

**Title: Barrydowne Animal Hospital**

**Date: October 26, 2020**

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to lift the H14 holding designation and expand the range of permitted C2 uses, including a veterinary clinic, which is proposed as the main use.

**Existing Zoning:** "H14C2(80)", Holding General Commercial Special

The H14C2(80) special zoning permits a limited range of commercial uses accessory to a monuments business subject to a holding provision that requires the installation of a left-turn lane on Second Avenue. Following removal of the H14 holding designation, the following uses would be permitted as a main use:

Retail stores, retail service stores, personal service shops, business offices and medical offices, funeral home, monument/memorial sales and memorial park, funeral supplies, furniture stores, florist shop, horticultural product sales, art studios, art shops, interior decorating stores, together with any accessory buildings and structures.

**Requested Zoning:** "C2", General Commercial.

C2 zoning permits a broad range of residential and commercial uses, including more than 50 different land uses.

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

PIN 73573-0006, Parcel 53669 S.E.S., Parts 1, 3 & 4, Plan 53R-15217 in Lot 12, Concession 4, Township of Neelon (380 Second Avenue North, Sudbury)

The subject property comprises a developed commercial property located on the east side of Second Avenue North opposite the Minnow Lake Dog Park. The area is fully serviced by municipal sewer and water. Second Avenue is designated as a Secondary Arterial Road and was recently upgraded to a full urban standard. The area is serviced by public transit with the closest transit stop located approximately 75 metres to the south at Scarlett Road.

Total lot area is 0.83 ha, with 106.7 metres of road frontage and an approximate depth of 125 metres. The site is occupied by a 221 m<sup>2</sup> one-storey commercial building that was constructed in 1995. The property is subject to a Site Plan Control Agreement dated January 11, 1995. The developed portion of the site is relatively flat. The elevation drops off along the easterly limits of the property, where the subject site abuts low density housing on Camelot Drive. This area is utilized as a naturally vegetated buffer and also contains a 3 metre-wide drainage easement.

The property is located within Ramsey Lake Intake Protection Zone (IPZ) 3 as identified under the Source Protection Plan. A Section 59 application under the Clean Water Act was required concurrent with the rezoning application.

**Title: Barrydowne Animal Hospital**

**Date: October 26, 2020**

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: vacant site zoned “R4(7)”, High Density Residential Special (proposed development of a retirement home with 137 guest rooms);

East: low density housing on Camelot Drive (single and semi-detached dwellings);

South: vacant lot owned by the City containing drainage infrastructure (gravity main and catch basin); and,

West: City-owned dog park on west side of Second Avenue.

### **Public 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 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.

The proponents advised Planning Services that a letter would be issued to adjacent residents and property owners based on the City’s standard mailing list.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

## **Policy & Regulatory Framework:**

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

- [2020 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.

### **Provincial Policy 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 Policy Statement.

Section 1.1.3 of the PPS identifies settlement areas as the focus of growth and development. A mix of land uses is promoted that utilize existing and planned infrastructure and public services facilities, including development that is transit-supportive. New development shall avoid the need for the unjustified and/or uneconomical expansion of services.

### **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.

**Title: Barrydowne Animal Hospital**

**Date: October 26, 2020**

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses.

**Official Plan for the City of Greater Sudbury:**

The subject land is designated as Mixed Use Commercial in the Official Plan. The following policies under Section 4.3 are applied:

1. All uses permitted by this Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process.
2. 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.
3. 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 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapter 14.0, Urban Design.

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

Site-specific zoning relief is not required.

**Site Plan Control:**

The property is subject to a Site Plan Control Agreement dated January 11, 1995. An amendment to the agreement is not required if only interior renovations are planned at this time.

**Department/Agency Review:**

Commenting agencies and departments have no objections to the proposal. Development Engineering advised that a test manhole has been installed as required under the Sewer Use By-law. Infrastructure Capital Planning Services indicated that the holding provision can be lifted following reconstruction of Second Avenue.

## **Planning Analysis:**

### Background

The property was subject to Official Plan amendment and rezoning applications in 1992 in order to redesignate the lands to General Commercial (Amendment #160) and rezone to C2 Special in order to permit a monuments business with related accessory uses. A holding provision was placed on the property restricting the use until such time that a left-turn lane was installed. This section of Second Avenue has since been reconstructed to a full urban standard including a centre left-turn lane.

### Suitability of site

The subject property has ample lot area to accommodate the proposed use. Based on the rezoning sketch, 31 parking spaces are provided where a minimum of nine (9) spaces are required for a veterinary clinic based on the gross floor area of the existing building. The building has an accessible loading area along the north elevation. The front yard is fully landscaped, which enhances the visual appeal of the property. The location also offers good connectivity to public transit and active transportation linkages (bicycle lanes and sidewalks on both sides of the roadway, transit stops a short walk to the south, City-owned park opposite subject land).

### Land use compatibility

#### a. Proposed main use

Concerning the proposed veterinary clinic, there are no issues related to compatibility provided that the use is restricted to the indoors. The owner is advised that a kennel is not permitted under C2 zoning, nor is it permitted as an accessory use to a veterinary clinic. No outdoor storage is permitted in C2 zones, which is important given the high visibility of the site from a major arterial road.

The interface with abutting low density housing on Camelot Drive is addressed by the Site Plan Control Agreement, which requires a minimum 9 metre-wide natural vegetative buffer along the easterly limit of the lot. The trees and shrubs have grown in height over the intervening years, providing an effective screening device even with the difference in elevation.

#### b. Other General Commercial uses

The lifting of the holding designation would permit all uses under the C2(80) special zoning as listed above. Some of these uses were specific to the monuments business (e.g., funeral supplies). Others are viewed as being redundant (e.g., retail stores, retail service stores, furniture stores, art shops and interior decorating stores are essentially retail stores as defined under the current Zoning By-law).

Beyond the housekeeping amendments described above, the new owner is requesting C2 zoning, which permits more than 50 different land uses. A planning justification report was not provided by the proponents addressing compatibility and site suitability in relation to these uses.

Staff support expanding the permitted uses as requested by the proponents; however, some uses are not appropriate or feasible given the site-specific considerations, such as the lot size or the potential for adverse impacts on existing and planned uses.

**Title: Barrydowne Animal Hospital**

**Date: October 26, 2020**

Large format/high occupancy uses such as assembly hall, banquet hall, home improvement centre, private club, mobile and modular home dealerships, RV dealerships and other uses with high parking demand and large site area requirements are not recommended. There is insufficient lot area and parking to accommodate such large scale uses. There is also the potential for nuisance factors, including noise and traffic generation.

Automotive uses are not recommended due to the close proximity to existing and planned residential development, including the proposed retirement home for which development is imminent. Such uses, which often present nuisance factors related to noise and odour and may require environmental compliance approvals due to potential emissions into the environment, are deemed not appropriate given the proximity to sensitive land uses abutting the site.

In addition to the veterinary clinic, Staff therefore recommend the following uses to be implemented through a revised C2(80) special zoning:

Art gallery, commercial recreation centre, commercial school, custom print or copy shop, institutional uses, office uses (business, professional, medical), personal service shops, pet grooming establishment, pharmacy, residential uses as permitted under Table 7.1 of the Zoning By-law, restaurant, retail store, scientific or medical laboratory, and related accessory uses.

The above noted approach will enhance the long-term viability of the site, while also addressing land use compatibility concerns with adjacent sensitive land uses.

Source Protection Plan

Water/Wastewater Services advised that there are no concerns related to the Source Protection Plan. No significant threats have been identified at this time. The owner is advised that a Section 59 application under the Clean Water Act is required at each future stage of development as applicable (building permits, site plan amendments).

Official Plan conformity

The application presents conformity with the Official Plan. The lot is suitably sized for the proposed new use and there is surplus lot area to provide additional parking if and when needed. No additional road improvements are required to accommodate development, as the left-turn lane has been constructed by the City. Servicing is adequate including the installation of a test manhole to monitor potential discharges from the site. Landscaping including a vegetative buffer along the easterly lot line is to be maintained as required under the Site Plan Control Agreement. The proposal is also viewed as transit-supportive given the location on a Secondary Arterial Road with public transit service.

2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The application addresses the major policy components of the PPS. The subject property is located in a fully serviced settlement area adjacent to a built-up urban area. The proposal utilizes existing infrastructure and is viewed as being transit-supportive. In regards to source water protection, no threats have been identified to the vulnerable area. The application is consistent with the 2020 Provincial Policy Statement.

There is no conflict with the 2011 Growth Plan, as the additional uses recommended with the application bolster the City's designation as an Economic and Service Hub.

**Title: Barrydowne Animal Hospital**

**Date: October 26, 2020**

## **Conclusion:**

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