

983-989 Lorne Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 25, 2023
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-04

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to an amended “C2(71)”, General Commercial Special in order to recognize an existing single-detached dwelling and permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The rezoning of the lands would also remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. Site-specific relief to reduce the number of required parking spaces from 30 to 26 parking spaces is also being sought.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by K.F. Investments Inc. to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from “C2(71)”, General Commercial Special to an amended “C2(71)”, General Commercial Special on those lands described as PINs 73588-1149 & 73588-0401, Parcels 47375, 6832 & 7308, Lots 117 to 122, Plan M-76, Lot 8, Concession 2, Township of McKim, as outlined in the report entitled “983-989 Lorne Street, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 25, 2023, subject to the following conditions:

1. That the owner demonstrate compliance with the existing site plan control agreement registered on title and apply for a site plan amendment to the existing site plan control agreement, if determined to be necessary, to the satisfaction of the Director of Planning Services prior to the enactment of an amending zoning by-law;
2. That the amending zoning by-law include the following site-specific provisions:
 - a) That a single-detached dwelling and a maximum of five residential dwelling units on the second-storey of the existing commercial building be added as permitted uses;
 - b) That an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement be deleted from the existing permitted uses within the “C2(71)” Zone;

- c) That a minimum of 26 parking spaces be provided for all uses on the lands;
 - d) That the location of the existing building be permitted; and,
 - e) That any further site-specific relief that is required for landscaping and parking area requirements be provided for accordingly.
3. That conditional approval shall lapse on September 26, 2025, unless Condition #1 above has been met or an extension has been granted by Council.

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

The application to amend the City's Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The development proposal will further diversify and expand upon the availability of affordable and attainable housing options in this part of the City and is therefore consistent with Goal #5 - Housing of the City's Strategic Plan.

As a form of residential intensification situated within an existing built-up urban area in the community of Sudbury, the development proposal aligns with the recommendations of the CEEP.

Financial Implications

If approved, staff are unable to estimate taxation revenues as change in use of existing building may change the assessment value of the building. The assessment value of the buildings would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by the Building Services department.

Report Overview:

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from "C2(71)", General Commercial Special to an amended "C2(71)", General Commercial Special in order to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The rezoning of the lands would also remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. The rezoning also seeks a site-specific reduction in the number of required parking spaces from 30 parking spaces to 26 parking spaces.

Staff is satisfied that the development proposal would conform with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff is therefore supportive of the development proposal and have identified the site-specific relief that would be required in an amending zoning by-law in order to properly facilitate and permit the development proposal on the subject lands.

The Planning Services Division is recommending that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.

STAFF REPORT

PROPOSAL:

This application for Zoning By-law Amendment is intended to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The rezoning of the lands would also remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. The rezoning also seeks a site-specific reduction in the number of required parking spaces from 30 parking spaces to 26 parking spaces. The lands would continue to be accessed from two private driveways providing access to both Lorne Street and Unnamed Lane #17. There is also a pedestrian access available as there are sidewalks installed along Lorne Street. In order to accommodate the recognition of an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building on the lands, the proposed rezoning would change the zoning classification of the subject lands from “C2(71)”, General Commercial Special to an amended “C2(71)”, General Commercial Special.

The owner’s agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on May 4, 2022 (File # PC2022-034). The owner’s agent was later provided with a Pre-Consultation Understanding Agreement (PCUA) from staff via email on May 17, 2022, following the SPART Meeting and later returned their PCUA to the Planning Services Division. The owner’s agent has subsequently now submitted a Zoning By-law Amendment application for consideration by the City’s Planning Committee.

The rezoning application was submitted to the City on May 30, 2023, and upon a preliminary review it was deemed to be a complete rezoning application on June 6, 2023. The application included the submission of a Concept Plan in support of the request to rezone the subject lands. Details with respect to the owner’s public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Existing Zoning: “C2(71)”, General Commercial Special

The “C2(71)” Zone is a site-specific zone classification which permits a limited range of general commercial land uses along with an established minimum parking space requirement for existing buildings on the lands and the required outdoor parking area is permitted to abut a residential zone. Those development standards that are otherwise applicable to the “C2(71)” Zone can be found under Section 7.3, Table 7.3 – Standards for Commercial Zones of the City’s Zoning By-law.

Requested Zoning: “C2(71)”, General Commercial Special (Amended)

The proposed rezoning to an amended “C2(71)” would recognize an existing single-detached dwelling and permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The rezoning of the lands would also remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. The rezoning also seeks a site-specific reduction in the number of required parking spaces from 30 parking spaces to 26 parking spaces. The site-specific relief required in order to accommodate the development proposal on the lands is discussed in further detail later in this report.

Location and Site Description:

The subject lands are located on the north side of Lorne Street at the intersection of Clemow Avenue between Martindale Road to the east and Webbwood Drive to the west in the community of Sudbury. The lands have a total lot area of approximately 1,456 m² (15,672.25 ft²) with lot frontages of approximately 36 m (118.11 ft) and 60 m (196.85 ft) along Clemow Avenue and Lorne Street respectively. The lands also abut Unnamed Lane #17 which is actively maintained by the municipality. The lands presently contain a two-storey general commercial building and a single-detached dwelling that is partially attached to the general commercial building. There are two parking areas situated on the lands with one being accessed from Unnamed Lane #17 (i.e. 7 parking spaces) and another accessed from Lorne Street (i.e. 19 parking spaces including 1 accessible parking space).

Surrounding Land Uses:

- North: Low density urban residential land uses with a mix of built-forms (e.g. single-detached dwellings, duplex dwellings, and multiple dwellings) along Clemow Avenue and Morrison Avenue, a converted former school building containing offices and service trades having frontage (i.e. 11 Mary Street), a large block of well-vegetated open space and a municipal park (i.e. Delki Dozzi), and Big Nickel Road.
- East: Mixed use commercial (e.g. convenience store, Canadiana Motel, Subway, etc) and urban residential land uses having a mix of built-forms along Gutcher Avenue, Bulmer Avenue, and Demorest Avenue.
- South: Business industrial land uses along Lorne Street (e.g. Maslack, PartSource, etc.), a restaurant (i.e. Tim Hortons), railway right-of-way (i.e. Canadian National Railway), a large and linear tract of well-vegetated open space land, and Junction Creek.
- West: Mixed use commercial (e.g. Dairy Queen, Furlani's Automotive, etc.) and urban residential land uses (e.g. multiple dwelling at 1023 Lorne Street) along Lorne Street, Morrison Avenue, Tuddenham Avenue, and Webbwood Avenue.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the existing general commercial building on the lands within which the proposed new urban residential land uses are proposed to be situated. Photos of the immediately surrounding area depict a pre-dominantly mixed-use commercial area situated along Lorne Street along with urban residential land uses to the north along Clemow Avenue and Morrison Avenue.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on June 6, 2023. The statutory Notice of Public Hearing dated September 7, 2023, was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands.

The owner's agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. The owner's agent indicated in their application form that they would be conducting their own "door-to-door" public consultation with area residents to discuss the development proposal ahead of the statutory public hearing at the City's Planning Committee.

At the time of writing this report, no letters and/or emails with respect to the development proposal have been received by the Planning Services Division. Staff received one phone call from a nearby resident that was seeking clarification on the nature of the development proposal and also to ensure that their own lands were not subject to the rezoning proposal.

POLICY AND REGULATORY FRAMEWORK:

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

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2020 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 2020 PPS. The following PPS policies are relevant to the application for Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, 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, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions; and,
7. With respect to Housing Policies, Section 1.4.3 outlines that municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - a) Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, as well as all types of residential intensification, including additional residential units, and redevelopment;

- b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed;
- d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
- e) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application for Zoning By-law Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Mixed Use Commercial in the City's Official Plan. All land uses except Heavy Industrial uses are permitted within the Mixed-Use Commercial land use designation subject to the rezoning process.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;

5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
 - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
 - b. The compatibility proposed development on the existing and planned character of the area;
 - c. The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
 - d. The availability of existing and planned infrastructure and public service facilities;
 - e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
 - f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
 - g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
 - h. The level of sun -shadowing and wind impact on the surrounding public realm;
 - i. Impacts of the proposed development of surrounding natural features and areas and cultural heritage resources;
 - j. The relationship between the proposed development and any natural or man-made hazards;
 - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
 - l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 4.3(4) of the City's Official Plan establishes criteria to be considered when assessing a request to rezone lands within the Mixed Use Commercial land use designation. These criteria are as follows:

1. That municipal sewer and municipal water capacities are adequate for the site;
2. That parking can be adequately provided for on the site;
3. That no new access to Arterial Roads (i.e. Long Laker Road) will be permitted where reasonable alternate access is available to the site;
4. That the traffic carrying capacity of the Arterial Road (i.e. Long Lake Road) is not significantly affected;
5. That traffic improvements (e.g. turning lanes) where required for a new development will be provided by the proponent of the development;

6. That landscaping along the entire length of road frontages and buffering between non-residential and residential uses are provided; and,
7. That the development proposal meets the policies outlined under Section 11.3.2 (i.e. transit supportive development), Section 11.8 (i.e. accessibility), and Chapter 14.0 (i.e. urban design) of the City's Official Plan.

Section 17.2 of the City's Official Plan generally encourages diversity in housing types and forms, including the provision of affordable housing. Specifically, Section 17.2.1 encourages a greater mix of housing types and tenure through applicable housing policies. Specifically, it is the policy of the City's Official Plan:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- b. To encourage production of smaller (i.e. one and two bedroom) units to accommodate the growing number of smaller households;
- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. To discourage downzoning to support increased diversity of housing options; and,
- e. To support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

Section 17.2.7 c) of the City's Official Plan outlines that in order to address homelessness in the City, it is the policy of the City's Official Plan to support the expansion of the supply of permanent affordable housing that ultimately provides a suitable and affordable living environment for individuals experiencing homelessness or at risk of homelessness.

Zoning By-law 2010-100Z:

The owner's agent is requesting that the subject lands be rezoned to an amended "C2(71)", General Commercial Special Zone in order to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The rezoning of the lands would also remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. As mentioned previously in this report, the rezoning also seeks a site-specific reduction in the number of required parking spaces from 30 parking spaces to 26 parking spaces. Staff also notes that the above noted site-specific relief has been identified in part by agencies and departments through the review of the rezoning application and the details of such are discussed later in this report.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, the City's Drainage Section, Operations, and Roads have each advised that they have no concerns from their respective areas of interest. Leisure Services was circulated the application and did not respond with any comments and/or concerns.

Building Services has no concerns with the rezoning application but has provided the following comments:

1. The proposed building renovation will require a building permit (i.e. change of use) with plans that have been prepared by an architect including all life, health and safety requirements as required by the [Ontario Building Code](#) (OBC);
2. The proposed engineered retaining wall separating the upper and lower parking areas will require a building permit complete with plans depicting all required measurements and setbacks as required in order to determine compliance with applicable development standards under the City's Zoning By-law; and,
3. The lands have been used previously for industrial purposes and it is therefore required that a Record of Site Condition (RSC) be obtained in order to change the existing commercial floor space within the existing building to a residential use as per [Ontario Regulation 153/04](#) under the [Environmental Protection Act, R.S.O. 1990, c. E.19](#).

Development Engineering notes that the lands are serviced with municipal water and sanitary sewer infrastructure. Development Engineering further notes that the development proposal is subject to site plan control and if any upgrading of the existing municipal infrastructure is required it would be required via the site planning process.

Strategic and Environmental Planning has advised that the owner may wish to review the municipal incentives for the development of affordable housing that may be available in order to determine whether the project may be eligible based on their proposed rental rates. The City's Affordable Housing Community Improvement Plan (AHCIP) offers four programs targeting multi-unit affordable housing development.

The owner is further advised that additional detail on potential incentives can be accessed on the City's Affordable Housing Strategy website here – <https://www.greatersudbury.ca/do-business/planning-and-development/affordable-housing-strategy>.

Site Plan Control notes that there is an existing site plan control agreement registered on May 3, 2004 at the Land Registry Office (LRO) that is applicable to the lands. It is noted that the existing site plan control agreement has not been complied with and the municipality is therefore continuing to hold a deposit. Site Plan Control staff are recommending that compliance with the existing site plan control agreement be a condition of rezoning approval or additional deposits be retained to ensure and encourage compliance. It is noted that an amendment to the existing site plan control agreement is not required for the proposed change of use unless specific requirements coming out of the proposed rezoning need to be implemented through site plan control.

Transportation and Innovation have concerns with respect to the reduction in the number of required parking spaces that is being sought. It is noted that on-street parking is not permitted on Lorne Street, Clemow Avenue and Unnamed Lane #17, which may result in overflow parking impacting nearby residents and/or other surrounding local roads. The accessible parking space is also situated immediately next to a refuse storage area and the owner is encouraged therefore to relocate the accessible parking space as close to the building entrance as possible. It is further noted that the submitted sketch depicts two gravel-surfaced parking lots which is likely to affect the ability to provide clear parking space delineation on the lands, which could adversely impact the availability and functionality of the proposed number of parking spaces. It is therefore recommended that a hard surface (e.g. asphalt) be utilized in the parking areas in order to ensure that required parking spaces are properly delineated via pavement markings.

PLANNING ANALYSIS:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Sudbury is an identified settlement area in the City's Official Plan. The development proposal to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building on the lands should generally be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of residential densities and land uses that would be permitted in this particular area along a primary arterial road (i.e. Lorne Street) in the community of Sudbury. Staff notes that the lands are presently serviced with municipal water and sanitary sewer from Lorne Street. Access to the GOVA public transportation network is available on Lorne Street (i.e. Route #13 – Copper Cliff & Route #101 – Lively) giving direct routing access to the Copper Cliff Mobility Hub and Downtown Transit Hub. Active transportation is also an option as there are existing sidewalks along both sides of Lorne Street providing a pedestrian connection to the larger surrounding area. There are also a number of public open spaces (e.g. Delki Dozzi Park, Junction Creek Waterway Park Trail etc.) and community facilities (e.g. Gatchell Pool, Jean Hanson Public School, etc.) that can be accessed through the active transportation infrastructure (e.g. sidewalks, trails, etc.) that exists in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;
3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area. The development proposal will also serve to encourage and provide for increased and available housing opportunities on the housing continuum (i.e. affordable rental housing) via the redevelopment and intensification of an existing general commercial lot that is located within the Sudbury settlement area and built boundary;
4. Staff is generally supportive of this opportunity for residential intensification and notes that public transportation is available and immediately abuts the subject lands along Lorne Street. The proposed residential intensification in this instance would involve the recognition of an existing single-detached dwelling on the lands and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building. The proposed rezoning would then act to explicitly permit the above noted residential land uses whereas the currently applicable zoning (i.e. "C2(71)") does not permit any residential land uses. Staff is also of the opinion that the development proposal would contribute positively toward improving the supply and range of housing options made available through intensification and redevelopment in the area. Staff is further satisfied upon review of the development proposal that a single-detached dwelling along with five residential dwelling units on the second floor of the existing building can be reasonably accommodated on the lands with minimal disruption to abutting residential land uses provided certain development standards are utilized in an amending zoning by-law. Suitable infrastructure is also presently available within the road allowance of Lorne Street and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good redevelopment and intensification and compact built-form in this particular location, while avoiding or mitigating risks to public health and safety. Those development standards that would be appropriate in order to properly accommodate the proposed single-detached dwelling along with five residential dwelling units on the second floor of the existing building on the lands are discussed in more detail later in this report;

6. Staff notes that the subject lands are within an existing and identified settlement area (i.e. Sudbury) and also within the City's existing built-boundary as the lands presently contain a an existing two-storey building with zoning that permits a range of commercial land uses. Staff is therefore of the opinion that the proposed rezoning would facilitate and encourage the provision of additional residential development in this area that has a more compact built-form by introducing a single-detached dwelling and five residential dwelling units on the second floor of the existing building on the lands. The proposed residential uses would also provide for an overall site density (i.e. 42 residential dwelling units per hectare) that will utilize the subject lands more efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively toward minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan;
7. With respect to housing policies in the PPS, staff would highlight and note the following:
 - a. The proposed residential uses being a single-detached dwelling with five residential dwelling units on the second floor of the existing building would provide for an expanded range and mix of housing options and densities in the community of Sudbury. With the proper use of development standards as noted later in this report, staff is satisfied that no negative impacts would be generated should the rezoning to permit residential redevelopment and intensification in this location be approved from a social, health, economic and well-being perspective in terms of those current and future residents living in the local Sudbury community;
 - b. Staff is satisfied through their review and circulation of the rezoning application that the proposed new housing option being that of a single-detached dwelling along with five residential dwelling units on the second floor of the existing building can and should be appropriately directed to the subject lands as appropriate levels of infrastructure (e.g. active transportation, municipal sanitary sewer and water infrastructure, public transportation, etc.) are presently available in this particular location along Lorne Street;
 - c. Staff is of the opinion that the development proposal would generally result in the more efficient use of the subject lands as well as the available municipal infrastructure in this location. It is further noted that the resulting improved housing options in this area would also positively contribute to and encourage the use of public transportation that is readily available in the immediate area;
 - d. Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal being a single-detached dwelling along with five residential dwelling units on the second floor of th existing commercial building would not negatively impact other intensification opportunities that may exist in the area; and,
 - e. Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development and residential intensification of the subject lands without negatively impacting the cost of housing and the existing character of the area. Staff notes that overall development proposal being the introduction of six residential dwelling units (i.e. single-detached dwelling along with apartment dwelling units) to an existing general commercial site can be reasonably expected to provide additional affordable rental dwelling units in the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

With respect to the City's Official Plan, staff in general have no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building are discussed below.

With respect to settlement area and built boundary policies under Section 2.3.3 of the City's Official Plan, staff notes that the development proposal will make efficient use of an existing building, municipal infrastructure, active and public transportation options that are situated within the settlement and built boundary of the Sudbury community. The development proposal also therefore in part contributes positively toward minimizing negative impacts on air quality and climate change and encourages the realization of energy efficiencies. With respect to the intensification criteria to be considered under Section 2.3.3 of the City's Official Plan, staff has no concerns with respect to the appropriateness of accommodating residential intensification in this location provided that certain land uses currently permitted in the applicable "C2(71)" Zone are removed in order to ensure that possible land use conflicts between commercial and residential uses are minimized to the best extent possible. Staff is also satisfied and would note that site plan control will provide for an appropriate opportunity to ensure that the proposed residential uses are properly integrated on the site and within the existing building. Staff also further note that the criteria for rezoning lands within a Mixed Use Commercial designation remains applicable, which is explained in further detail below.

With respect to general Mixed Use Commercial policies in the Official Plan that are applicable to the subject lands, the proposed additional land uses being that of single-detached dwelling and five residential dwelling units on the second-storey of the existing general commercial building are considered to be permitted uses as they would not amount industrial use that would otherwise be directed to another land use designation.

With respect to Section 4.3(4) of the City's Official Plan, staff has the following comments with respect to the criteria that is to be considered when rezoning lands within the Mixed Use Commercial land use designation:

1. The lands are fully serviced with municipal water and sanitary sewer infrastructure that is available from Lorne Street and Unnamed Lane #17. Development Engineering further noted in their review that the development proposal is subject to site plan control and if any upgrading of the existing municipal infrastructure is required it would be required via the site planning process;
2. Staff is satisfied that parking requirements for the proposed single-detached dwelling and five residential dwelling units on the second-storey of the existing general commercial building can be adequately provided for on the lands without requiring considerable site-specific relief from applicable parking and loading provisions in the City's Zoning By-law. The overall parking area that is shown on the sketch is discussed in further detail later in this planning report;
3. The development proposal does not involve the introduction of a new driveway access to Lorne Street. The proposed additional land uses will have the option of utilizing two existing driveway entrances to Lorne Street and/or to Unnamed Lane #17;
4. Roads has reviewed the development proposal and have not identified any areas of concern with respect to the carrying capacity of Lorne Street or surrounding local streets being significantly affected should the rezoning application to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building;
5. Roads have also did not identify the need for any traffic improvements that would be necessary along Lorne Street or surrounding local streets in order to properly recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building on the lands;
6. Staff has not identified any land use planning concerns with respect to landscaping, screening and/or buffering between the proposed added urban residential land uses and nearby residential uses along Clemow Aveue, Unnamed Lane #17 and Morrison Avenue. Staff would note that the development proposal is not seeking any site-specific relief from applicable landscaping provisions of the City's Zoning By-law. The development proposal is also subject to site plan control and the site planning process will act to ensure that appropriate landscaping is provided along road frontages and that screening and buffering between non-residential and residential uses are provided for appropriately if determined to be necessary; and,

7. With respect to transit supportive development, the lands immediately about the GOVA public transportation network along Lorne Street (i.e. Route #13 – Copper Cliff, Route #101 – Lively) giving direct access to the Copper Cliff Mobility Hub and the Downtown Transit Hub. The lands also benefit from having bus-stops on both sides of Lorne Street (i.e. east-bound and west-bound) that are located approximately 190 m (623.36 ft) to the north-east at Bulmer Avenue. Staff would therefore note that the development proposal would result in the introduction of urban residential land uses within a mixed use corridor that has readily available and easy access to the existing public transportation network;
8. With respect to transit-supportive development policies in the City's Official Plan, staff notes that the lands are well-served by exiting GOVA public transportation routes including bus stops in close proximity to the lands in both directions along the street-line of Lorne Street. Both of the available bus stops are well within 500 m (1,640.42 ft) walking distance of the lands. Staff is not recommending that an amending zoning by-law restrict the range of permitted land uses other than removing certain uses permitted on the lands that may be of nuisance to the residential uses being introduced to the lands given that the site is on an arterial road and within an identified mixed use commercial corridor. Staff notes therefore that the opportunity to introduce a further mix of land uses including urban residential land uses may exist in the future, which would only further improve feasibility of transit services (i.e. increased ridership, alleviating traffic congestion, reliance on automobiles, etc.) along Lorne Street. The portion of the existing building to be used for residential purposes is also maintains legal non-complying front and corner side yard setbacks which even further reduces walking distances for transit users to closest bus stops. The location of the existing building also lends itself well to the notion of establishing better street presence along arterial corridors;
9. With respect to accessibility policies in the City's Official Plan, staff notes that the lands about an arterial road (i.e. Lorne Street) and creating appropriate and accessible linkages between the proposed residential development and the Lorne Street corridor will be addressed in finer detail through the site planning process. Staff would note however at this point that the submitted sketch depicts a building entrance at grade along Clemow Avenue that provides direct access to the proposed residential components of the building. It is noted however that the proposed five residential dwelling units within the existing building would be situated on the second-storey. The proposed single-detached dwelling component would however be ground-oriented with access from grade to the dwelling unit. Staff would advise the owner that the site planning process will take into consideration the provision of integrated and accessible facilities that fully respect the dignity and rights of persons with disabilities; and,
10. With respect to urban design policies, staff notes that there are no urban design guidelines applicable along this portion of Lorne Street. Staff does note, however, that site plan control is applicable to the lands and the proposed additional uses will require an amendment to an existing site plan control agreement that is applicable to the lands. The site planning process will therefore be utilized to ensure that the best possible urban design outcomes are achieved on the site with focus on but certainly not limited to good community and neighbourhood design, site and building design, and safety and accessibility.

With respect to housing policies under Section 17.2 of the City's Official Plan, the development proposal offers an opportunity to provide for a wider range of housing types and built-forms that can reasonably be expected to meet housing demands for both current and future residents of Sudbury. Staff did not receive floor plans for the second-storey residential dwelling units within the existing building; however, the owner is strongly encouraged to consider the utilization of floor layouts that would be supportive to the growing number of smaller households (i.e. one and/or two bedroom units). Staff acknowledges that the additional residential dwelling units within the existing building would be on the second floor; however, there would be some degree of opportunity for senior citizens to obtain affordable housing within the building once the residential dwelling units are added. Staff also does not view the elimination of existing permitted commercial uses as being a downzoning of the lands given that residential land use permissions are being added and those uses being deleted are intended only to eliminate or prevent land use conflicts on the lands between commercial and residential uses. Staff is also of the opinion that the development proposal contributes positively to the notion of creating complete communities having a mix of land uses that are supportive of transit development, as well as offering a fuller range of housing options including affordable housing that is inclusive of all ages and abilities that meets the daily and lifetime needs of all residents.

With respect to homelessness policies under Section 17.2.7 c) of the City's Official Plan, the proposed rezoning would increase the total number of residential dwelling units on the lands and establish a permanent and affordable housing-friendly residential land use on the lands providing an affordable living environment for individuals experiencing homelessness or at risk of homelessness.

Staff is therefore of the opinion that development proposal to recognize an existing single-detached dwelling and to permit the addition of five residential dwelling units on the second floor of the existing general commercial building on the subject lands conforms to the applicable policies in City's Official Plan.

With respect to the City's Zoning By-law, staff in general has no concerns with the requested zone category and have the following comments:

1. The existing "C2(71)" Zone should be amended to add a single-detached dwelling and a maximum of five residential dwelling units on the second-storey of the existing building as permitted uses on the lands. Staff would also recommend flexibility in terms of how the single-detached dwelling is defined as a permitted use in the amending zoning by-law given that it is attached by a breezeway;
2. Staff would further note that the lands have frontage on a primary arterial road that is designated for mixed use commercial development including all land uses apart from heavy industrial uses. It is on this basis that staff would advise that flexibility be provided in an amending zoning by-law to both accommodate the specific development proposal itself but also to retain certain general commercial land uses already permitted in the event conditions change prior to construction taking place on the lands. In this scenario, the existing "C2(71)" Zone will also need to be amended to remove an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement as permitted uses in favour of the added residential uses. The remaining commercial uses already established within the "C2(71)" Zone would continue to be permitted. Staff is, in this context, satisfied that the lands are of sufficient size and shape to accommodate a defined and limited range of general commercial and urban residential land uses.
3. The existing building was constructed in 1972 according to available MPAC data and therefore said existing building maintains legal non-complying yard setbacks. The existing building is also legal non-complying from the perspective that it is situated within a required sight triangle. Staff would recommend that the amending zoning by-law recognize the location of the existing building in order to best define the context under which the proposed urban residential uses would be permitted on the lands;

4. With respect to parking requirements, staff notes that the lands abut a GOVA public transportation route and therefore a 10% reduction from the required number of parking spaces is afforded under Section 5.3.1 of the City's Zoning By-law. Staff has reviewed the parking calculations based on the above assumptions and confirms that a minimum of 28 parking spaces are required whereas 26 parking spaces are depicted on the submitted sketch. The parking summary table provided by the owner also demonstrates that one parking space will be dedicated to the single-detached dwelling along with 7 parking spaces for the five residential dwelling units on the second-storey of the existing building. Staff is satisfied that the introduction of residential uses to the lands at the density proposed is appropriate given that sufficient parking spaces can be provided and dedicated to the residential component of the overall development. In particular, it is noted that the presence of GOVA has resulted in three fewer parking spaces being required (i.e. 1 for residential purposes, 2 for commercial purposes) than what would be required if GOVA was not present. Staff is satisfied that based on the proposed land uses that sufficient parking areas (i.e. aisle widths, loading spaces, etc.) and parking spaces including an accessible parking space have been provided on the lands;
5. With respect to the proposed accessible parking space, Roads has noted the location may not be ideal given its distance from building entrances and the presence of a refuse storage area between the accessible parking space and the building. Staff considers this to be a site planning matter that will be explored further during the site plan control process. Staff also notes that the site plan control process will be utilized to ensure a pavement treatment along with appropriate parking space demarcation takes place on the lands;
6. Staff notes that all refuse storage areas shown on the submitted sketch would take the form of "garbage bins" with each appearing to be situated within a interior yard and at appropriate setback distances from closest lot lines and residential zones in compliance with Section 4.2.9 of the City's Zoning By-law;
7. Staff notes that based on the proposed residential land uses that no bicycle parking spaces are required under Section 5.8 of the City's Zoning By-law;
8. The submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking and loading provisions, and the "C2(71)" Zone of the City's Zoning By-law; and,
9. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PINs 73588-1149 & 73588-0401, Parcels 47375, 6832 & 7308, Lots 117 to 122, Plan M-76, Lot 8, Concession 2, Township of McKim.

With respect to site plan control, it is noted that the development proposal is subject to site plan control under [By-law 2010-220](#), as amended, being the Site Plan Control Area By-law for the City of Greater Sudbury. Staff notes that the owner's agent was advised during the pre-consultation process that site plan control is applicable to the development proposal and complete application requirements for such have already been communicated to the owner and their agent. Staff advises that the site planning process will address in finer detail those matters related but not entirely limited to the provision of bicycle parking, buffering and screening, landscaping, location of parking areas, refuse storage areas, retaining walls, storm-water management and drainage, and pedestrian walkways.

CONCLUSION:

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed and recommended site-specific amending zoning by-law:

- a) That the lands be rezoned from "C2(71)", General Commercial Special to an amended "C2(71)", General Commercial Special;

- b) That a single-detached dwelling and five residential dwelling units on the second-storey of the existing building on the lands be added as permitted uses;
- c) That an animal shelter, automotive accessories store, automotive repair shop, automotive sales establishment, dry cleaning establishment and a place of amusement no longer be permitted on the lands or within the existing building;
- d) That a minimum of 26 parking spaces for all land uses be required;
- e) That the location of the existing building be permitted; and,
- f) That any further site-specific relief that is required for landscaping and parking area requirements be provided for accordingly.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.