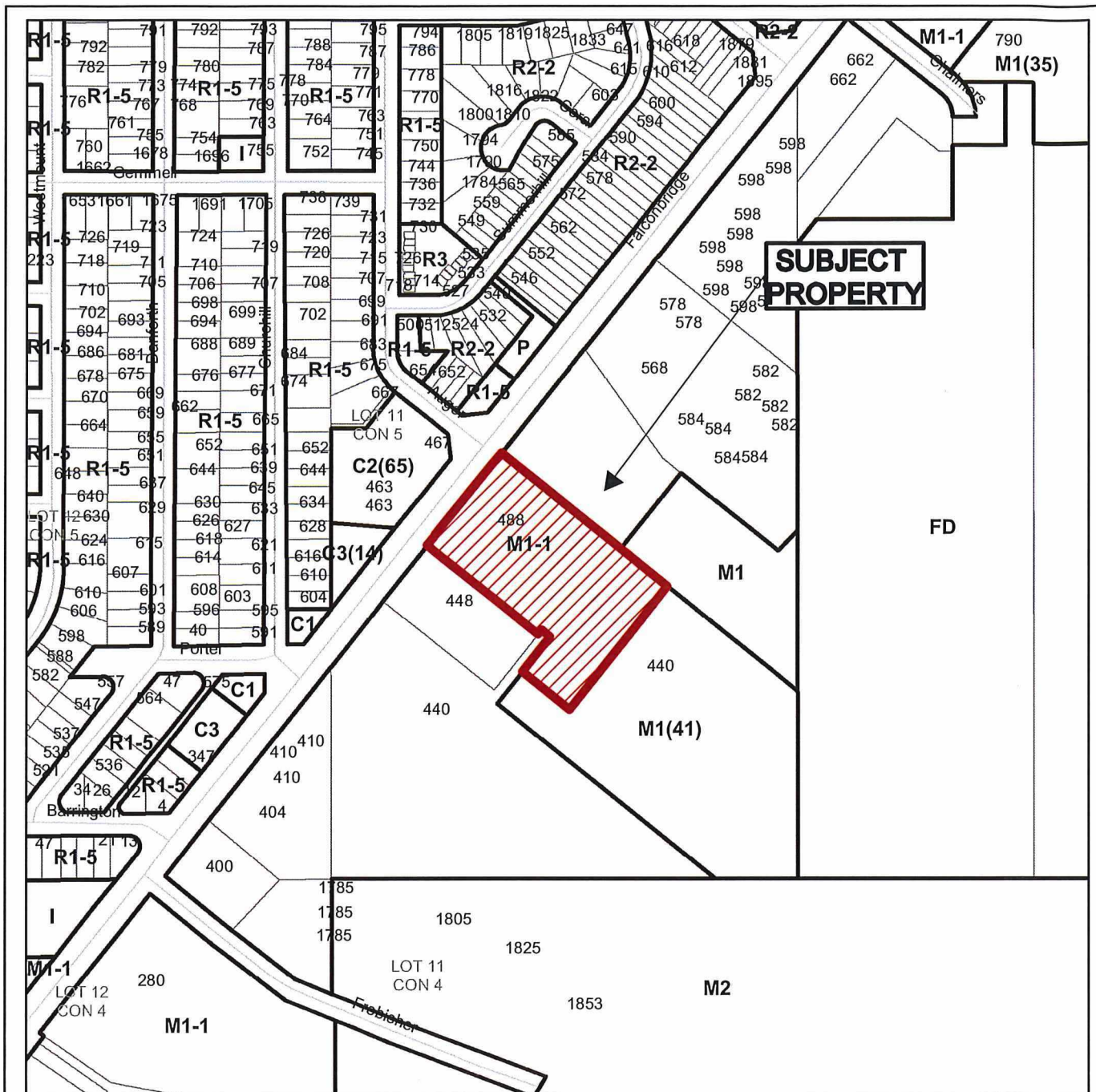
**CONCLUSION:**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning be approved. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed site-specific amending zoning by-law:

- The amending zoning by-law will prevent a split-zoning on the benefitting lands known municipally as 440 Falconbridge Road;
- The rezoning ensures compliance with Section 4.23 of the City's Zoning By-law; and,
- No additional land use permissions or site-specific relief is being provided.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the resolution section of this report.



## Growth and Infrastructure Department

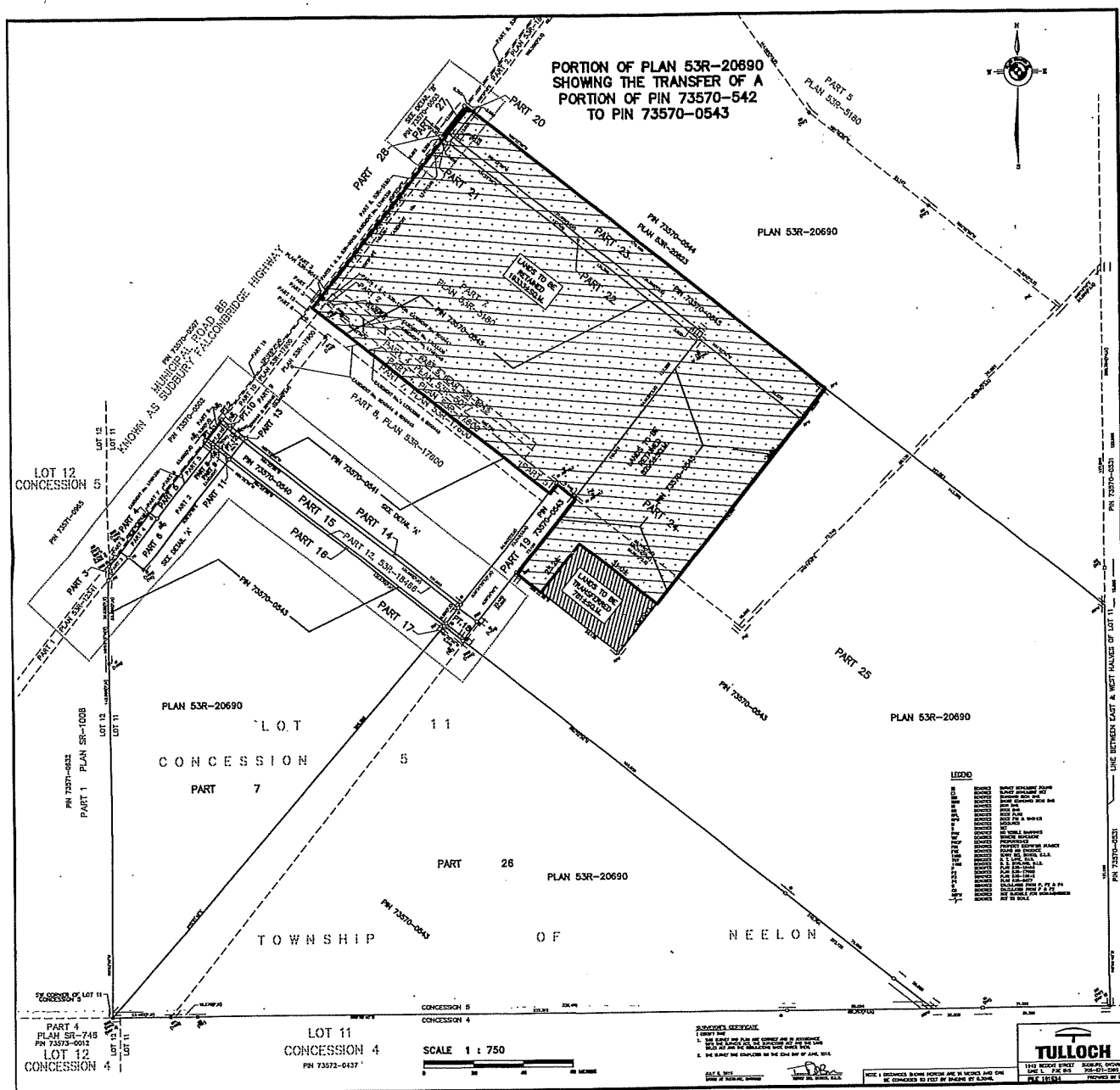


Subject Property being PIN 73570-0545,  
Lot 11, Con.5, Twp. of Neelon,  
488 Falconbridge Road, Sudbury  
City of Greater Sudbury

NTS  
Sketch 1

751-6/19-15  
Date: 2019 11 20







POINT ID	NORTHING	EASTING
ORP A	N 5150620.996	E 505256.812
ORP B	N 5150714.364	E 505331.379

COORDINATES CANNOT, IN THEMSELVES, BE USED TO  
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,  
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (2010.0).  
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY  
THE COMBINED SCALE FACTOR OF 0.99956106

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 11	5	PART OF PIN 73570-0545	781±SQ.M
TOWNSHIP OF NEELON				

PLAN 53R-21281

RECEIVED AND DEPOSITED

DATE November 29, 2019

"Sylvie Guénette"

REPRESENTATIVE FOR THE LAND REGISTRAR  
FOR THE LAND TITLES DIVISION OF SUDBURY (No. 53)

I REQUIRE THIS PLAN TO BE DEPOSITED  
UNDER THE LAND TITLES ACT.

NOVEMBER 27, 2019

DATE \_\_\_\_\_

TERRY DEL BOSCO, O.L.S.

PLAN OF SURVEY OF

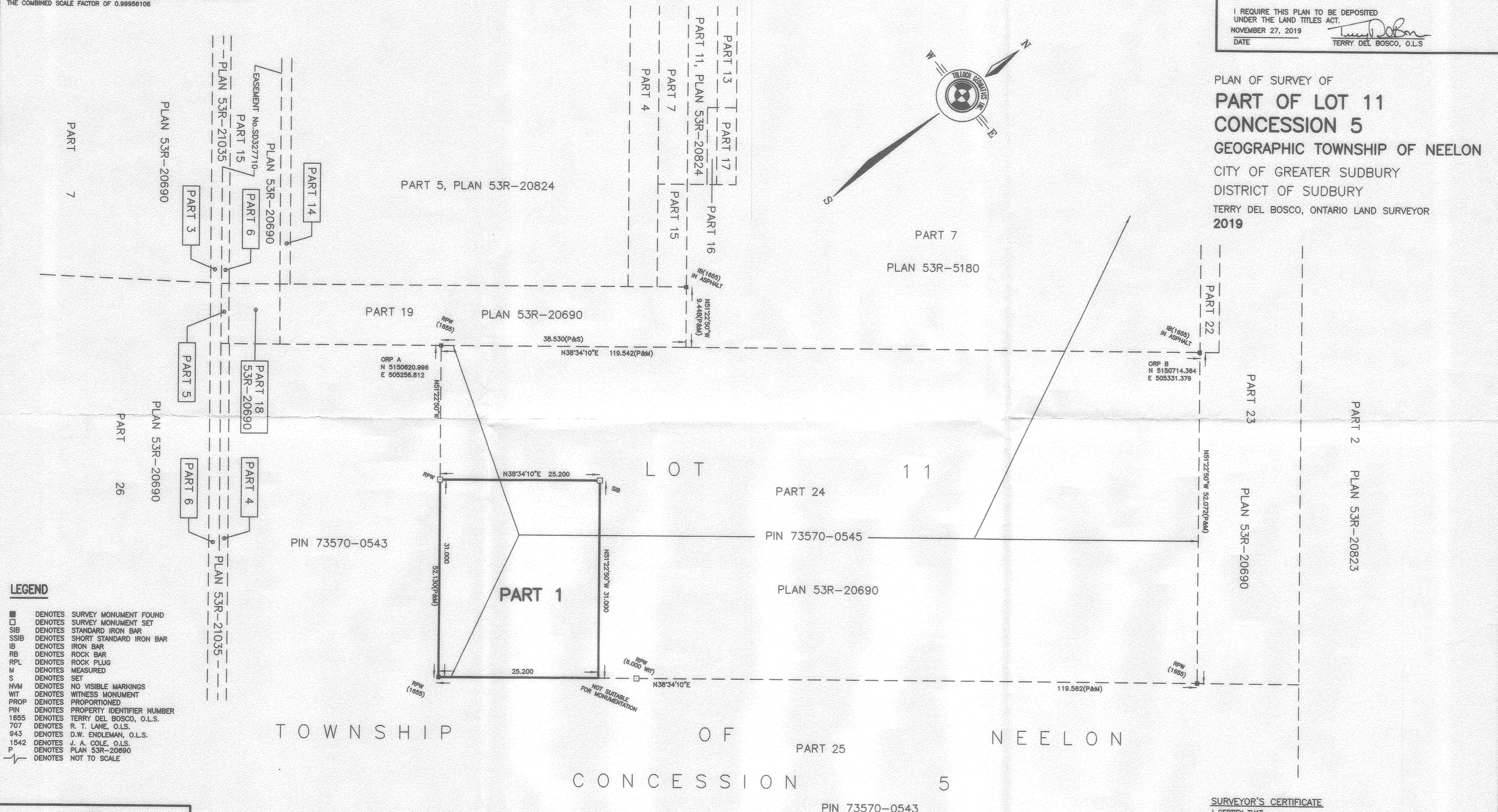
PART OF LOT 11  
CONCESSION 5

GEOGRAPHIC TOWNSHIP OF NEELON


CITY OF GREATER SUDBURY

DISTRICT OF SUDBURY

TERRY DEL BOSCO, ONTARIO LAND SURVEYOR  
2019



### LEGEND

- |  |         |                            |
|--|---------|----------------------------|
| ■  | DENOTES | SURVEY MONUMENT FOUND      |
| □  | DENOTES | SURVEY MONUMENT SET        |
| SIB  | DENOTES | STANDARD IRON BAR          |
| SSIB   | DENOTES | SHORT STANDARD IRON BAR    |
| IB   | DENOTES | IRON BAR                   |
| RB   | DENOTES | ROCK BAR                   |
| RPL  | DENOTES | ROCK PLUG                  |
| M  | DENOTES | MEASURED                   |
| S  | DENOTES | SET                        |
| NVM  | DENOTES | NO VISIBLE MARKINGS        |
| WIT  | DENOTES | WITNESS MONUMENT           |
| PROP   | DENOTES | PROPORTIONED               |
| PIN  | DENOTES | PROPERTY IDENTIFIER NUMBER |
| 1655   | DENOTES | TERRY DEL BOSCO, O.L.S.    |
| 707  | DENOTES | R. T. LANE, O.L.S.         |
| 943  | DENOTES | D.W. ENDELMAN, O.L.S.      |
| 1542   | DENOTES | J. A. COLE, O.L.S.         |
| P  | DENOTES | PLAN 53R-20690             |
|  | DENOTES | NOT TO SCALE               |



1942 REGENT STREET SUDBURY, ONTARIO  
UNIT L P3E 5V5 705-671-2295

FILE 191524 R PLAN PREPARED BY TDB

NOTE : DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1 : 400



SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF NOVEMBER, 2019.

NOVEMBER 27, 2019

DATE \_\_\_\_\_

TERRY DEL BOSCO, O.L.S.