

# MEMORANDUM



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Page 1 of 9

To: Planning Services  
City of Greater Sudbury  
P.O Box 5000  
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Date: September 8, 2021

JLR No.: 31222-000

CC:

From: Erin Reed, Planner  
J.L. Richards & Associates Limited

Re: 40 Eyre Street South, Sudbury, ON  
Proposed Amendment to Zoning By-law 2010-100Z

## **PROPOSED AMENDMENT**

J.L. Richards & Associates Limited (JLR) has been retained by Minewise Technology Ltd. (Minewise) to assist in the facilitation of planning approvals to rezone the lot known municipally as 40 Eyre Street South, Sudbury from Institutional (I) to General Commercial Special Exception (C2-X) Zone to permit light industrial use on the lot and to reduce the required parking from 49 spaces to 45.

## **CONTEXT**

### Proposed Development

Minewise is a producer of electronics, video products, and 3D scanning solutions for the mining sector. Daily operations include the assembly of small to medium size electronics, electronic testing, and supporting clerical work.

There is an existing church and rectory on the subject lands which had been used by Theatre Cambrian as a theatre hall since about 2007. Minewise took ownership in spring of 2021 and intends to use the rectory for business office purposes, convert the lower level of the main building to a light duty electronics assembly facility, and maintain the main level use for an assembly hall (gathering hall/performance space). In order to permit the Minewise operations, which involve electronic assembly, Minewise Technology Ltd. is seeking a zoning by-law amendment.

This application is consistent with provincial policies and conforms to the City's Official Plan for the following reasons:

- The application utilizes existing infrastructure;
- The application demonstrates innovative redevelopment of an existing site;
- The subject site supports development and growth in the urban area; and
- The proposed use is compatible with surrounding land use

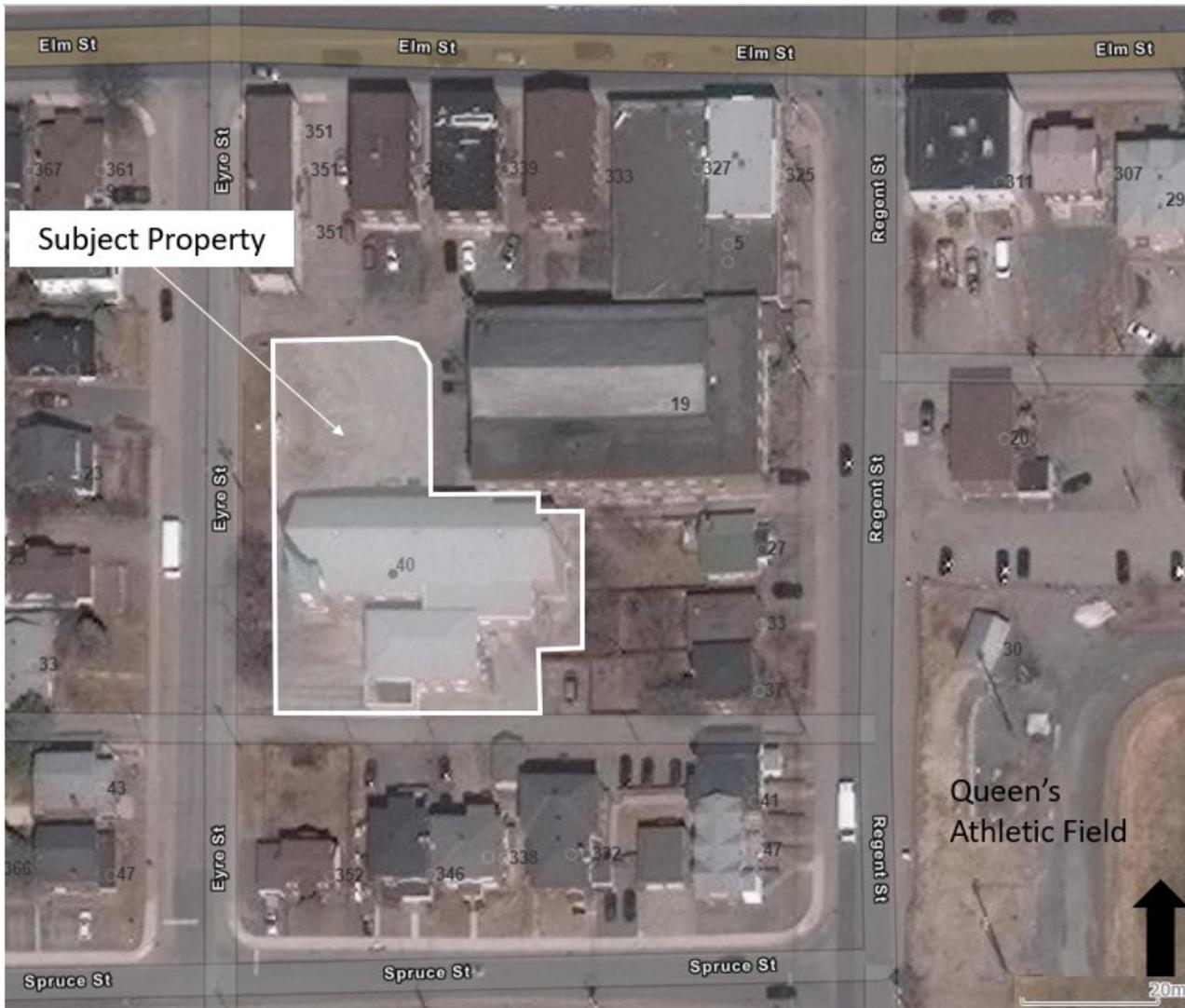
Pursuant to Section 34 of the *Planning Act*, a Zoning By-law is being sought to re-zone the subject property from Institutional (I) to General Commercial Special Exception (C2-X) Zone to permit the proposed office, light industrial, and assembly hall use.

### Site Description and Surrounding Land Uses

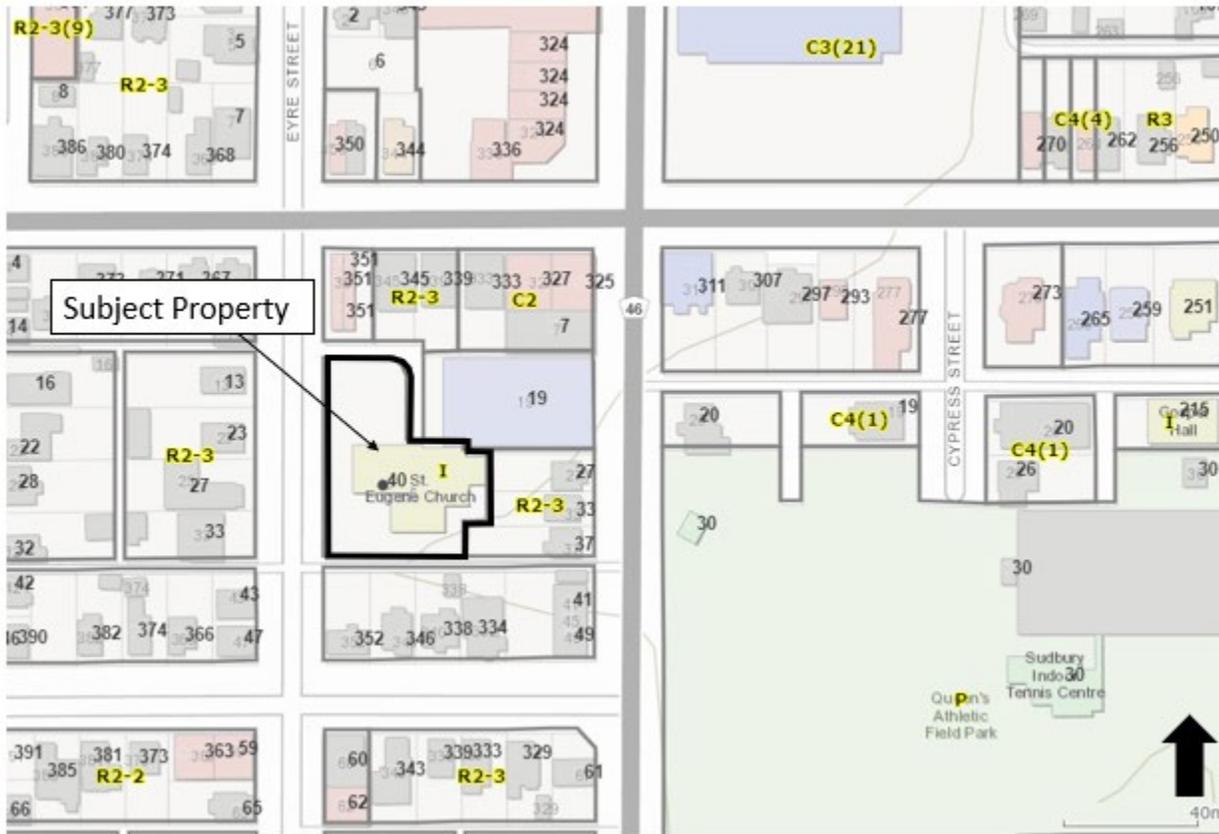
The subject property is currently designated 'Institutional' as per Schedule 1B 'Land Use-Sudbury Community' in the City of Greater Sudbury (CGS) Official Plan (OP). The lands are on full municipal services and are situated on the eastern side of Eyre Street South, a local road maintained year-round, as shown on Figure 1 (extract from City of Greater Sudbury

Interactive Zoning Map). The approximate area of the lot is 2,273.3 m<sup>2</sup> (0.2273 ha), with 59.1 m of frontage on Eyre Street South.

There is a church and rectory on the lot which had been owned and used by Theater Cambrian as a theatre hall since about 2007. The property was purchased by Minewise Technology Ltd. in spring 2021, where the intention is to relocate the Minewise operations to the subject site, as well as continue to use the theatre on the main level as an assembly hall.



The property is an irregular shaped parcel that is 2,344 m<sup>2</sup> (0.2344 ha) which includes a church that has been used as a theatre and accessory rectory. The surrounding area consists of residential and commercial uses. Most lots along Elm Street are zoned Residential (R2-3) or Commercial (C2, C3(21), C4(1)), the lots to the north and south of Elm Street are mostly zoned Low Density Residential Two (R2-3). The lot which immediately abuts the subject lot the east zoned General Commercial Special Exception 103 (C2(103)) and permits a range of uses such as a theatre, business office, restaurant use, audio visual studio, and place of amusement (see Figure 2, extract from City of Greater Sudbury Interactive Zoning Map).



## **POLICY CONTEXT**

The City of Greater Sudbury should consider the following policies as they pertain to the subject property and the applicant's intent to seek the amendments discussed in this report:

### **Provincial Policy Statement**

Generally, the PPS supports compact development within settlement areas on full municipal services. The following policies support the proposed amendment:

#### **Policy 1.1.1**

*Healthy, liveable and safe communities are sustained by:*

- (a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- (b) Accommodating an appropriate affordable market-based range and mix of residential types, employment, institutional....and other uses to meet long-term needs;*

#### **Policy 1.1.2**

*Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.... Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*

#### **Policy 1.1.3.1**

*Settlement areas shall be the focus of growth and development.*

Policy 1.1.3.2

*Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- 1. Efficiently use land and resources;*
- 2. 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;*

*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.*

Policy 1.1.3.4

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

Policy 1.3.1

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...*

Policy 1.6.3

*Before consideration is given to developing new infrastructure and public service facilities:*

- (a) The use of existing infrastructure and public service facilities should be optimized; and*
- (b) Opportunities for adaptive re-use should be considered, wherever feasible.*

Policy 1.7.1

*Long-term economic prosperity should be supported by:*

- a) *Promoting opportunities for economic development and community investment-readiness;*

The proposed Minewise operations, involving electronic assembly, while also maintaining the assembly hall use of the existing Theatre Cambrian (previously used as a church) represents efficient use of land and innovative redevelopment of a lot, while also making use of the existing infrastructure services available. The proposed redevelopment is located within the City of Sudbury Settlement Area, where growth and development is directed. The proposed amendment is consistent with the Provincial Policy Statement.

### Growth Plan for Northern Ontario

The 2011 Growth Plan for Northern Ontario (GPNO) is a strategic framework that will guide decision-making and investment planning in Northern Ontario over the next 25 years.

The GPNO identifies Greater Sudbury as an “economic and service hub” which is meant to accommodate future population growth and function as a region-wide service centre and economic hub. The intent of the GPNO is to *enable decisions about growth to be made in ways that sustain a robust economy, built strong communities and promote a healthy environment and a culture of conservation*. This is supported in the following policies:

2.2.2 *the Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantage that Northern Ontario can offer within these sectors:*

- a) *advanced manufacturing ...*
- g) *minerals sector and mining supply and services...*

2.2.3 *Economic development strategies for existing and emerging priority economic sectors will examine opportunities to:*

- ...b) *attract investment*
- c) *grow and retain existing competitive businesses, including ...diversification into value-added business opportunities...*

The proposed light industrial use on the lot is supported by the GPNO as it envisages a diversified economy and support for the emerging priority economic sectors, as well as supporting the GPNO's aim for investment of competitive sites in Northern Ontario's economic and service hubs. The proposed zoning by-law amendment conforms with the Growth Plan for Northern Ontario.

### City of Greater Sudbury Official Plan

As per Schedule 1B 'Land Use-Sudbury Community' in the City of Greater Sudbury Official Plan (OP) the subject lot is designated 'Institutional' and is located in the Sudbury community settlement area.

#### 2.3.2 *The Settlement Area*

1. *Future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas*
3. *Intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.*

4.4.3 *Rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions will be considered based on the following criteria:*

- i. *The need for such lands or buildings for other public uses, and their long-term value to the community;*
- ii. *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 use;*

11.1 e) *Promote all travel modes, including public transit and active transportation*

11.4.2 *Based on a review of parking standards for various land uses in the City, parking requirements may be reduced in those areas that have sufficient capacity.*

12.2.1.1 *The City will continue to provide for the operation and maintenance of all existing water distribution systems, sanitary sewers and treatment facilities under municipal jurisdiction.*

12.2.2 *Municipal sewer and water services are the preferred form of servicing for all new developments....*

1. *Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development.*

Growth, development, and redevelopment are encouraged by the OP to take place in Settlement Areas. The proposed development demonstrates innovative redevelopment of an existing building. Minewise intends to convert the previous church and rectory, which had been owned and occupied by Theatre Cambrian for over a decade, to an office and light duty electronics assembly facility and maintain the main level use for an assembly hall.

Section 4.4.3 allows for the conversion of surplus institutional buildings provided there is need for such land or building, it will provide long-term value to the community, is compatible with surrounding land uses, and conforms to the intent of the OP.

The proposed development represents mixed use development for an existing Sudbury business with the light industrial and office use supporting the mining sector and the assembly hall continuing to be used by the arts and culture community for various events.

With respect to land use compatibility, the proposed office use is not expected generate any adverse impacts on abutting properties. Minewise operations include the assembly of small to medium size electronics, and electronic testing. These operations, while strictly defined as a 'light industrial' use, are not expected to produce any emissions or adverse impacts (noise, dust, odours, or vibrations) onto abutting properties and no Environmental Compliance Approval (ECA) for emissions into the environment is required for this use. These operations will be completed in the basement of the church building, which further reduces any potential impact and disturbance on abutting properties.

Further, Minewise currently has 3 employees, the intention is to grow to 5-10 full time staff over the next few years. Standard couriers are used to distribute Minewise products. Minewise does not have, nor intends to have, a storefront; it is rare for clients to visit the facility. The truck and traffic impacts from employees, clients and shipments is expected to be minimal.

The proposed amendment is in conformity with the Official Plan.

#### City of Greater Sudbury Zoning By-law 2010-100Z

The lot is currently zoned Institutional (I), which does not permit light industrial uses. As such, the proposed amendment is seeking the General Commercial Special Exception (C2-X) Zone where an assembly hall and office use are permitted. A special exception is also being sought to permit the light industrial use on the lot.

Part 3 'Definitions' of the zoning by-law, provides the following relevant definitions:

**Assembly Hall:** A *building* or structure, or part thereof, where facilities are provided for civic, educational, musical, recreational, theatrical, political, religious or social events, including, without limiting the generality of the foregoing, a *recreation and community centre*, auditorium, cinema, *theatre*, playhouse, opera house, concert hall, *public museum*, exhibition hall, convention centre and community social centre, but does not include any *place of amusement*, *commercial recreation centre*, *place of worship*, *stadium* or *drive-in theatre* as defined herein, or any *retail store* or *restaurant* except as an *accessory use*.

**Business Office:** A *building* or part thereof in which one or more *persons* is employed in administering, consulting, managing, directing or conducting a *public* or *private* agency, a *professional office*, a business, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an *office accessory* to a permitted *non-residential use*, a bank or other *financial institution*, a data processing establishment, a non-governmental or not-for-profit organization, the *premises* of a courier service, a newspaper publisher, or a real estate or insurance agent, but does not include a *retail store*, *medical office* or veterinarian's clinic.

**Industrial, light:** An industrial use engaged in, or used for:

- f) *Manufacturing...light machinery, computer software, electronic products...and electronic components...*

The amendment is seeking to rezone the subject lot to permit the Minewise operations (light industrial and business office) and assembly hall on the lot.

Table 1 below provides the lot requirements for the C2 zone, as per Section 7.3 (Table 7.3) of the Zoning By-law.

**Table 1: C2 Zoning Requirements**

| Provision                           | Zoning by-law                           | Subject Property                                   | Compliance  |
|-------------------------------------|---|--|---|
| Minimum Lot Area                    | 1,350 m <sup>2</sup>                    | 2,273.3 m <sup>2</sup>                             | ✓   |
| Minimum Lot Frontage                | 30 m                                    | 59.1 m   | ✓   |
| Minimum Required Front Yard         | 6.0 m                                   | 5.8 m  | × (compliance not required as per 4.25.1a)          |
| Minimum Rear Yard                   | 7.5 m                                   | 3.7 m  | × (compliance not required as per 4.25.1a)          |
| Minimum Required Interior Side Yard | 3.0 m (= 0.6 per storey in excess of 3) | 1.15 m and 1.5 m                                   | × (compliance not required as per 4.25.1a)          |
| Maximum Lot Coverage                | 50%                                     | 31%  | ✓   |
| Minimum Landscaped Open Space       | 5%                                      | 14.8%  | ✓   |
| Maximum Building Height             | 15 m                                    | 21 m (spire)<br>11.5 m (chapel)<br>7.3 m (rectory) | × (compliance not required as per 4.12 v)<br>✓<br>✓ |
| Maximum Gross Floor Area            | 2,700 m <sup>2</sup> (2 times lot area) | 1,064.1 m <sup>2</sup>                             | ✓   |

Based on a review of the C2 zoning provisions, the existing building does not meet all provisions established in Section 7.3 of the Zoning By-law. However, Section 4.25.1 states the following:

*Where a building or structure is located on a lot having less than the minimum lot frontage and/or depth and/or lot area, and/or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that:*

- a) *The enlargement, reconstruction, repair and/or renovation does not further reduce the existing front yard, and/or side yard and/or rear yard and/or lot coverage except as otherwise permitted by this By-law.*

As the proposed change of use will not enlarge will not further reduce the front, rear or side yard setbacks, the existing provided setbacks are permitted.

The main building, which was built and previously used as a church, contains a church steeple which exceeds the maximum height provision. While the building is no longer being used as a church, Section 4.12(v) exempts a church spire or steeple from the height provisions of the by-law.

Table 2 indicates that 49 spaces are required to accommodate the proposed uses; however, 45 spaces are being proposed on the lot, this includes 2 accessible spaces. A reduction in parking spaces is also being sought. 1 loading space is provided.

**Table 2: Parking Requirements**

| Use                       | Requirement                                       | Proposed  | Compliance |
|---------------------------|---|-----------|------------|
| Assembly Hall             | 1/6 persons of capacity<br>=39.6 spaces           |           |            |
| Business Office           | 1/30m <sup>2</sup> net floor area<br>=5.2 spaces  |           |            |
| Light Industrial          | 1/90m <sup>2</sup> net floor area<br>=4.25 spaces |           |            |
| <b>Total Parking</b>      | <b>=48.84 (49) spaces</b>                         | <b>45</b> | ✓          |
| Accessible Parking Spaces | 51-100 spaces                                     | 2         | ✓          |

|                |  |   |   |
|----------------|--|---|---|
|                | =2   |   |   |
| Loading Spaces | 300m <sup>2</sup> to 4,500m <sup>2</sup> <i>gross floor area</i> | 1 | ✓ |

In our opinion 45 spaces is able to effectively service the uses of the lot. The office and light industrial space would be used by the Minewise staff. As advised by the applicant, Minewise employs 3 individuals, the intention is to grow to 5-10 full time staff over the next few years. Even with a staff of 10 each driving their own vehicle, 10 spaces would be sufficient. 1 loading space is being proposed to accommodate any shipments. Standard couriers are used to distribute Minewise products. Minewise does not have, nor intends to have, a storefront; it is rare for clients to visit the facility. The proposed 45 spaces are able to accommodate Minewise staff and the occasional client. Additionally, within 300 metres of the site there are seven (7) transit stops. Eyre Street, Elm Street (to the north), and Regent Street (to the east) all have sidewalks, encouraging active transportation. The minor parking reduction, coupled with transit and active transportation options, is appropriate for the proposed development. Section 5 of the City of Greater Sudbury Transportation Master Plan outlines the vision of a multi-modal transportation system that provides mobility options to all residents. This is reiterated in the Official Plan which in Section 11.1 e) noted above.

The intent is to use the assembly hall space when Minewise operations are not in use. The assembly hall would be used in the evenings (6pm-11pm) and on weekends, allowing all parking to be used by those attending an event at the assembly hall. As demonstrated above 40 spaces are required for the assembly hall, while 45 spaces will be available on the site.

### **CONSULTATION**

As required by the Sudbury Planning Application Review Team, a public consultation strategy has been developed and will be implemented as follows:

1. To inform surrounding properties the applicant/authorized agent will request the City's mailing list for all properties within a 120 metre radius of the subject lands.
2. A notice informing of the proposed rezoning and contact information of the authorized agent will be prepared and distributed to the above-noted mailing list.
3. All questions and comments received will be recorded and responded to as they come in.
4. Prior to City Staff report preparation, the agent will liaise with the City Planner with respect to comments/questions that have been received on the application.

### **CONCLUSION**

In our opinion the proposed zoning amendment represents good land use planning.

The proposed development is located within the Sudbury settlement area, makes efficient use of the existing site and efficiently utilizes the infrastructure facilities in the area, as directed by the PPS. Further, it supports the emerging economic sectors as identified as a key priority in the GPNO. The proposed amendment seeks to convert a surplus institutional building with a use compatible with the surrounding area. The proposed amendment demonstrates redevelopment within the Built Boundary and utilizes existing municipal infrastructure (i.e. water and sewer). The proposed amendment is in conformity with the OP. Lastly, the proposed amendment to rezone the lot to the C2-X zone to permit a light industrial use and reduce the required parking is in conformity with the intent of the zoning by-law. Given the surrounding context the proposed zone is appropriate for the site and recognizes the nearby land uses. To ensure any adverse impacts are mitigated, the proposed light industrial use will be located within the basement of the main building on the site. The reduced parking will accommodate the 3-10 employees of Minewise during the work day, and meets the required parking spaces for the assembly hall to be used on the evenings and weekends.

In our opinion, the proposed zoning amendment is consistent with the PPS, conforms to the GPNO, is in conformity with the OP, and represents good land use planning. As such, we recommend that the Planning Committee approve the application for zoning by-law amendment to facilitate the proposed development.

J.L. RICHARDS & ASSOCIATES LIMITED

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