

40 Eyre Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 29, 2022
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-026

Report Summary

This report provides a recommendation regarding an application to rezone a surplus institutional property to permit all “C2”, General Commercial uses and a light manufacturing use.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by 2810373 Ontario Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “I”, Institutional to “C2 Special”, General Commercial Special on lands described as PIN 73586-0343, Parts 6 - 8, Plan SR-3338, Lots 7 – 10, 17 & 18, Plan 8SA in Lot 7, Concession 3, Township of McKim, as outlined in the report entitled “40 Eyre Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 29, 2022, subject to the following conditions:

1. That prior to the issuance of a change of use permit, the owner shall enter into a Site Plan Control Agreement with the City of Greater Sudbury to the satisfaction of the Director of Planning Services. The Site Plan Control Agreement shall address the expanded parking area, the construction of a retaining wall along the street line, a functional loading area, refuse and snow storage areas, and the installation of a test manhole, amongst other matters;
2. That the amending by-law includes the following site-specific provisions:
 - a) In addition to the uses permitted in the C2 zone, a light manufacturing use producing electronics, videos and 3D scanning solutions and related accessory uses shall also be permitted;
 - b) Notwithstanding the above, automotive uses and a taxi stand shall not be permitted;
 - c) The location of the existing building shall be permitted;
 - d) A minimum of 16 parking spaces shall be required for uses within the existing building;
 - e) A minimum 3.0 metre-wide landscaped area shall not be required abutting a public road having a width greater than 10.0 metres;

- f) Outdoor parking areas shall be permitted within three (3) metres of any public road having a width of more than 10.0 metres, or any Residential Zone; and,
- g) A retaining wall greater than 1.0 metre in height shall be permitted abutting the street line.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by providing opportunities to diversify the employment base in a centralized location. The application also supports business retention and growth by providing a new base of operations for the owner/applicant. The proposed redevelopment in a central city location serviced by public transit with proximity to community services is consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications associated with this report as no new building structures or additions are planned at this time.

Report Overview

An application for rezoning has been received in order to expand the range of uses permitted on a surplus institutional site located at 40 Eyre Street, Sudbury. The proposed main use is a light manufacturing business producing electronics, videos and 3D scanning solutions for the mining sector (Minewise Technology Ltd.). Site-specific relief covering a range of zone standards is required to accommodate development. The application is recommended for approval subject to the implementation of site plan control.

Staff Report

Proposal:

The subject land comprises a surplus institutional building being the former Cambrian Theatre on Eyre Street. The building was originally constructed as a place of worship (Paroisse Saint-Eugène).

The new owner is proposing to rezone the property from “I”, Institutional to “C2 Special”, General Commercial Special in order to permit all C2, General Commercial uses and a light manufacturing use producing electronics, videos and 3D scanning solutions for the mining sector (Minewise Technology Ltd.).

The owner’s agent (J.L. Richards & Associates) submitted the following documentation in support of the application:

- Planning Justification report dated September 8, 2021;
- Memorandum dated May 3, 2022;
- Revised memorandum dated July 15, 2022.

Existing Zoning: “I”, Institutional

“I”, Institutional zoning permits the following uses: children’s home, a day care centre, a place of worship, a hospital, a private club, a non-profit or charitable institution, a group home type 1, a group home type 2, a special needs facility, a recreation and community centre, an arena, a public museum, a public library, a public business, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility.

Requested Zoning: “C2 Special”, General Commercial Special

C2 zoning permits a broad range of residential and commercial use, including more than 50 different land uses. A special zoning is required in order to add a light manufacturing use, which is typically defined as a type of light industrial use. Site-specific relief is also required to address applicable zone standards.

Location and Site Description:

PIN 73586-0343, Parts 6 - 8, Plan SR-3338, Lots 7 – 10, 17 & 18, Plan 8SA in Lot 7, Concession 3, Township of McKim (40 Eyre Street, Sudbury)

The subject property forms a surplus institutional site located on the east side of Eyre Street just south of Elm Street in the West End of Sudbury. The area is fully serviced by municipal sewer and water. Eyre Street is a Local Road constructed to an urban standard. The closest public transit stop is located on Elm Street, a walking distance of approximately 90 metres from the northerly limit of the property.

Total area of the subject land is approximately 0.23 ha with 59 metres of frontage on Eyre Street. The site is occupied by a former place of worship constructed in 1950 that was most recently used as the premises of Cambrian Theatre. Based on assessment records, the building has a total floor area of 607 m² (6,533 sq. ft.).

Public lanes provide access to parking and loading areas as illustrated on the location map and site plan. The northerly lane is 4.5 metres wide and the southerly lane which connects to Regent Street is 3 metres wide. There is one (1) vehicular entrance from Eyre Street being the driveway in front of the former rectory, which provides access to a single car garage.

An easement for a wastewater gravity main extends across the southeasterly portion of the site in the vicinity of the proposed loading area. Storm sewer infrastructure also extends across the southeast corner of the lot and across the main parking area.

The adjacent neighbourhood forms a mixed-use district with both commercial and residential uses. Eyre Street is predominantly a residential street, with a mix of dwellings including low and medium density housing types. Lands zoned C2 are located northeast and east of the subject land.

Surrounding Land Uses:

The area surrounding the site includes:

- North: Medium density residential uses in the form of small apartment buildings (339, 345 & 351 Elm Street);
- Northeast: a mixed-use building with “C2(103)”, General Commercial Special zoning, which permits a range of institutional and commercial use (19 Regent Street);
- East: single detached dwellings fronting onto Regent Street (27, 33 & 37 Regent Street);
- South: low density residential uses (340, 346 & 352 Spruce Street);
- West: low and medium density residential uses (west side of Eyre Street opposite subject land).

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on May 11, 2022. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on August 11, 2022.

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 owner's agent advised that a notice would be issued to adjacent owners and residents outlining the proposal and providing contact information. A copy has been provided for the file.

As of the date of this report, one (1) phone call has been received seeking clarification on the application.

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:

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.

A. Settlement areas

Section 1.1.3 of the PPS states that fully serviced settlement areas shall be the focus of development and growth. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight-supportive.

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

B. Employment

Under Section 1.3.1 of the PPS, Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and,
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

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.

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 Institutional under the Official Plan, in keeping with the historical use as a church and a community theatre. Policies applied to the conversion of existing buildings under Section 19.5.8 are also applicable.

A. Surplus institutional properties

Under Section 4.4, rezoning applications related to the conversion of surplus institutional buildings and lands 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;
- c. for conversion to residential uses, the appropriateness of the proposed density; and,
- d. the policies of Sections 2.3.2 (Settlement Areas), 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapters 13.0 Heritage Resources and 14.0 Urban Design.

B. Conversion of existing buildings

Official Plan policies applied to the conversion of existing buildings are also applicable. An Official Plan Amendment is not required if the building cannot be feasibly be converted to a use in conformity with the underlying land use designation. The intent is to provide flexibility in the adaptive reuse of surplus buildings that have outlived their original purpose. The applicable policies are set out under Section 19.5.8:

Notwithstanding Sections 19.2 (General Policies) and 19.5.4 (Holding Zones), the City may pass by-laws to permit the use of an existing building or structure for a use that does not conform with the land use designation in the following situations:

- a. where an existing building or structure, used for a non-conforming use, cannot economically, practically or reasonably be converted or adapted to a use in conformity with the Official Plan land use designation; and,
- b. where an existing building or structure and use which is permitted in the Zoning By-law and the Official Plan land use designation is discontinued and cannot economically, practically or reasonably be converted or adapted to a use in conformity with the land use designation.

The City, before passing such a by-law, will be satisfied that the following will be fulfilled to safeguard the wider interests of the public:

- 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;
- 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.

Zoning By-law 2010-100Z:

The Planning Justification Report and subsequent memorandums prepared by the agent identify various site-specific relief required to accommodate development, including variances for landscaping, the location of parking areas, and the proposed retaining wall if it exceeds one (1) metre in height. Parking relief is not requested for the initial conversion to a light manufacturing and office use based on the net floor area calculations contained in the Planning Justification Report.

The zoning relief is detailed as follows:

- Recognize the legal non-complying setbacks of the existing building;
- Provide relief for zero landscaping along the street line where a minimum 3.0 metre-wide landscaped area is required abutting a public road under Section 4.15.2;
- Allow outdoor parking areas within three (3) metres of a public road and a Residential zone where a minimum setback of three (3) metres shall be maintained under Section 5.2.4.3; and,
- Provide relief for a retaining wall greater than 1.0 metre in height that directly abuts the street line.

Site Plan Control:

Mixed-use commercial properties are subject to Site Plan Control.

Department/Agency Review:

Development Engineering advised that a test manhole will be required in order to bring the property into compliance with the City's Sewer Use By-law.

Building Services has noted the zoning relief required based on the site plan and the additional information that is required to be incorporated onto the plan. (Note: The proponents subsequently revised the site plan to address these comments.)

The owner is advised that a change of use permit is required to the satisfaction of the Chief Building Official.

Planning Analysis:

Suitability of site

The subject property is located in an urbanized area that is noted for its mix of uses and proximity to the Downtown. Public transit is available on Elm Street and other services and amenities are within walking distance. Low and medium density residential uses are situated in close proximity to the site, which requires an evaluation of land use compatibility including the potential for nuisance factors.

The subject property benefits from an existing outdoor parking area on the northerly portion of the site that can accommodate up to 16 vehicles according to the Planning Justification Report. As illustrated by the site photos, the main parking area has never been upgraded to an appropriate standard. In comparison, the two (2) adjacent commercial properties at 5 Regent Street and 19 Regent Street have almost full lot coverage and no outdoor parking areas.

The central city location therefore presents opportunities for redevelopment now that the institutional use of the property has been deemed surplus. As an adaptive reuse proposal, the site is deemed suitable based on the highly urbanized location, existing conditions including on-site parking, and the redevelopment potential of an underutilized building.

Land use compatibility

a. Proposed main use

The proposed main use of the property will be a light manufacturing facility that produces electronics, videos and 3D scanning solutions for the mining sector (Minewise Technology Ltd.). The allocation of floor space is illustrated on the attached floor plan, which delineates areas intended for light manufacturing, office and accessory storage uses. Any surplus floor area is intended to be leased as office space.

Given the nature of the proposed uses, a loading area is required to service the building. In this case, an existing garage access off the southerly public lane will be utilized as a loading area. There appears to be sufficient area to accommodate loading and truck movements, with through-access provided to Regent Street and Eyre Street. The laneway is only 3 metres in width, which will limit the size of trucks accessing the loading area.

The light manufacturing use is supported based on the following considerations:

- Nuisance factors such as noise, odours and dust are not anticipated given the type of light manufacturing that is proposed.
- The nature of the work involves small-scale manufacturing that will take place within the building.
- There is no need for outdoor storage, which is not permitted in a C2 zone.
- The site can incorporate a functional loading area.

- The property benefits from having on-site parking, which is fairly rare in the vicinity and will also

mitigate the impact of spillover on-street parking.

- The parking demand will be less than the previous institutional uses, both of which involved the assembly of persons in large numbers; and,
- Office uses are generally quiet, with business activity largely limited to daytime hours.

b. Other General Commercial uses

The Planning Justification Report indicates that the Minewise operation is intended as a short-term use for approximately ten (10) years. As a result, the new owner is requesting all uses permitted under C2 zoning, which would allow more than 50 different land uses. The proponents did not specifically address these additional uses in the Planning Justification Report, which is focused on the light industrial use.

Staff support expanding the range of permitted use as requested by the proponents in order to accommodate opportunities for redevelopment and expand the employment base. However, some uses are not appropriate or feasible based on existing conditions, such as the limited on-site parking and the proximity to residential uses.

Automotive 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 not recommended given the proximity to sensitive land uses adjacent to the site. A taxi stand is also not recommended, as these facilities typically operate as a type of commercial garage, which presents the same concerns as noted above.

The above noted approach strikes a balance between supporting adaptive reuse projects and addressing land use compatibility with adjacent sensitive land uses.

Parking and loading areas

Although the property benefits from on-site parking, the proposed parking layout presents some challenges, including adequate snow storage areas and some parking spaces that may not be functional.

The applicant's sketch proposes a total of 23 on-site parking spaces including the loading space. The existing outdoor parking area on the northerly portion of the site would be extended towards Eyre Street with a zero setback from the street line. Based on existing grades, the slope would have to be excavated and a retaining wall constructed. Variances are therefore required for a minimum three (3) metre-wide landscaped area abutting the street line, a retaining wall with a zero setback from the front lot line, and a parking area that would be within three (3) metres of a public road.

Additional parking is proposed in front of the former rectory, where currently a single lane driveway provides access to the rectory garage. Based on the concept plan, the parking area may not be entirely functional. The parking aisle, which is elevated above the public laneway, does not meet the minimum 6-metre width. It is also not clear if parking space #4 can accommodate vehicle turning movements without having to back out onto the street. There is little to no room for snow storage within property boundaries.

The following conditions are therefore recommended in order to address on-site parking:

- Require a minimum of 16 parking spaces for uses within the existing building. This will provide some flexibility in the reconfiguration of the existing outdoor parking area and eliminates the requirement to install a front yard parking area adjacent to the former rectory.
- Require a Site Plan Control Agreement prior to the issuance of a change of use permit. The Site Plan Control Agreement shall address the expanded parking area, the construction of a retaining wall along the street line, a functional loading area, refuse and snow storage areas, and the installation of a test manhole, amongst other matters.

Official Plan conformity

The proposal conforms to the policies applied to surplus institutional sites including the conversion of existing buildings based on the following considerations:

- The building conversion is subject to a change of use permit in order to address OBC regulations;
- Compatibility is addressed by restricting those uses that could potentially generate noise, fumes, smoke and other nuisance factors;
- No outdoor storage is permitted under the proposed C2 zoning;
- Appropriate improvements will be made to parking and loading areas subject to Site Plan Control;
- The aesthetic appearance of the property and building will be enhanced through redevelopment of the site;
- There are no identified servicing constraints; and,
- Site Plan Control will be implemented in order to ensure appropriate development of the land in conformity with Section 19.5.8 of the Official Plan.

2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The proposal addresses the applicable policies outlined in the PPS and GPNO. Staff concur with the Planning Justification Report that the application demonstrates consistency with Provincial policies that encourage mixed-use development in serviced settlement areas in appropriate locations.

Most notably, the application is consistent with PPS policies under Section 1.3.1 by providing for an appropriate mix and range of employment uses to meet long-term needs and by contributing towards compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

The application is consistent with the 2020 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

Conclusion:

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