

Presented To:	Planning Committee
Presented:	Monday, Nov 19, 2018
Report Date	Monday, Oct 29, 2018
Type:	Public Hearings
File Number:	751-7/18-3

Request for Decision

2541528 Ontario Limited - Application for rezoning to permit a contractor's yard, 4614 Desmarais Rd., Val Therese

Resolution

THAT the City of Greater Sudbury approves the application by 2541528 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "I(6)", Institutional Special to "I(S)", Institutional Special to permit a contractor's yard on lands described as PINs 73504-1661 and 73504-2278, Parts 1 and 6, Plan SR 2975, Lot 6, Concession 3, Township of Hanmer as outlined in the report entitled "2541528 Ontario Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 19, 2018, subject to the following conditions:

- a) That prior to the adoption of the amending by-law:
 - i) the owner shall enter into a Site Plan Control Agreement with the City;
 - ii) a sanitary sewer test maintenance chamber shall be installed on the existing sanitary service to the satisfaction of the General Manager of Growth and Infrastructure.
- b) That the amending by-law for the "I(S)", Institutional Special zoning indicates the following site-specific provisions:
 - i) The only permitted uses shall be Institutional uses, a contractor's yard and related accessory uses;
 - ii) Outdoor storage shall be permitted subject to the provisions of Section 4.28, except that outdoor storage shall not be located any closer than 9.0 metres of a residential zone boundary;
 - iii) That a minimum 5 metre planting strip shall be required abutting the full length of the north, south, and east perimeter of the subject lands;
 - iv) That the street line of Desmarais Road shall be deemed to be the front lot line;
 - v) That the location of the existing buildings shall be permitted;

Signed By

Report Prepared By

Alex Singbush
Manager of Development Approvals
Digitally Signed Oct 29, 18

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed Oct 29, 18

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Oct 29, 18

Financial Implications

Jim Lister
Manager of Financial Planning and Budgeting
Digitally Signed Nov 2, 18

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 5, 18

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 5, 18

c) Conditional approval shall lapse on December 11, 2020 unless Condition a) above has been met or an extension has been granted by Council.

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

An application for rezoning has been submitted in order to permit a contractor's yard use on the former municipal public works yard site on Desmarais Road, north of M.R. 80 in Val Therese. The property is currently zoned "I(6)", Institutional Special and is designated as Living Area I under the Official Plan. The site is occupied by a former Town of Valley East public works yard that was declared surplus in 2016.

The proposed use includes a contractor's yard including the outdoor storage of materials, equipment and vehicles. The applicant is proposing outdoor storage within the front, rear and interior side yards, which requires site-specific relief under Section 4.28 of the Zoning By-law.

The application is recommended for approval based on the following considerations:

- The contractor's yard use is similar to the previous public works yard use that has occupied the property for several years;
- Site-specific zoning provisions can be utilized to limit the uses permitted on the property and restrict the location of outdoor storage to mitigate the impact on adjacent dwellings;
- Site plan control shall be implemented in order to ensure appropriate development and maintenance of the land and is recommended prior to the adoption of the amending by-law.

Staff do not support outdoor storage abutting August Street and Desmarais Road.

Financial Implications

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time and the change in zoning may assist in the future sale of this property.

Title: 2541528 Ontario Limited

Date: October 18, 2018

STAFF REPORT

Applicant:

2541528 Ontario Limited

Location:

PINs 73504-1661 and 73504-2278, Parts 1 and 6, Plan SR-2975, Lot 6, Concession 3, Township of Hanmer, 4614 Desmarais Road, Val Therese

Official Plan and Zoning By-law:

A. [Official Plan](#)

Living Area I

The subject lands are designated "Living Area I" in the City of Greater Sudbury Official Plan. Local institutional uses such as public works yards are also permitted in Living Area 1. In order to support the adaptive reuse of surplus buildings, a concurrent Official Plan Amendment is not required for a change in use that does not comply with the underlying land use designation.

Surplus institutional buildings

Under Section 4.4, rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions shall be considered based on the following criteria:

- a. the need for such lands or buildings for other public uses, and their long-term value to the community;
- b. the compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Official Plan with respect to the proposed uses; and,
- c. for conversion to residential uses, the appropriateness of the proposed density.

Conversion of existing buildings

Section 20.5.6 addresses the adaptive reuse of existing buildings in situations where the proposed use may not necessarily conform to the underlying land use designation. Various criteria are established subject to the rezoning process:

- a. the surplus building is suitable for the proposed use with respect to Building Code regulations;
- b. off-street parking is adequate;
- c. the proposed use is compatible with surrounding land uses with regard to noise, fumes, smoke, odours, traffic hours of operation, signs and other undesirable features;
- d. the neighbouring conforming uses are protected, where necessary, by the provision of landscaping, buffering or screening;

Date: October 18, 2018

- e. parking, driveways, loading areas are improved, relocated, and buffered as warranted;
- f. wherever possible, the aesthetic appearance of the building and property is improved and maintained;
- g. sewer and water capacities are adequate to serve the new use;
- h. for conversion to residential uses, the proposed density is appropriate for the area and amenities are adequate; and,
- i. a site plan control agreement may be required prior to the enactment of an amending by-law.

Conformity with the Official Plan is based on a review of the above noted considerations.

B. Zoning By-law

The property is currently zoned "I(S)", Institutional Special under [Zoning By-law 2010-100Z](#), which permits institutional uses as follows:

I(6) (PUBLIC WORKS)

Notwithstanding any other provision hereof to the contrary, within any area designated I(6) on the *Zone Maps*, all provisions of this By-law applicable to I Zones shall apply subject to the following modifications:

- (i) In addition to the *uses* permitted in an I Zone, a *public works yard*, in accordance with the *requirements* for open storage areas in M3 Zones shall be permitted.

A contractor's yard is not a permitted use in the "I(6), Institutional Special zone and, as such, the applicant has requested a rezoning to "I(S)", Institutional Special to permit the proposed use.

Site Description & Surrounding Land Uses:

The subject property is a City of Greater Sudbury public works yard in the community of Val Therese. The subject property is located on Desmarais Road, north of M.R. 80 and has frontage on the west end of August Street. The site is serviced with municipal water and sanitary sewer services.

Total site area is 1.79 ha (4.43 acres), 106 m (348 ft.) of road frontage on Desmarais Road additional road frontage on the west end of August Street. The site is occupied by a public works building and six storage buildings in a yard enclosed with a chain link fence. The site appears to be level and primarily surfaced with gravel. An aerial photo is also attached to this report.

Low density residential uses bound the majority of the property. Commercial uses with frontage on M.R. 80 abut a portion of the southern boundary of the lands and the Laval Street Tot Lot abuts the northwest corner of the subject lands.

Application:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "I(6)" Institutional Special to "I(S)", Institutional Special to permit a contractor's yard.

Title: 2541528 Ontario Limited

Date: October 18, 2018

The applicant proposes to refresh the existing buildings on site and to provide additional opaque property perimeter fencing and additional landscaping.

Proposal:

The application proposes to rezone the property to permit a contractor's yard.

Departmental/Agency Circulation:

Building Services has provided comments indicating that the proposed outdoor storage areas shown on the applicant's sketch do not conform to the provisions of Section 4.28 of the zoning by-law with respect to outdoor storage.

Development Engineering recommends that a test maintenance hole or maintenance access chamber be installed.

Infrastructure Capital Planning Services has no roads or active transportation concerns. The Traffic Section has advised that heavy truck traffic should be discouraged from using August Street which is a local road and is not designated as a truck route.

Leisure Services has no objections but has indicated an interest in ensuring screening between the subject lands and the abutting Laval Tot Lot.

The Nickel District Conservation Authority has no objection to the application.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property. 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. At the time of writing this report, two letters of concern has been received, which are attached to this report. Additionally, Planning Services received several telephone inquiries with respect to the application expressing concern with hours of operation and environmental remediation of former activities on the property.

Planning Considerations:

The former Town of Valley East public works facility was declared surplus in 2016 and is currently for sale. At this time the site remains in limited use as a municipal facility.

Land use compatibility

a. Outdoor storage

Given the nature of the proposed contractor's yard use, similar to the previous use as a public works yard, activities on the site would not be limited to the indoors. The applicant is proposing outdoor storage areas within the front, rear and interior side yards as illustrated on the rezoning sketch. These yards would be utilized to store trucks and equipment which will potentially impact adjacent residential uses.

Date: October 18, 2018

There are two main concerns related to land use compatibility and outdoor storage:

- Nuisance factors such as noise, odours and dust; and,
- The negative visual impact on adjacent properties and along local roads.

Section 4.28 of the Zoning By-law contains provisions related to outdoor storage, including a requirement to screen outdoor storage areas with opaque fencing with a minimum height of 2.2 metres. Outdoor storage is not permitted within any yard abutting a residential zone boundary, however, when abutting other zones where outdoor storage is permitted, it is only permitted in a rear or interior side yard and shall not be located closer than 9 metres to any street line.

Staff does not support outdoor storage in the front yard abutting Desmarais Road or within 9.0m of August Street as proposed by the applicant. It is recommended that outdoor storage be permitted if located no closer than 9.0m to a residential zone boundary and that it be screened appropriately with opaque fencing, in accordance with the provisions of Section 4.28 of the Zoning By-law.

An adequate separation distance shall be established between the outdoor storage area and the abutting low density residential uses.

b. Conditions of approval

In order to appropriately address land use compatibility, the following conditions of approval are recommended:

1. That site-specific zoning be utilized to limit the uses permitted on the property;
2. That outdoor storage be permitted subject to the provisions of Section 4.28, except that outdoor storage shall be not be located any closer than 9.0 metres of a residential zone boundary;
3. That a minimum 5 metre wide planting strip be required abutting the full length of the north, south, and east perimeter of the subject lands;
4. That the owner enters into a Site Plan Control Agreement with the City prior to the adoption of the amending by-law. This is consistent with Official Plan policies applied to the conversion of existing buildings under Section 20.5.6.

Local traffic

Infrastructure Capital Planning Services has advised that heavy truck traffic should be discouraged from using August Street which is a local road. This request can be implemented at the site plan stage.

[2014 Provincial Policy Statement \(PPS\)](#) and [2011 Growth Plan for Northern Ontario \(GPNO\)](#)

a) 2014 PPS

The public works yard site is designated Living Area 1, and is therefore defined as part of a settlement area under the PPS

Under Policy 1.1.3.2 a), land use patterns within settlement areas must be appropriate for the infrastructure and public service facilities which are planned or available. The subject lands are fully serviced by municipal water and sewer. The proposed use is therefore appropriate given the service levels in the area.

Title: 2541528 Ontario Limited

Date: October 18, 2018

Policy 1.1.3.3 directs Planning authorities to identify appropriate locations for redevelopment, taking into account existing building stock and the availability of suitable existing or planned infrastructure. This application proposes the reuse of surplus institutional buildings as a means of repurposing an older building as an alternative to demolition. The proposed use as a contractor's yard is similar to the previous use as a municipal public works yard.

The application is deemed to be consistent with the 2014 Provincial Policy Statement as it relates to settlement areas.

b) 2011 GPNO

The Growth Plan does not contain specific policies related to adaptive reuse as a form of redevelopment beyond those applied to strategic core areas. In general terms, the plan promotes economic diversification across all industrial sectors and geographic areas in Northern Ontario. From this perspective, the proposal could potentially provide local employment opportunities in the community of Val Therese.

Summary

The application can be supported based on the following considerations:

- Site-specific zoning provisions can be utilized to limit the use permitted on the property and restrict the location of outdoor storage to mitigate the impact on adjacent dwellings;
- Site plan control will be implemented in order to ensure appropriate development of the land and is recommended prior to the adoption of the amending by-law.

The proposal conforms to the applicable policies of the Official Plan, is consistent with the 2014 Provincial Policy Statement, and does not conflict with the 2011 Growth Plan for Northern Ontario.

Planning Services Division recommends that the application be approved subject to the conditions outlined in the Resolution section of this report.

Appendix 1

Departmental & Agency Comments

File: 751-7/18-3

RE: Application for Rezoning – 2541528 Ontario Limited
PINs 73504-1661 and 73504-2278, Parts 1 and 6, Plan SR-2975, Lot 6,
Concession 3, Township of Hanmer (4614 Desmarais Road, Val Therese)

Building Services

Based on the information and site plan drawing provided, we can advise that Building Services has the following comments:

1. The proposed outdoor storage as shown on the drawing submitted for rezoning does not comply with Section 4.28 of CGS Zoning By-law 2010-100Z, as the outdoor storage areas proposed show one area within the front yard which is not permitted and the remaining two areas abutting a residential zone boundary, which is not permitted.
2. If approved as an exception, the provisions of Section 4.28 with respect to screening is requested.

Development Engineering

This site is presently serviced with municipal water and sanitary sewer.

Development Engineering has no objection to amending the zoning classification from "I(6)"; Institutional Special to a revised "I(6)", Institutional Special to permit a contractor's yard provided the owner meets the following condition:

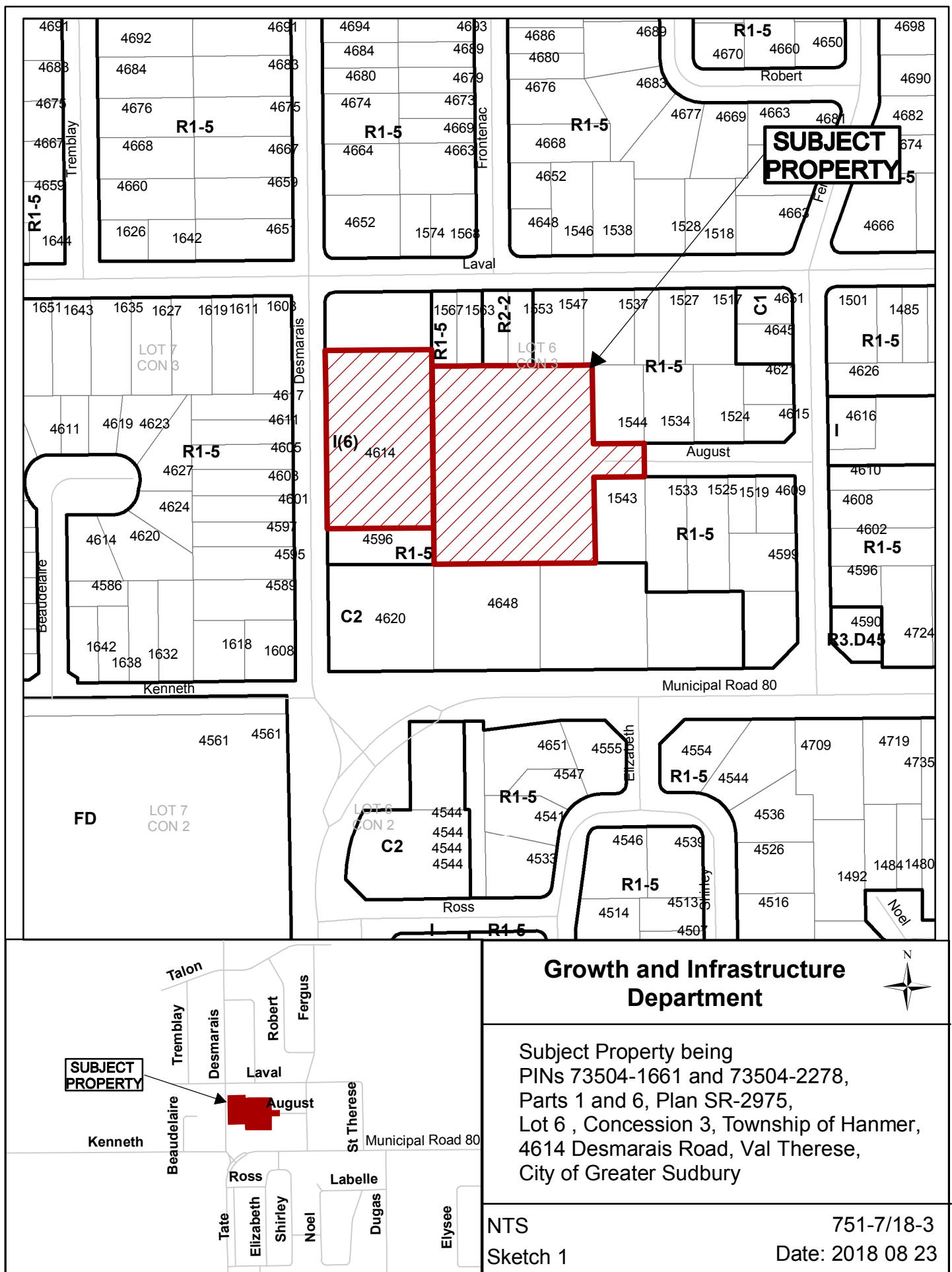
- The Owner must install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line

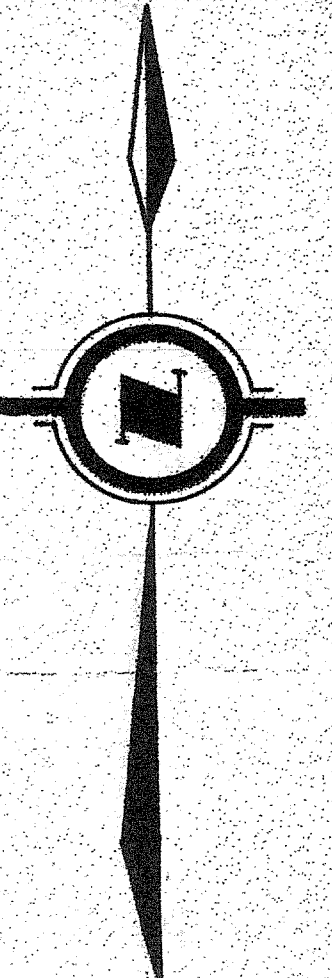
Infrastructure Capital Planning Services

While the drawing shows primary access to the site occurring from Desmarais Road there is an additional access point from August Street. With access to August Street, heavy vehicles may travel through the residential portion of this road to enter and exit the site. August Street is a local road which is not designated as a truck route. All heavy truck traffic should be discouraged from using this road.

Nickel District Conservation Authority

No objection.





LAVAL STREET

REGISTERED PLAN M-360

LOT 1 M-360
PT. 2
53R-14394
PT. 1

2

3

4

5

N 89° 33' E

316.14'

PART 5

PART 1 SR-2976

AUGUST STR

PART 4

PART 3

PART 2

HIGHWAY

Nº 69

DESMARIS

ROAD

PCL 14128

PARCEL 24534

PCL 14164 S.E.S.

SITE PLAN - PROPOSED CONTRACTORS YARD

MCDOWELL EQUIPMENT LTD.

4614 DESMARIS RD., VAL THERESE, ONT.

(FORMER CITY OF SUDBURY PUBLIC WORKS GARAGE & STORAGE YARD)
PIN 73504-2278(17) FORMER PARCEL 14128, SES and PART OF PIN 73504-166(147) FORMER PARCEL 35202, SES
BEING PART 1 PLAN SR-2976 PART OF LOT 6, CONN'S HAMMER TOWNSHIP, CITY OF GREATER SUDBURY

SCALE: 1" = 40'

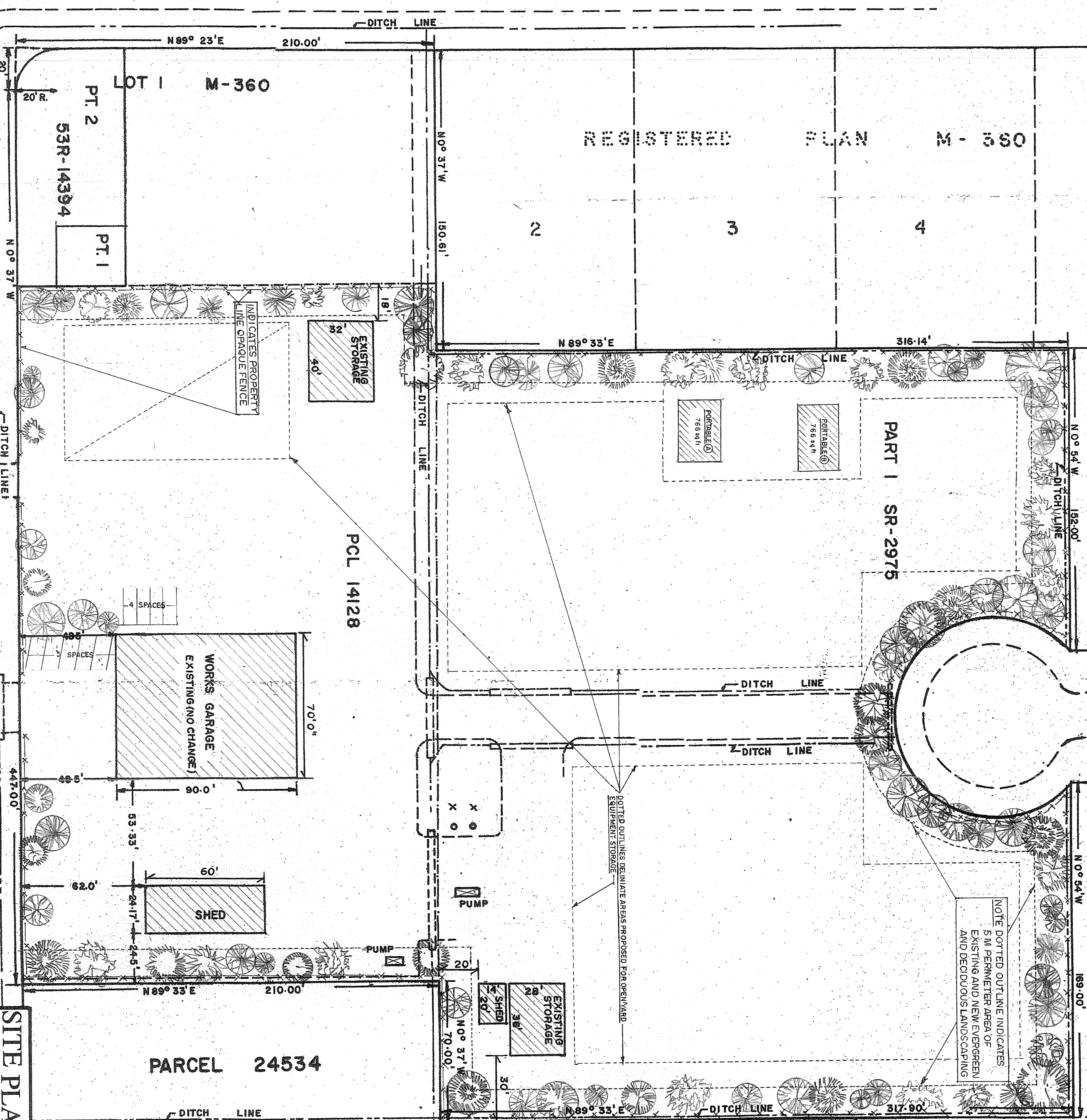




PHOTO 1 SUBJECT LANDS, 4614 DESMARAIS ROAD, VIEWED
LOOKING EAST FROM DESMARAIS ROAD



PHOTO 2 SUBJECT LANDS, VIEWED LOOKING WEST FROM THE
TERMINUS OF AUGUST STREET

751-7/18-3 PHOTOGRAPHY OCTOBER 19, 2018



PHOTO 3 RESIDENCES ON THE WEST SIDE OF DOMINION ROAD,
WEST OF THE SUBJECT LANDS



PHOTO 4 LAVAL TOT LOT, NORTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM LAVAL STREET

751-7/18-3 PHOTOGRAPHY OCTOBER 19, 2018



PHOTO 5 1544 AUGUST STREET, EAST OF THE SUBJECT LANDS,
VIEWED LOOKING NORTH FROM AUGUST STREET



PHOTO 6 1543 AUGUST STREET, EAST OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM AUGUST STREET



PHOTO 7 4648 MUNICIPAL ROAD 80, SOUTH OF THE SUBJECT LANDS, VIEWED LOOKING NORTH FROM MR 80



PHOTO 8 4596 DESMARAIS ROAD, SOUTH OF THE SUBJECT LANDS, VIEWED LOOKING EASTERLY FROM DESMARAIS ROAD

751-7/18-3 PHOTOGRAPHY OCTOBER 19, 2018

File: 751-7/18-3
4614 Desmarais Road.,
Val Therese
2012 Orthophotography



Frontenac Crescent

Robert Drive

Subject Property

Laval Street

Desmarais Road

August Street

Fergus Avenue

Kenneth Drive

Municipal Road 80

Elizabeth Crescent

Shirley Avenue

0 20 40 80 120 160
Metres

FILE #751-7/18-3
RECEIVED

ET
ASV

Oct.9th, 2018

UCT 17 2018

Eric Taylor,

PLANNING SERVICES

In regards to the letter we received about the request to have the City property located on Desmarais Rd. rezoned, we have some concerns.

My husband and I live at the end of August St. and therefore it connects to the property in question.

We suspect the mining company will be operating 24/7 and therefore the noise will be loud and constant. We have endured the noise, sand and salt issues for years and we don't see this as a good proposition for neighbouring families.

Also, what about the mining company using August St. to access their yard? Is this a possibility?

I have spoken to Rene Lapierre and voiced our concerns. My husband and I are definitely against this being happening.

Reg and Glenda Presseault

1544 August St. Val Therese

Sept 13/18

RECEIVED

ASV

SEP 19 2018

PLANNING SERVICES

Dear Eric Taylor.

In regards to the letter that I
received Sept 12/18 dated Sept 4/18.

I object to any charges until I
have more information in regards
to this matter.

Regarding File # 751-7/18-3

Please contact me

or 4617 Desmarais Road, Val Therese, on
P3P1S3

Tracy Laporte

Th Laporte