

Title: Douglas Anness and Annie Rainville, and Christine and Eric Demers

Date: October 28, 2019

STAFF REPORT

PROPOSAL:

The applications propose to amend the City's Official Plan and By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to permit a 16 fueling station gas bar, convenience store, restaurant with a drive-through, and car wash. The applicant's site sketch shows the location of the proposed uses and queuing lanes on the site.

The applications were submitted with a Planning Justification Report prepared by Tulloch Engineering, dated July 2019 and a Traffic Impact Study prepared by TATHAM Engineering, dated July 15, 2019.

Existing Zoning: R2-2, Low Density Residential Two

The R2-2 zone permits a range of residential uses including semi-detached and single-detached dwellings.

Requested Zoning: C2, General Commercial

The proposed C2 zone would permit a range of commercial and residential uses including automotive-type uses, restaurant, retail, office uses, and multiple dwellings. Site specific relief is also requested to:

- reduce the number of queueing spaces required for each fueling station to one (1) where four (4) is required, for a car wash to seven (7) where 11 is required, and for a restaurant to eight (8) where 11 is required;
- reduce the length of all queuing spaces to 6 m where 7 m is required;
- permit the car wash queuing lane to be within 3.5 m of a residential zone where a 10 m setback is required; and
- reduce the front yard setback to 12 m where 15 m is required.

Location and Site Description:

The subject property is described as PINs 73494-0663, 73494-0633, 73794-0648, 73494-0792, 73494-0640 and 73494-0654, Parcels 10913, 16131, 14902, 9906, 15319, and 13445, Plan M-159, Lots 14, 15 and 16, Plan 53R-5664, Part 1, Lot 6, Concession 1, Township of Garson. The subject lands are located on the south side of Falconbridge Road in Garson and are municipally known as 2962, 2968, 2974, 2982 and 2992 Falconbridge Road, Garson. The subject lands are 0.76 ha in size with approximately 93 m of frontage on Falconbridge Road.

The lands are currently serviced with municipal water and sanitary sewer. Two access driveways are proposed. Falconbridge Road consists of five lanes including a centre left-turn lane at the proposed easterly access, and tapers to four lanes at the west access. There is a transit stop on both sides of Falconbridge Road within 70 m to the east and 110 m to the west of the subject lands.

The existing use of the site is for low density residential use. There are five (5) houses on the site which will be removed prior to development, four (4) of which were constructed between 1940-1956, and one constructed in 1988.

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Surrounding Land Uses:

The area surrounding the site includes:

North:	Falconbridge and residential use
East:	Commercial use (Tim Horton's, Pro-Sol Propane & Solar Systems, Borts Heating Services Ltd., Nelson's Automotive Repair, Charles Fink Karate Dojo)
South:	Licensed aggregate pit (182ha in size, silica sand for mining sector)
West:	Residential use

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

Site photos show the existing residences on the subject lands, as well as the commercial and residential uses along this section of Falconbridge Road in the community of Garson. The subject lands are west of an area designated Mixed Use Commercial and zoned C2, General Commercial, and which support existing commercial uses including Tim Horton's, the Falcon Hotel building, and the Garson Mall.

Public Consultation:

Notice of the applications was circulated to the public and surrounding property owners on August 2, 2019, and a broader circulation was completed on September 5, 2019. Notice of Public Hearing was circulated to the public and surrounding property owners on November 7, 2019. The owners intended to complete a mail-out and host a public information session at their agent's office on November 14, 2019. As of the date of this report, no comments, concerns, or objections have been received regarding the proposed applications.

POLICY & REGULATORY FRAMEWORK:

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

- [2014 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [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.

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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.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development.

Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

Section 1.4 requires municipalities to provide for an appropriate range and mix of housing types and densities, and to maintain at least a three year supply of residential units.

Section 1.3.1 of the PPS 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.

Section 1.7.1 (a) & (b) 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. Section 1.6.7 regarding transportation systems further emphasizes that efficient use shall be made of existing 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 to the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

Section 1.3.2 of the Official Plan 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.

The subject lands are proposed to be designated as Mixed Use Commercial in the Official Plan. Section 4 of the Official Plan identifies that the Mixed Use Commercial designation reflects lands where people presently work and lands where employment opportunities will be provided in the future. These uses are generally concentrated along certain stretches of Arterial Roads.

Policy 4.3(2) 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.

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.

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All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to the following criteria listed in section 4.3:

- sewer and water capacities are adequate for the site;
- parking can be adequately provided;
- no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- the traffic carrying capacity of the Arterial Road is not significantly affected;
- traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
- landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and
- the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

The Official Plan section 11.2.2.1 identifies the long-term improvement of Falconbridge Road by widening it to provide a continuous left-turn lane from Lasalle to Garson-Coniston Road. The Transportation Master Plan recommends construction of a new Maley East Bypass as a long-term improvement, though this is not yet reflected in the Official Plan.

Zoning By-law 2010-100Z:

Development standards for the requested 'C2' zone include a maximum height of 15 m. The minimum required yard adjacent to Falconbridge Road is 15 metres given it is a primary arterial road. The minimum required interior side yard to the east is 0 m given the adjacent non-residential zone. The minimum required interior side yard to the west is 3.0 m plus an additional 0.6 m for each storey in excess of three storeys given the adjacent Residential Zone. The maximum lot coverage is 50%. The minimum landscaped open space required is 5%. Parking for a convenience store and restaurant is required to be provided at the rate of 1/20 m² and 1/10 m² net floor area, respectively, so the total required parking is 27 spaces including 2 accessible spaces.

Site Plan Control:

The property is not currently subject to a site plan control agreement. An agreement will be required prior to development of the site.

Department/Agency Review:

Planning staff circulated the development applications to all appropriate internal departments and external agencies in June, 2019. Responses received have been used to assist in evaluating the applications.

Building Services has identified concerns with the reduction in queuing in terms of larger vehicle maneuvering and the potential for overflow, commented on undersized queuing spaces and parking stall spaces shown on the site sketch, and has advised that if the restaurant capacity exceeds 30 people then specific design for fire protection will be required.

Development Engineering has confirmed this area is serviced with municipal water and sanitary sewer, though upgrading the connections may be required to properly service this site. Water, sanitary and stormwater management will be reviewed at the site plan control agreement stage.

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Transportation and Innovation Services staff reviewed the Traffic Impact Study (TIS) submitted by TATHAM Engineering. The TIS identified that approximately 110 new vehicle trips are expected to be generated during the afternoon peak hour (4-5 p.m.) and 104 vehicle trips during the morning peak hour (7-8 a.m). Staff are satisfied with the recommendation that no improvements will be required to the transportation road network to accommodate this volume. Concern regarding queue length at the last westerly pump adjacent to the west access and inbound traffic will be addressed through the site plan control agreement process. Regarding the termination of the left-turn lane midway through the site, they agree with TIS in that the majority of the left-turn traffic will approach from the east and access the site via the east access. The volume of left turns at the west driveway is expected to be nominal.

PLANNING ANALYSIS:

The PPS (2014), 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 applications in respect of the applicable policies, including issues raised through agency circulation.

The applications would increase the amount of land designated Mixed Use Commercial in Garson, and permit the site to be used for the full range of C2 uses, such as automotive-type uses, restaurant, professional office, financial institution, medical office, and retail store. The C2 zone also permits certain residential uses, including multiple dwellings.

The Growth and Settlement Policy Discussion Paper (June 2013), which was prepared to support the recently-approved Phase 1 Official Plan Update, identifies that there is a 39-year supply of vacant industrial, commercial and institutional lands available in the City for employment purposes. In Garson, there are approximately 4 ha of lands designated Mixed Use Commercial located in three distinct areas along Falconbridge Road, the majority of which have been developed (Northern RV, Garson Mall/Tim Horton's, and the intersection of Falconbridge and Garson-Coniston Road).

While there are some mostly-vacant lands at the southwest corner of the intersection of Falconbridge and Garson-Coniston Road, this area is approximately 0.5 ha in size and would not be large enough to accommodate the proposed development.

It is recommended the proposed increase in Mixed Use Commercial land in Garson 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.

The proposed location for the range of uses proposed on this site aligns with the Official Plan direction to locate Mixed Use Commercial areas along Arterial Roads. The proposed designation and zoning would match the lands immediately to the east, and represent a logical extension of the Mixed Use Commercial designation in this area. This site is well-served by transit. The applicant has consolidated five residential lots in this location, and 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, or Arterial Road, being Falconbridge Road.

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The PPS requires municipalities to provide for an appropriate range and mix of housing types. The loss of five low-density residential lots in this location is not expected to have a negative impact on the supply of residential land in Garson. One indication of supply in this area is the number of lots available in draft-approved plans of subdivisions that have not yet been registered, of which there are approximately 284 lots across three separate subdivisions in Garson (Foxborough, Foxborough II, Fabian Crescent). The C2 zone would permit certain residential uses including multiple dwellings with a maximum density of up to 60 units per hectare.

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

- There are no identified servicing constraints.
- Adequate on-site parking can be provided. The applicant's sketch identifies there 27 parking spaces including two (2) accessible parking spaces. The parking therefore meets the requirements for the proposed use, and would be re-assessed at the time of a site plan control agreement application.
- The application is supported by a TIS which identifies that there is sufficient traffic carrying capacity available to support the development. The site access points will provide acceptable operations with average delays. Traffic improvements, such as turning lanes are not required to support this development.
- Landscaping and buffering is illustrated on the applicant's site sketch. While not specifically requested, the proposed 3.5 m landscape strip and associated fence that are shown on the sketch should be explicitly required given some relief for the queuing lane location is recommended (discussed below). These measures will also assist in promoting compatibility generally with the adjacent residential use.
- Matters relating to site design, such as parking space size requirements and landscaping provisions will be further addressed through the site plan control agreement process. Traffic flow at the west entrance will be addressed through this process as well.

The proposed reduction of the front yard to 12 m where 15 m is required is for the proposed location of the gas bar canopy. This request is considered to be minor, will enable some flexibility in the site design and is recommended to be appropriate.

The requested reductions in queuing spaces, specifically one (1) for each fueling station where four (4) is required and seven (7) for a car wash where 11 is required are considered to be appropriate based on the information provided in the TIS, which identifies the proposed queuing lanes for the gas bar and the car wash have the capacity to accommodate the anticipated demand. Should the capacity of these lanes be reached it is expected that motorists will avoid the site.

- The proposed gas bar can service 192 vehicles per hour, assuming a 5 minute service time per vehicle (16 fueling stations x 12 vehicles/hour = 192 vehicles/hour). Demand during the highest peak hour (4-5 p.m.) is expected to be less than the capacity of the gas bar, or 114 vehicles per hour.
- The car wash can service 15 vehicles per hour, assuming a 4 minute service time per vehicle. Demand during the highest peak hour is expected to be less than the capacity of the car wash, or 11 vehicles per hour (4-5 p.m.). On average, the queue length is expected to be 1-2 vehicles. However, the TIS predicts the length could increase to up to 8 vehicles, which is one more space than the proposed seven spaces, at which point motorists will likely avoid the site.

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The request to provide eight (8) queuing spaces for a restaurant where 11 is required is recommended to be further reduced to seven (7) spaces. Restaurant demand during the highest peak hour (7-8 a.m.) is expected to be 31 vehicles per hour. On average, the proposed eight spaces are expected to accommodate approximately 70% of the demand. However the proposed queuing space length is only shown as 6 m rather than the required 7 m, which amounts to approximately one (1) less queuing space. There is a drive aisle leading to the restaurant queuing lane where it is expected that overflow could be accommodated without negatively impacting the function of the adjacent Arterial Road. Alternatively, should the capacity of the queuing space be reached, motorists may choose to park their vehicles and enter the restaurant.

It is recommended that certain requested relief, specifically relief from the queuing space length and location of the queuing lane be denied:

- **Queuing Space Length Reduction:** The rezoning application requests that queuing space length of 6 m be permitted where 7 m is required (and some of the spaces shown would appear to be less than 6 m). Seven metres is the amount of space a vehicle is anticipated to require in a queuing lane, so a reduction in length would have the same impact overall as reducing the number of queuing spaces. Each fueling station would therefore have less than one queuing space, and there would be a cumulative reduction of one space for the car wash queuing lane and 1.1 spaces for the restaurant queuing lane. For the restaurant, it is recommended to provide one less space than requested to accommodate the space length requirement considering the function of the restaurant queuing area and parking for motorists. However, there are general concerns about the movement of vehicles particularly at the west entrance where the gas bar is located and it is recommended that the general request for reduction in length be denied.
- **Queueing Lane Location Proximity to Residential Zone:** The rezoning application requests that a queuing lane be permitted 3.5 m from a Residential Zone, where no queuing lanes are to be permitted within 10 m of a Residential Zone. In order to promote compatibility, the applicant's site sketch proposes landscaping and buffering adjacent to the Residential Zone in the form of a 3.5 m wide landscape strip and 1.5 m fence, though this hasn't been proposed to be included in the by-law. Relief would be required to accommodate the proposed fence height in the front yard, given the maximum fence height is 1 m.

Generally, issues associated with drive-through facilities can include noise and light pollution, as well as reduction of air quality. The current 10 m setback from a Residential Zone, together with a required 3 m planting strip adjacent to residential properties is intended to mitigate such impacts. It is recommended that there would be room on the site to accommodate the queuing lane adjacent to the rear property boundary rather than adjacent to the westerly Residential Zone as shown on the applicant's site sketch. The request for relief should be provided only for a small portion of the queuing lane in order to access the car wash building. The rear of the car wash building is proposed to be 77 m from the front of the site, and it is recommended that this relief only be provided beyond this distance (e.g. behind the car wash).

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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 site specific Official Plan and Zoning By-law Amendment:

- To enable the lands to be used for the full range of uses permitted in the C2 zone.
- To permit a reduction in queuing spaces, permit a queuing lane to be within 3.5 m of a Residential Zone where a 10 m setback is required on the rear portion of the lands (e.g. behind the proposed car wash building), and reduce the front yard setback to 12 m where 15 m is required.
- Require enhanced buffering in the form of a fence and landscape area along the west property boundary given the proposed location of the car wash queuing lane and to promote compatibility with the adjacent residential use.

It is recommended that certain requested relief from the required queuing space length of 7 m and location of the queuing lane within 3.5 m of the full length of the Residential Zone be denied.

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 have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

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

- 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 is provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

Staff recommends approval of the applications, subject to the conditions identified in the resolution, on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest, and represent good planning.