

## 40 Elm Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 12, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-24/08 & 701-6/24-05

## Report Summary

This report provides a recommendation regarding an application for Official Plan Amendment and Zoning By-law Amendment to permit the development of warehouse and commercial self-storage facility uses within the existing Elm Place Shopping Centre.

This report is presented by Wendy Kaufman, Senior Planner.

## Resolutions

### Resolution 1:

#### Resolution Regarding the Official Plan Amendment

THAT the City of Greater Sudbury approves the application by Vista Sudbury Hotel Inc. to amend the City of Greater Sudbury Official Plan to additionally permit warehouse and commercial self-storage facility uses in the Downtown designation on lands described as PINs 02138-0196(LT) & 02138-0159(LT), Part Unit 1 on Plan D-132 being Part 5 on Plan 53R-17387, Units 3-10, 14 & 20-22 on Plan D-132 except Parts 2 & 3 on Plan 53R-17387, Unit 16 & Part Units 13 & 15 on Plan D-132 being Parts 1, 3 & 4 on Plan 53R-5227, Parts 1-5, Plan SR-3534, Part 2, Plan 53R-17475, Part Lot 5, Concession 4, Township of McKim as outlined in the report entitled “40 Elm Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 12, 2024.

### Resolution 2:

#### Resolution Regarding the Zoning By-law Amendment

THAT the City of Greater Sudbury approves the application by Vista Sudbury Hotel Inc. to change the zoning classification on the subject lands from “C6”, Downtown Commercial to “C6(S)”, Downtown Commercial Special on lands described as PINs 02138-0196(LT) & 02138-0159(LT), Part Unit 1 on Plan D-132 being Part 5 on Plan 53R-17387, Units 3-10, 14 & 20-22 on Plan D-132 except Parts 2 & 3 on Plan 53R-17387, Unit 16 & Part Units 13 & 15 on Plan D-132 being Parts 1, 3 & 4 on Plan 53R-5227, Parts 1-5, Plan SR-3534, Part 2, Plan 53R-17475, Part Lot 5, Concession 4, Township of McKim as outlined in the report entitled “40 Elm Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning

Committee meeting on August 12, 2024, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:

- a) In addition to the uses permitted in the “C6”, Downtown Commercial zone, a warehouse and commercial self-storage facility shall be permitted;
- b) A warehouse and commercial self-storage facility use shall have a maximum gross floor area of 7,020 square metres; and
- c) A warehouse and commercial self-storage facility use shall only be located on the main floor of the mall; and
- d) A public indoor commercial concourse shall be maintained with a minimum of 6.0 m of commercial retail space abutting the corridor to preserve the commercial characteristics of the mall concourse.

## **Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans**

The applications to amend the City’s Official Plan and Zoning By-law are operational matters under the Planning Act to which the City is responding. The applications generally align with Goal # 2 - Business Attraction, Development and Retention in the City’s Strategic Plan insofar as they would facilitate the development of new businesses. The applications are not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

## **Financial Implications**

There are no financial implications associated with this report.

## **Report Overview:**

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment that are intended to permit the development of warehouse and commercial self-storage facility uses within the existing Elm Place Shopping Centre. The lands are designated Downtown in the Official Plan and zoned “C6”, Downtown Commercial, where industrial use is not currently permitted.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, and conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.

# Staff Report

## **PROPOSAL:**

The applications propose to amend the City's Official Plan and Zoning By-law 2010-100Z to permit the development of warehouse and commercial self-storage facility uses within the existing Elm Place Shopping Centre, where these industrial uses are not currently permitted. The application requests site-specific zone standards that would limit these uses to a maximum gross floor area of 7,020 sq m on the main floor of the mall while maintaining a minimum 6.0 m of commercial retail space abutting the internal corridor to preserve the commercial characteristics of the mall concourse.

The applications included the submission of the following documents and technical studies:

- Planning Justification Report prepared by Planscape Inc., April 4, 2024
- Concept Plan
- Public Consultation Strategy
- Elm Place Retail to Fulfillment and Distribution Conversion 2022
- Traffic Impact Study, Final Report, prepared by JD Northcote Engineering Inc., submitted December 6, 2023 and revised May 27, 2024
- Land Use Compatibility Study and Noise Impact Study, prepared by Aercoustics, September 13, 2023

The Planning Justification Report describes that the focus of the proposal is to redevelop and revitalize the traditional mall to increase occupancy in the vacant and unseen portion of the mall in the location of historic department stores. The first floor of the mall is currently 29% vacant and the second floor is 34% vacant in terms of leasable space. The report reviews trends in mall revitalization with respect to the changing retail environment, and the need for local warehousing to accommodate overnight front porch delivery.

The Concept Plan illustrates potential warehouse areas in green and commercial self-storage facility areas in green hatching comprising 7,020 sq m. White and blue areas are predominantly service, office-based, or commercial uses that will remain as the retail portion of the indoor commercial concourse. A total of 950 parking spaces are available. Driveway access is available from Beech Street, Ste. Anne Road and Elm Street.

The Traffic Impact Study concludes that the proposed development is expected to generate a total of 60 AM and 65 PM peak hour trips, and that the proposed development will not cause any operational issues and will not add significant delay or congestion to the local roadway network.

The Land Use Compatibility Study recognizes the proposed use of a warehouse and distribution centre as a Class II Industry and concludes that the proposal is compatible with surrounding land uses and is predicted to comply with provincial noise guidelines.

## **Existing Land Use Designation:** "Downtown"

Section 4.2.1 Downtown, Policy 1, lists the uses permitted in the Downtown designation and does not include industrial use.

## **Requested Land Use Designation:**

The owners are not seeking to redesignate the subject lands. A site-specific exception is requested to permit warehouse and commercial self-storage facility uses.

**Existing Zoning:** “C6”, Downtown Commercial

The uses permitted in the C6 zone comprise a range of residential and commercial uses including shared housing, long term care facility, multiple dwelling, retirement home, retail store, restaurant, service shop, service trade, and office.

**Requested Zoning:** “C6(S)”, Downtown Commercial Special

The proposed C6(S) zoning would additionally permit warehouse and commercial self-storage facility uses within the existing building. These uses would be limited to a maximum gross floor area of 7,020 sq m on the main floor of the mall while maintaining a minimum 6.0 m of commercial retail space abutting the internal corridor to preserve the commercial characteristics of the mall concourse.

**Location and Site Description:**

The subject property is described as PINs 02138-0196(LT) & 02138-0159(LT), Part Unit 1 on Plan D-132 being Part 5 on Plan 53R-17387, Units 3-10, 14 & 20-22 on Plan D-132 except Parts 2 & 3 on Plan 53R-17387, Unit 16 & Part Units 13 & 15 on Plan D-132 being Parts 1, 3 & 4 on Plan 53R-5227, Parts 1-5, Plan SR-3534, Part 2, Plan 53R-17475, Part Lot 5, Concession 4, Township of McKim (40 Elm Street, Sudbury). The lands have an area of 3.9 ha with approximately 260 m of frontage on Elm Street, 125 m of frontage along Notre Dame Avenue, and 115 m of frontage on Ste. Anne Road. There is approximately 41,806 sq m (450,000 sq ft) of retail commercial space within the existing 2-storey mall on site, and parking for approximately 950 vehicles. Existing uses within the building include, retail stores, service-based businesses, food services, and office space.

The abutting streets are fully urbanized in this location, municipal water and sewer services are available, and the City’s main transit terminal is located across Elm Street to the south.

It is noted that the subject lands exclude the separately-owned office tower portion of the mall, and comprises approximately 4645 sq m (50,000 sq ft) of commercial office space located at the northwest corner of Elm Street and Notre Dame Avenue.

**Surrounding Land Uses:**

The subject lands are at the northeast corner of the Downtown designation, and surrounding uses include a range of institutional, commercial and residential uses. The closest residential uses are located to the northwest of the subject lands and across Ste. Anne Road to the north.

- North: Ste. Anne Road, high density residential use
- Northwest: hotel and conference facility use (Radisson), residential use (student housing)
- East: Notre Dame Avenue, residential and institutional use
- South: Elm Street, transit terminal, commercial use
- West: Durham Street, Beech Street, Ignatius Street, commercial use

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the uses in this area.

## **Public Consultation:**

The statutory notice of the application was provided by newspaper along with a courtesy mail-out to surrounding property owners and tenants within 120 m of the property on April 30, 2024. The statutory notice of the public hearing was provided by newspaper on July 20, 2024, and courtesy mail-out on July 18, 2024.

The owner 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 hosted an open house at Elm Place on May 13, 2024 from 4:00 p.m. to 7:00 p.m. At the time of writing this report, one inquiry had been received from the public, with respect to the location of the entrances and traffic impacts.

### *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 (PPS).

The subject lands are designated Downtown and are within the City's settlement area.

Section 1.1.1 states that 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; and (c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.3 identifies that settlement areas are to be the focus of growth and development.

Policy 1.2.6.1 regarding land use compatibility states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Section 1.3 of the PPS establishes policies for employment and requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites, which take into account the needs of existing and future businesses.

Policy 1.3.2.2 states that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

Section 1.6.6.2 outlines that municipal water and sanitary sewer infrastructure are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety, and further that within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Policies 1.7.1 (a) & (c) state that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure.

### **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 to the Growth Plan for Northern Ontario. Section 4.4 of the Growth Plan establishes Greater Sudbury as one of five northern municipalities that contain 'Strategic Core Areas', which are defined as delineated medium-to-high density areas within identified municipalities that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.

Municipalities are required to identify these areas in their Official Plan and are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts to attract employment uses and clusters including office and retail, accommodate higher densities, and provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social and cultural services.

The City of Greater Sudbury Official Plan identifies that the City's Strategic Core Areas consist of the Downtown, the Town Centres, the Regional Centres, and the major public institutions listed in Section 4.4. of the official plan (Laurentian University, Cambrian College, College Boreal, Health Sciences North, Science North and Dynamic Earth).

Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and is satisfied that the applications conform to and do not conflict with the Growth Plan for Northern Ontario.

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

Section 1.3.2 of the Official Plan regarding Economic Development acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

Policy 2.3.2(1) states that future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas.

Policy 2.3.2(3) states that intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan.

Section 4 of the Official Plan regarding employment areas identifies these areas as lands where people presently work and lands where employment opportunities will be provided in the future. Section 4.2.1 regarding the Downtown designation states that the Central Business District where Elm Place is located is generally characterized by a mix of higher density land uses. Downtown is the heart of Greater Sudbury and functions as a local and regional centre that services a large catchment area, and is also a place where people live. Downtown has a distinct built form, and its revitalization is guided by the Downtown Sudbury Master Plan. Policy 1 states that a wide variety of uses are permitted in the Downtown, consistent with its function as the most diversified commercial Centre in the City. Residential, commercial, institutional, entertainment uses, and community facilities are permitted as set out in the Zoning By-law, provided that sewer and water capacities are adequate for the site. Drive-throughs are not permitted

in the Downtown. Policies that support non-residential development do not mention the need for industrial use in this area.

Section 4.2.1.3 regarding the Downtown urban environment, Policy 1, states that It is policy of this Plan to preserve those aspects of the Downtown that contribute to the image, character and quality of life in the City, including natural features, landmarks, design attributes, heritage resources, linkages to existing trails, pedestrian walkways and other desirable elements of the built environment. Policy 4 states that in order to protect the existing built form, the rehabilitation and reuse of existing buildings that are well-suited and economically viable to adaptive reuse will be encouraged.

Section 10.7 of the Official Plan establishes policies for Noise, Vibration and Odour. Policy 10.7(2) of the Official Plan states that, depending on the type, purpose and location of a development application, a supporting study that addresses noise, vibration, odour and other contaminants may be required to ensure compatibility between existing and proposed uses. The study may recommend various measures that must be implemented by the proponent of a development as a condition of approval. These studies will be conducted in accordance with provincial guidelines established for this purpose.

Policy 14.7.1 states that new land uses or design features that would detract from the enhancement of major focal point areas within the City, such as Science North, the Big Nickel, Bell Park, Tom Davies Square and Laurentian University are discouraged. The open space character and natural aesthetic environment of the Paris Street corridor, especially that section between Walford Road and York Street, will be preserved and enhanced. In particular, the view corridor to and from Science North will be protected.

### **Downtown Sudbury Master Plan**

The lands are within the North District in the Downtown Sudbury Master Plan. Elm Place is identified as an asset to the Downtown, and the successful repurposing of the mall to include office space is acknowledged. Enhancement of the street presence of the mall along Durham Street and along Elm Street by redesigning the loading and driveway access from Elm Street, and creating a new landscaped plaza at the Durham Street entrance are listed as future opportunities.

The Master Plan notes that previous attempts to revitalize Downtown have included large-scale projects, such as the Rainbow Centre, which have caused challenges. To accommodate these projects, land was consolidated, and streets closed, which resulted in large scale 'mega-blocks' that turn their backs to surrounding areas. Around the edges of Downtown, parking lots and oversized streets are the first impression visitors have of the Downtown.

Several projects are recommended surrounding Elm Place:

- Ste. Anne is recommended to be extended to connect it directly to Frood Road/College Street with a dedicated cycle lane. This alternative east-west route through the core is expected to reduce some of the traffic on Elm Street.
- Durham/Beech on the west side of Elm Place is recommended to be redesigned as a one-way mews (small, quaint street) connecting to Ste. Anne Road through Ignatius Street.
- The transit terminal is recommended to be relocated to a larger site to provide additional room for its operations (e.g. south end of Downtown).
- Elm Street is recommended to be rebuilt from Notre Dame Avenue to Lorne Street with traffic calming, on-street parking, landscaping and sidewalk expansion. Between Elm Place and the rail line to the west, efforts to enhance the street presence are recommended.
- Landscaping is recommended to be added to Paris Street from the Bridge of Nations to Ste. Anne Road, and traffic calming through a modest lane reduction which would provide more space for sidewalks and plantings.

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

Warehouse is defined as follows: A building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles, or things, other than livestock, and includes a commercial self-storage facility, but does not include a fuel depot, transport terminal or stockyard.

Commercial Self-Storage Facility is defined as follows: Lands and buildings used, rented or leased to persons for the storage of household and personal items, including recreation vehicles and automobiles, within separate units forming part of a wholly enclosed building.

There are very few development standards applicable to non-residential use in the C6 zone. A minimum building height of 8.0 m is required. If parking was required, the proposed uses will require approximately 100 less spaces compared with parking required for retail or office use, using the rates in the zoning by-law (see submitted Planning Justification Report).

### **Site Plan Control:**

The lands are subject to site plan control, and a site plan control agreement is not expected to be required prior to completion of the internal renovations as illustrated in the concept plan. The need for a site plan control agreement is confirmed through review of a building permit application and is dependent on the scale of site changes proposed.

### **Department/Agency Review:**

Roads, Active Transportation, Roads Operations, Drainage, Transit, and Strategic & Environmental Planning have all advised that they had no concerns.

Transportation and Innovation Support advises that there are no concerns with the Traffic Impact Study.

Development Engineering advises the site is serviced with both municipal water and sanitary sewer. This property is under Site Plan Control and based on the requested rezoning and amendment to the Official Plan, Development Engineering has no objection.

Building Services advises that the proposal for warehousing and self-storage will require a Building Permit for Change of Use as well as for Interior Alterations to the satisfaction of the Chief Building Official. Applicant to be advised that further comments may arise at time of fulsome review of the project plans. Applicant to be advised that all outstanding Building Permits will need to be rectified.

### **Planning Analysis:**

Planning staff circulated the development application to internal departments and external agencies. The Provincial Policy Statement (2020), the Growth Plan (2011), and 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 in respect of the applicable policies, including issues raised through agency and department circulation.

The applications would permit the development of warehouse and commercial self-storage facility uses within the existing Elm Place Shopping Centre, with site-specific zone standards that would limit these uses to a maximum gross floor area of 7,020 sq m on the main floor of the mall while maintaining a minimum 6.0 m of commercial retail space abutting the internal corridor to preserve the commercial characteristics of the mall concourse.

The subject lands are in a Strategic Core Area, which the Growth Plan identifies as being medium to high density areas. The Official Plan identifies Downtown as a mix of higher density land uses. While it is not ideal to permit a low-density industrial use such as warehousing in this location, enabling additional uses of



the property will contribute to the overall revitalization of the shopping centre. Given the change in the retail sector, the proposal could be considered as an adaptive reuse project, which the Official Plan encourages in the Downtown to preserve the existing built form. It is not anticipated that the proposed additional uses will detract from the overall function of the Downtown core given the restricted gross floor area and preservation of the main commercial concourse of the mall. The applications also align with PPS and Official Plan policies that acknowledge the link between land use planning and economic prosperity and maintaining a range of sites to provide employment opportunities.

The subject lands are within a fully serviced settlement area and within the built boundary. The applications align with the PPS as well as the Official Plan regarding directing development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure. The applications will enable the efficient use of the surrounding transportation infrastructure, without causing operational issues as demonstrated by the traffic impact study.

Regarding land use compatibility, the PPS and the Official Plan requires separation between industrial and sensitive land uses to protect public health and safety and maintain the long-term operational viability of these areas. Staff has no concerns with the submitted land use compatibility study and noise study which concludes that the proposal is compatible with surrounding land uses and is predicted to comply with provincial noise guidelines.

The Official Plan and the Downtown Master Plan identify the continued need to enhance the quality of the urban environment, including opportunities to revitalize Elm Place and increase its street presence along Durham Street and Elm Street. It is not expected that the proposed additional uses will affect the ability to achieve these broader goals nor impact the projects surrounding Elm Place as described in the Downtown Master Plan.

Staff has no concerns with the requested zone standards, and the site is suitable to accommodate the proposed use. During the site visit, staff observed a height-restricting barrier has been installed in the lay-by area at the south access, which vehicles rely on in order to back into the loading spaces area as shown in the Swept Path Analysis in the traffic impact study. Staff advises the owner that this barrier will need to be removed to allow taller vehicles to back into the loading area, as part of future renovations to enable the proposed uses.

## **Conclusion:**

The Planning Division undertook a circulation of the applications to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed Official Plan Amendment and Zoning By-law Amendment:

- to permit the development of warehouse and commercial self-storage facility uses within the existing Elm Place Shopping Centre.

The development of the subject land achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for these applications.

Staff is satisfied that the application is consistent with the PPS and conforms to the Official Plan. Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment is appropriate based on the following:

- Enabling additional uses of the property will contribute to the overall revitalization of the shopping centre.
- It is not anticipated that the proposed additional uses will detract from the overall function of the Downtown core.
- There are no identified servicing constraints, and the traffic increase can be accommodated.
- The proposal is compatible with surrounding land uses and is predicted to comply with provincial noise guidelines.
- It is not expected that the proposed additional uses will affect the ability to enhance the urban environment as envisioned by the Downtown Master Plan.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, have regard for matters of provincial interest and represent good planning.