

Title: City of Greater Sudbury

Date: May 4, 2017

STAFF REPORT

Applicant:

City of Greater Sudbury (Agent: Dave Bolan)

Location:

PIN 73492-0194, Parcel 31741 S.E.S., Part 1, Plan SR-888 in Lot 1, Concession 5, Township of Garson (1921 Skead Road, Garson)

Site Description and Surrounding Land Uses:

The subject property comprises the former Airport Depot and Salt/Sand Sheds located on Municipal Road 86. This area is not serviced by municipal water or sanitary sewer. Municipal Road 86 (Skead Road) is designated as a Primary Arterial Road.

Total land area is 2.93 ha, with 122 m of frontage and a depth of 183 m. The site is occupied by a 319 m² storage garage with a small accessory office and two utility sheds within the yard. The first 60 metres of the property as measured from the street line are undeveloped and contain mature vegetation that acts as a screening device. A 15-metre hydro easement is located along the southerly limit of the property.

A single detached dwelling is located approximately 120 metres to the southwest (1809 Skead Road). Undeveloped rural lands are located to the north and west. Freskiw Farms is situated further north (2093 Skead Road). Rural residential uses comprise remaining adjacent properties.

Official Plan and Zoning By-law:

Official Plan

The subject land is designated as General Industrial in the [Official Plan](#). The policies of Section 4.5.1 apply as follows:

1. Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.
2. Complementary uses, such as administrative offices, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.
3. General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.
4. Where development occurs in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted.
5. Heavy industrial uses may also be permitted by rezoning.

Title: City of Greater Sudbury

Date: May 4, 2017

Zoning By-law

The land is currently zoned "RU", Rural under [Zoning By-law 2010-100Z](#). A limited range of commercial use is permitted, including agricultural use, animal shelter, forestry use, garden nursery, kennel and a veterinary clinic.

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "RU", Rural to "M1(S)", Mixed Light Industrial/Service Commercial Special.

Proposal:

Application for rezoning in order to permit a limited range of light industrial/service commercial uses on lands that have been deemed surplus by the City (former public works depot). The proposed uses include:

- Accessory outdoor display and sales;
- Accessory outdoor storage;
- Accessory retail store;
- Automotive accessories store;
- Automotive leasing establishment;
- Automotive repair shop;
- Automotive sales establishment;
- Bulk retail outlet;
- Contractor's yard;
- Light industrial use;
- Public garage;
- Public utility;
- Recreation vehicle sales and service establishment;
- Rental store;
- Service trade;
- Warehouse.

The applicant is also proposing to retain and supplement the amount of tree cover in the front yard in order to effectively buffer and screen any future use.

Departmental/Agency Circulation:

Development Engineering and Roads and Transportation Section have no concerns related to this application. Building Services advises the applicant of the permit requirements as well as zoning provisions applied to outdoor storage.

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 240 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 applicant advised Planning Services that adjacent property owners within the City's 240 metres mailing radius would be canvassed prior to the public hearing.

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

Planning Considerations:

Proposed uses

The primary use proposed by the applicant is a contractor's yard in the form of a landscaping business. In order to utilize surplus space, the applicant is requesting a limited range of light industrial/service commercial uses as outlined in the Proposal section of this report. The proposed uses are evaluated as follows:

1. Automotive uses requested by the applicant include an automotive leasing establishment, automotive repair shop and an automotive sales establishment. These uses encompass the repair and maintenance of vehicles and therefore have the potential to generate chemical threats including gasoline, oil and similar products.

Automotive uses are generally found in fully serviced commercial areas and are subject to site plan controls to address contaminants and runoff, including oil interceptors and test manholes. Automotive uses are not recommended.

2. Retail uses such as a bulk retail outlet (furniture, appliances, floor coverings, etc.) and an automotive accessories store are generally located in mixed use commercial areas. Site plan control is utilized to ensure proper parking, on-site circulation, landscaping and loading areas. Retail stores typically agglomerate in commercial nodes and require a visible presence on the street. The isolated rural location is therefore not appropriate for retail development.

3. A contractor's yard will form the main use with this proposal. A contractor's yard is an area of land used for the storing of equipment, vehicles or materials used in the construction, landscaping, restoration and/or renovation industries and may include a premises where a contractor performs shop or assembly work.

A contractor's yard is consistent with the historical use of the property as a public works depot. The existing building and adjacent yards are well-suited to a landscaping business. Furthermore, the retention of natural vegetation in the front yard will provide effective screening and buffering of the use including any outdoor storage.

4. A light industrial use is an industrial use engaged in, or used for:
 - a) Producing apparel and finished textile products, other than the production of synthetic fibres;
 - b) Warehousing or storing goods or materials indoors;
 - c) Printing, duplicating or bookbinding;
 - d) Manufacturing finished paper and allied products other than processing wood pulp;
 - e) Producing cosmetics, drugs and other pharmaceutical supplies;

Date: May 4, 2017

f) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monuments, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use accessory to an extractive use.

A light industrial use can be supported provided it is restricted to a dry light industrial use due to the unserviced rural location. A dry industrial use generates less than 4 500 litres of wastewater per day.

5. Public garage and/or public utility are no longer applicable uses for this property, as the lands have been deemed surplus for public use.
6. A recreation vehicle sales and service establishment would require exposure along the street line for commercial purposes and a large parking area. This would require the removal of much of the mature vegetation that currently serves as a screening device, which the owner has agreed to retain. Staff recommend that this use be excluded.
7. A rental store is a type of retail use where goods are rented or sold to the general public, including light equipment. A small amount of outdoor display would be permitted subject to the provisions of Section 4.27.1 of By-law 2010-100Z. A rental store specifically excludes automobile leasing and heavy equipment sales and rental, and is therefore felt to be acceptable. A rental store may also be viewed as a complementary use in a rural setting.
8. A service trade is an establishment that offers a non-personal service or craft to the general public, including, but not necessarily restricted to, a make-your-own beer and/or wine establishment, a service shop, a custom print or copy shop, a dry cleaning or laundering establishment, a monument engraving shop or the business premises of a printer, plumber, tinsmith, craftsman, painter, carpenter, cabinet maker, electrician, taxidermist, pet grooming establishment, pest exterminator, roofer, insulation installer, furrier, weaver, upholsterer, interior decorator, caterer, engraver, cleaner or locksmith.

Service trades are permitted in a range of commercial and industrial zones, and should also be considered as alternative uses for the building. Service trades typically require office and storage space, and in some cases a small amount of outdoor storage. The list of business establishments defined as a service trade will provide the applicant with flexibility in leasing any excess space.
9. A warehouse is deemed a logical use for the property, as it is consistent with the previous use of the site. The existing buildings are also purpose-built for storage. The definition of warehouse specifically excludes a fuel depot, transport terminal and the storage of livestock.
10. The remaining uses proposed by the applicant are defined as accessory uses which are secondary to a permitted main use. All three types of accessory use are felt to be appropriate at this location.

Accessory outdoor sales and display is subject to the provisions of Section 4.27.1. For example, a rental store offering light equipment could utilize an outdoor area for display.

Title: City of Greater Sudbury

Date: May 4, 2017

Accessory retail functions as a secondary use to a permitted light industrial use or service trade subject to the provisions of Table 8.1 of the Zoning By-law. For example, a carpenter producing custom cabinetry could have a small retail showroom as an accessory use. Note that the products or goods offered for sale must be manufactured, produced or processed on the premises.

Outdoor storage, which is typically required for a contractor's yard, is also recommended subject to the provisions of Section 4.28.

Other site-specific provisions

The site benefits from existing mature vegetation along the street line, which extends some distance back to the depot building, approximately 60 metres based on information provided by the applicant. The trees provide natural cover that serves as an effective screening device, which is an important consideration given the proposed light industrial use. The applicant indicated to Planning Services that he intends to retain this area of land in its current state; and further, to supplement the plantings in order to fill in any gaps.

As a site-specific zoning provision, Staff recommend that a natural vegetative buffer shall be maintained to a minimum depth of 40 metres from the street line excluding the driveway.

Summary:

The applicant is advised that the property abuts a primary arterial road and is therefore within an area subject to site plan control. Any future development that substantially increases the size or usability of any buildings, structures or the site itself may require a Site Plan Control Agreement.

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