

## Request for Decision

**Oldenburg Inc. - Application for rezoning in order to permit the conversion of the former industrial building along with a five-storey addition as a mixed use development containing 50 residential dwelling units and a mix of commercial and light industrial uses, 185 & 227 Lorne Street, Sudbury**

Presented To: Planning Committee

Presented: Monday, Nov 21, 2016

Report Date: Wednesday, Nov 02, 2016

Type: Public Hearings

File Number: 751-6/15-26

### Resolution

THAT the City of Greater Sudbury approves the application by Oldenburg Inc. to amend Zoning By-law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "HR3-1(S)", Medium Density Residential Special – Holding on those lands described as PINs 73585-0909 & 73585 1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim subject to the following conditions:

A) That prior to the enactment of the amending zoning by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow for the preparation of the amending zoning by-law;

B) That a holding provision be applied to the lands and that the holding provision not be removed from the lands until such time as:

i. The owner has entered into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City Solicitor;

ii. The owner has completed a Transportation Demand Management report addressing the approved reduction in parking space requirements to the satisfaction of the Director of Planning Services;

iii. The owner has completed and submitted noise and vibration studies relating to the development of the lands to the satisfaction of the Director of Planning Services; and,

iv. City of Greater Sudbury Council declares the lands a Class IV area under the Ministry of the Environment's NPC -300 – Environmental Noise Guideline for Stationary and Transportation Sources.

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Nov 2, 16*

**Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Nov 2, 16*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Nov 3, 16*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure Services  
*Digitally Signed Nov 4, 16*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Nov 9, 16*

C) That the amending zoning by-law contain the following site-specific provisions:

- i. That the only permitted uses on the subject lands be a multiple dwelling with a maximum of 50 residential dwelling units and non-residential uses be limited to an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office, custom print or copy shop, financial institution, food processing plant in the form of a brewery, light industrial use, institutional use, medical office, office, personal service shop, pharmacy, private club, professional office, retail store, commercial recreation centre, restaurant, scientific or medical laboratory, commercial school and service trade.
- ii. That no residential units shall be permitted on the ground floor;
- iii. That all non-residential uses shall have a maximum net floor area of 1 673m<sup>2</sup>;
- iv. That the minimum parking requirements shall be 1.25 spaces per dwelling unit and 1 space per 30m<sup>2</sup> of net floor area for non-residential uses;
- v. That reduced setback requirements where required for the existing building and the addition be provided;
- vi. That the maximum building height for a mixed use building shall be 22 metres and the maximum building height for the accessory parking garage shall be 7 metres;
- vii. That the maximum lot coverage for the overall development shall be 60%;
- viii. That the minimum landscaped open space for the overall development shall be 27%;
- ix. That parking areas be permitted in the required front yard and corner side yard;
- x. That the only permitted use on Lots 88 and 89, Plan M31S shall be a parking garage accessory to the permitted residential and non-residential uses;
- xi. That a minimum setback to the parking garage on Lots 88 and Lot 89, Plan M31S from the westerly lot line shall be 1.2m, 0m from the lane to the south and 1.1m from Victoria Street; and,
- xii. The minimum landscape strip abutting Victoria Street shall be 1.1m next to the parking garage.

### **Finance Implications**

If approved, staff estimate approximately \$90,000 in taxation revenue based on the assumption of 50 apartment dwelling units (and estimated assessed value of \$150,000 per unit) at the 2016 property tax rates. In addition, this development would not result in any development charges as the property is within the designated exemption area within the Development Charges By-Law. Also, the building permit fees are estimated at approximately \$75,000 for the residential portion of development only and based on rates in effect as of this report.

Financial implications of the commercial portion of the development (taxes and building permit fees) has not been calculated as additional information would be required and would be received at the time of building permit application.

### **STAFF REPORT**

#### **Applicant:**

Oldenburg Inc.

#### **Location:**

PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim (185 & 227 Lorne Street, Sudbury)

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the west side of Lorne Street with Victoria Street being to the north and Hazel Street to the south in the community of Sudbury. The lands subject to the rezoning includes the property along Lorne Street, the portion of Alder Street between Victoria Street and Willow Street that is proposed to be closed and a vacant lot at the corner of Victoria Street and Alder Street. The lands have a total lot area of approximately 8,000 m<sup>2</sup> (86,114 ft<sup>2</sup>) with approximately 148 m (487 ft) of frontage along Lorne Street and 117 m (384 ft) of continuous lot frontage along Victoria Street. The lands contain a former industrial building. The portion of the lands that are proposed to contain a parking garage are presently vacant.

Surrounding uses are mixed with urban residential uses of varying built-forms being to the west along with general commercial uses along Regent Street. Hazel Street to the south of the lands includes a small cluster of general commercial uses including a hotel, restaurant and hair salon. There are also a number of light industrial uses in the area along Lorne Street. There is an operating rail-yard owned by Canadian Pacific Railway across Lorne Street to the immediate east of the subject lands. The downtown area of Sudbury is located to the north-east of the lands.

### **Alder Street:**

In 2004 the City approved the closure of the portion of Alder Street from Victoria Street south to the lane on the west side of the street. By-law 2004-316 was subsequently enacted by Council on December 16, 2004 closing this portion of Alder Street as a public road. The closure of the street was part of an impending sale to the then owner of the subject lands. The sale was not completed and the street physically remained open. The applicant is proposing to acquire the closed portion of Alder Street as well as the portion south of the lane to Willow Street.

The closure of Alder Street and its sale will be the subject of a separate report from the City's Real Estate Section to the Planning Committee.

### **Official Plan Conformity & Zoning By-law:**

#### Official Plan

The portion of the subject lands east of Alder Street are designated Mixed Use Commercial and the lands west of Alder Street are designated Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Mixed Use Commercial designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General Industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors. All uses are permitted in the Mixed Use Commercial designation except for Heavy Industrial.

Given the high visibility of Mixed Use Commercial areas, special attention to sound urban design principles is essential. Siting buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and effective landscaping can aesthetically enhance the appearance of mixed use corridors. In order to attract viable, high quality residential development, emphasis will also be placed on creating a safe and attractive pedestrian environment, as well as convenient access to public transit and green-space.

Subject to rezoning, new development may be permitted in the Mixed Use Commercial designation provided

that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads will be permitted where reasonable alternate access is available;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided.

Section 10.5 of the Official Plan addresses the redevelopment and intensification of abandoned industrial sites in built-up areas of the City. Although such lands represent a potential hazard due to real or perceived environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification in built-up areas.

Section 10.7 of the Official Plan addresses noise, vibration and odours associated with development and notes that incompatible land uses will be appropriately buffered from each other in order to prevent adverse effects from noise, vibration and odours. Potential sources include major roads, railways and industrial operations. The proponent of a development proposal is required in these cases to assist the City in identifying the necessary mitigation measures through conducting a study in accordance with provincial guidelines.

Section 11.3.2 of the Official Plan is intended to encourage land use policies that are supportive of public transit needs. Relevant policies under Section 11.3.2 to the subject development proposal include:

1. Urban design and community development that facilitates the provision of public transit will be promoted;
2. Development proposals will be reviewed to ensure efficient transit routing so that all dwellings in the development are ideally within 500 metres walking distance of a bus stop;
3. Mixed uses and higher density housing along Arterial Roads and at other strategic locations are encouraged as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile;
4. Buildings should be sited as close to the street as possible to reduce walking distances for transit users; and,
5. Pedestrian walkways, intersections of major roads, and pedestrian access systems are to be integrated with transit stops, and wherever possible, connected to trail systems.

Section 11.4 of the Official Plan notes that new development should provide for adequate supply parking in order to meet anticipated demand. However, opportunities to reduce parking standards for mixed use projects or groups of uses that share parking facilities will be reviewed and implemented if reasonable in parts of the City, such as the Mixed Use Commercial designation.

Section 18.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 18.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 18.2.1 which are relevant to the development proposal include:

1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
2. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households; and,

3. To promote a range of housing types suitable to the needs of senior citizens.

Section 18.2.2 is supportive of and promotes intensified residential development at main commercial nodes in the City as a means of promoting urban redevelopment and achieving effective residential intensification.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations provided later in this report.

#### Zoning By-law

The subject lands are zoned "M1-1", Business Industrial and "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "M1-1" Zone permits a range of business industrial uses as outlined in Table 8.1 of the Zoning By-law. The "R2-3" Zone permits a bed and breakfast establishment, duplex dwelling, group home type 1, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, row dwelling containing a maximum of four dwelling units, semi-detached dwelling, single-detached dwelling and a street townhouse dwelling. It is noted that the portion of the lands zoned "R2-3" is a part of the Alder Street road allowance. The proposed mixed use development containing 50 residential dwelling units along with approximately 1,673m<sup>2</sup> (18,008 ft<sup>2</sup>) of commercial and light industrial uses and a parking garage are not permitted uses on the subject lands at this time.

#### **Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "R3-1(S)", Medium Density Residential Special.

#### **Proposal:**

The application is to permit the conversion of the former industrial building along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1 673 m<sup>2</sup> (18,008 ft<sup>2</sup>) of commercial and light industrial uses. A one-storey parking garage is proposed on the lands located west of Alder Street. The application proposes the closure of Alder Street between Victoria and Willow Streets.

#### **Departmental & Agency Circulation:**

Building Services has identified a number of areas where site-specific relief will be required when the amending by-law is considered for passage. In order to ensure that the proper relief is provided it is also requested that a legal survey of the entirety of the lands being rezoned be provided. Building Services has also noted spatial separation and exposure protection requirements, as well as fire-fighting and flow matters that will need to be satisfied under the Ontario Building Code and that a Record of Site Condition will be required prior to issuance of any building permits. It is further noted that the City will need to designate the development as a Class IV area as defined under Environmental Noise Guideline – Stationary and Transportation Sources NPC-300.

Canadian Pacific Railway (CPR) has noted concerns with siting the proposed development in close proximity to their rail-yard located to the immediate east of the subject lands. CPR advises that the rail-yard is active 24 hours a day and that CPR is entitled to increase or alter their operations at any point in time. CPR has stressed the importance of ensuring that future residents are protected against these adverse conditions. CPR has therefore recommended that certain warning clauses be inserted in any future offers to purchase and/or agreements of sale and purchase or lease and in the title deed or lease of each residential dwelling unit.

Development Engineering has noted that municipal sanitary sewer and water infrastructure is available to service the development and that the site planning process will further address connections. The site

planning process will also address storm-water management although the site is already developed and quantities would not increase as the plans submitted would result in impervious surfaces being replaced with landscaping. Development Engineering also notes that appropriate noise and vibration clauses should be included in any future site plan agreements and purchases of sale or leases and further that the development will need to be designated as a Class IV area as defined under Environmental Noise Guideline – Stationary and Transportation Sources NPC-300.

Operations notes that the City will require a 7 metre by 7 metre square block to be retained where Alder Street is proposed to be closed for winter control purposes. The block is to be positioned at the easterly end of the lane running between the Montessori School of Sudbury and Alder Street.

Roads, Traffic and Transportation have reviewed the submitted Traffic Impact Study (TIS) and have minor concerns, but are in general agreement with its findings and recommendations. Roads, Traffic and Transportation staff have noted that there will be increased traffic volume and turning movements in the area resulting from the proposed development and have identified that a contribution to a future north-bound left turn lane on Lorne Street at Victoria Street should form a condition of approval. The request to allow for on-street parking along Lorne Street is not supported as it is a designated Primary Arterial Road in the Official Plan and staff is concerned with increased potential for collisions.

The detailed comments from circulated departments and agencies are included as Appendix 1 to this report.

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with an initial courtesy mail-out to landowners and tenants within a minimum of 120 m (400 ft) of the subject lands. The applicant was 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. At the time of writing this report, several phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

Staff understands that the owner has held two Public Information Sessions regarding the development proposal. Notification for both meetings was provided by the owner to landowners by mail. The first Public Input Session was held at St. Andrew's Place in December of 2015 and was attended by approximately 60 residents. At the time of writing this report, the second Public Input Session is scheduled to be held at the Lecture Theatre at the School of Architecture for Laurentian University on Elm Street on November 9, 2016 commencing at 6:30PM.

### **Planning Considerations:**

#### Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting land use planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The community of Sudbury is an identified settlement area in the City's Official Plan and the mixed use redevelopment as proposed in this urban setting and location should be promoted;
2. Municipalities are required to provide for an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged. Staff is of the opinion that the proposed rezoning would positively contribute to the range, mix and density of residential housing options in the area in the form of mixed use development containing a total of 50 residential dwelling units; and,
3. Intensification and redevelopment is generally to be directed to appropriate locations, including

brownfield sites, where the wise use and management of infrastructure and other resources can be achieved. Staff notes the subject lands can be fully serviced with municipal infrastructure that is available in the area and further that the lands are currently under utilized as an abandoned former industrial building within an existing built-up residential neighbourhood of Sudbury. The opportunity for residential intensification as proposed in this particular location is viewed as being appropriate.

#### Official Plan

With respect to Mixed Use Commercial policies and more specifically those policies addressing resort and shoreline commercial uses, staff have the following comments:

1. Development Engineering has advised that sewer and water capacities are adequate for the proposed development and advise that site plan control will be applicable to the lands which will address how the development connects to existing municipal infrastructure that exists in the area;
2. Staff is generally satisfied that adequate parking can be provided on the lands. Staff is recommending that the residential units be zoned with a parking rate of 1.25 parking spaces per dwelling unit which would therefore require a total of 63 parking spaces based on there being 50 residential dwelling units in the building. It is further recommended that the range of permitted commercial and light industrial uses requested by the owner be required to provide parking at a rate of one parking space per 30 m<sup>2</sup> (322 ft<sup>2</sup>) net floor area of commercial or light industrial floor space. Staff would note that the Official Plan does allow for the reduction of parking standards for mixed use buildings where reasonable in the Mixed Use Commercial designation. The owner has provided calculations using the above rates and advises staff that only 120 parking spaces can physically be provided. Staff recommends that part of the rezoning approval include a holding symbol on the lands requiring the submission of a Transportation Demand Management report addressing strategies to reduce travel demand from single-occupancy vehicles to the site thereby reducing parking demand. It is expected that this report would address the context of the site, the proposed mix of uses and the amount of parking relief that is reasonable and would ensure that the site functions well. Staff is however generally satisfied that given the location and mix of uses being proposed that some degree of relief from parking standards in this particular case is warranted;
3. The development proposal would utilize an existing driveway entrance onto Lorne Street, which is designated as a Primary Arterial. Staff notes however that no new driveway entrances onto Lorne Street are being proposed;
4. Roads, Traffic and Transportation have reviewed the submitted TIS and are in general agreement with the opinion that the traffic carrying capacity of Lorne Street will not be significantly impacted should the rezoning be approved. Improvements to Lorne Street have been recommended by Roads, Traffic and Transportation which can be dealt with accordingly through site plan control. Staff would note that the request to permit parking on Lorne Street is not supported for safety reasons as Lorne Street is a busy Primary Arterial Road in the City; and,
5. The development proposal represents a unique opportunity to improve upon the landscaping and buffering along Lorne Street, Victoria Street and Alder Street. The closure of Alder Street is expected to provide opportunity for additional landscaping. Site plan control would be applicable to the proposed development and it is expected that the site planning process will result in improved landscaping and buffering on a presently abandoned and underutilized site in the City.

With respect to public transit policies in the Official Plan, staff has the following comments:

1. Staff is satisfied that the site planning process will further refine the development proposal and ensure that a high quality of urban design which contributes positively to the community and is connected to and supportive of public transit is achieved;
2. Staff notes that the lands front Lorne Street which is directly served by the Gatchell/Copper Cliff bus route. The West End bus route runs to the west of the lands along portions of Regent Street and Eyre

Street. There are also a number of bus routes running along Elm Street. The development proposal would therefore have direct access to a number of bus routes in the City including bus stops on both sides of Lorne Street including at the south end of the site at Hazel Street;

3. The mixed use development proposal would front a Primary Arterial being Lorne Street and represents an opportunity to achieve higher densities at a strategic location where the feasibility of transit services, increasing ridership and reducing reliance on the automobile can be realized and encouraged;
4. A survey of the lands indicates that the existing building is constructed to the lot line along portions of Lorne Street and Alder Street. The location of the building on the lot would allow those entering and exiting the proposed mixed use building to readily access sidewalks and nearby bus stops; and,
5. Staff advises that site plan control will address pedestrian connectivity and walkways to nearby streets including access to nearby bus stops.

With respect to housing policies in the Official Plan, staff has the following comments:

1. The development proposal would include 50 residential dwelling units in a mixed use building and would offer a type and form of housing which contributes positively to the mix of housing options in this part of the City for current and future residents;
2. The submitted sketches for the proposed building included estimated residential unit type counts, which include studio/bachelor, one bedroom and two bedroom dwelling units. Staff advises that the proposed development would offer and positively contribute to the production of smaller units to accommodate smaller households in the City;
3. While the development proposal would not provide exclusive residential living options for senior citizens, staff notes that the lands are located in a part of the City with easy access to public transit, shopping and recreational uses that could be readily accessed by senior citizens from the subject lands; and,
4. Staff is satisfied that the development proposal would positively contribute to economic development in the City by contributing to the improvement and creation of a positive living environment and quality of life near the downtown and along Lorne Street which collectively forms an important commercial node in the City.

With respect to abandoned industrial site policies in the Official Plan, staff acknowledges that the development proposal represents an opportunity for brownfield redevelopment. The owner has submitted a Phase I and Phase II Environmental Site Assessments completed by EXP Services Inc. which did note exceedances beneath the surface that will require remediation prior to construction of the mixed use development. Building Services has also noted that a Record of Site Condition is to be submitted as part of the building permit issuance process. The Official Plan remains supportive of taking advantage of opportunities to redevelop and rehabilitate abandoned industrial sites in the City. Staff would advise that the subject lands once rehabilitated offers a positive opportunity to achieve intensification in an existing built-up area of the City.

With respect to noise, vibration and odour policies in the Official Plan, staff notes that the lands directly abut a rail-yard owned and operated by CPR. CPR has provided comment that the operations may increase at any time and further that residential development in close vicinity to the rail-yard should be managed carefully. The owner has submitted a preliminary environmental noise and vibration analysis report and an updated summary of work conducted to-date and work that remains outstanding. The first report notes that based on preliminary analysis and the incorporation of an enclosed-noise barrier into the building design and the provision of central air conditions that the sound levels for the residential units would be within the applicable and acceptable environmental noise criteria. Staff advises that part of the development approval would need to include the municipality designating the development as a Class IV area as defined under the Ministry of the Environment's NPC-300 – Environmental Noise Guideline for Stationary and Transportation



Sources document. Staff is therefore recommending that the amending zoning by-law contain a holding provision relating to the satisfactory completion of all noise and vibration studies. The proposed holding provision would also be in place until Council designates the subject lands as a Class IV area under NPC-300.

### Zoning By-law

The applicant is requesting that the subject lands be rezoned from “M1-1”, Business Industrial and “R2-3”, Low Density Residential Two to “R3-1(S)”, Medium Density Residential Special in order to permit the conversion of the former brewery along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1,673 m<sup>2</sup> (18,008 ft<sup>2</sup>) of commercial and light industrial uses. A one-storey parking garage is proposed on the lands located west of Alder Street. As noted previously, the application also proposes the closure of Alder Street between Victoria and Willow Streets. Staff has reviewed the request and has no concerns with the requested zone category, however staff is recommending that the lands be zoned with a holding provision until such time as:

1. The owner has entered into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City's Real Estate Section;
2. The owner has completed and submitted a Transportation Demand Management report addressing the parking space reduction being proposed to the satisfaction of the Director of Planning Services;
3. The owner has completed and submitted noise and vibration studies relating to the development of the lands to the satisfaction of the Director of Planning Services; and,
4. Council declares the lands a Class IV area under the Ministry of the Environment's NPC-300 – Environmental Noise Guideline for Stationary and Transportation Sources.

The amending zoning by-law would limit the use of the lands to a maximum of 50 residential dwelling units along with a ranged mix of commercial and light industrial uses. Staff has also met with the owner to discuss the requested land uses that would be permitted on the lands in an effort to allow for a range of uses with appropriate flexibility. The list of requested non-residential lands uses was refined by the owner and, if approved, the only permitted non-residential uses on the subject lands in the amending zoning by-law would include an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office, custom print or copy shop, financial institution, food processing plant in the form of a brewery, light industrial use, institutional use, medical office, office, personal service shop, pharmacy, private club, professional office, retail store, commercial recreation centre, restaurant, scientific or medical laboratory, commercial school and service trade. The amending by-law would also restrict the permitted use on Lots 88 and 89, Plan M31S on the west side of Alder Street, to a parking garage accessory to permitted residential and non-residential uses.

Staff also notes that the amending zoning by-law will also need to incorporate some additional site-specific development standards based on the submitted concept plan as follows:

1. Reduced building setback requirements where required for the existing building and the addition that is proposed to said building;
2. Maximum building height for the mixed use building of 22 m (72.18 ft);
3. Maximum building height for the accessory parking garage of 7 m (23 ft);
4. Maximum lot coverage for the overall development of 60%;
5. Minimum landscaped open space for the overall development of 27%;
6. Parking rates of 1.25 spaces per residential dwelling unit and 1 space per 30 m<sup>2</sup> (322 ft<sup>2</sup>) of non-residential use net floor area;
7. Parking areas are to be permitted in the existing front and corner side yards;
8. Minimum setbacks of 1.2m, 0m and 1.1m from the westerly lot line, the lane and Victoria Street respectively to the parking garage.

9. Minimum landscape strip of 1.1m width between the parking garage and Victoria Street.
10. No residential units shall be permitted on the ground floor; and,
11. All non-residential uses shall have a maximum net floor area of 1 673m<sup>2</sup> (18,008 ft<sup>2</sup>).

#### Site Plan Control

Staff advises that site plan control will apply to the lands. The site planning process will be utilized to ensure appropriate landscaping, buffering and screening and fencing where appropriate is provided. In addition, the location of parking areas, bicycle parking, refuse storage areas and access to-and-from the site amongst other matters that will be addressed through the site planning process.

#### **Summary:**

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury. The development proposal is also consistent with the land use planning policy directions identified in PPS. The development proposal offers an opportunity to redevelop a former industrial building into a mixed use development near the downtown. Staff has noted that a number of matters should be addressed prior to the enactment of an amending zoning by-law and are therefore also recommending that a holding provision be placed on the lands until these outstanding matters are addressed to the City's satisfaction. The Planning Services Division therefore recommends that the rezoning to permit the conversion of the former industrial building along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1,673 m<sup>2</sup> (18,008 ft<sup>2</sup>) of commercial and light industrial uses and a parking garage be approved subject to the recommendations set out in this report.

# Appendix 1 – Departmental & Agency Comments

**File: 751-6/15-26**

**RE:** Application for Rezoning – Oldenburg Inc. – PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim (185 & 227 Lorne Street, Sudbury)

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## Building Services

Based on the drawings submitted, we can advise that Building Services has the following comments:

1. The height of the proposed building appears to be approximately 23.3 m, where a maximum of 19 m is permitted. The applicant should provide the actual height in order for it to be included in this site specific zoning amendment.
2. The height of the proposed garage building appears to be approximately 6.8 m, where a maximum of 5 m is permitted for an accessory structure. The applicant should provide the actual height in order for it to be included in this site specific zoning amendment.
3. The total Site Area indicated on Drawing # 01.2 is 8,008.2 m<sup>2</sup>.

The approximate Site Area is as follows:

• LOTS 88 & 89 (vacant)	= 1114.8 m <sup>2</sup>
• LOT 6 (brewery)	= 5139.5 m <sup>2</sup>
• PART 1 (CGS Alder St. Closure)	= 735.8 m <sup>2</sup>
• <u>PROPOSED (Alder St. Closure)</u>	<u>= 858.43 m<sup>2</sup></u>
Total approximate Site Area	= 7848.53 m <sup>2</sup>

4. The estimated Building Areas are as follows:

• RESIDENTIAL/COMMERCIAL	= 3214.38 m <sup>2</sup>
• OFFICE BUILDING	= 102.5 m <sup>2</sup>
• <u>GARAGE BUILDING</u>	<u>= 1232.44 m<sup>2</sup></u>
Total Ground Floor Area	= 4549.32 m <sup>2</sup>

5. The resulting Lot Coverage is approximately 57.9% where a maximum of 50% is permitted.
6. The estimated Landscaped Area is approximately 27.5% where a minimum of 30% is required.
7. Pursuant to CGS Zoning By-law 2010-100Z, parking is not permitted within the required front or corner side yards.
8. Based on the areas submitted, the total parking required is 153 spaces.

However, the actual numbers are as follows:

- INTERIOR STACKED PARKING = 18
- PARKING GARAGE = 42
- SURFACE PARKING LOT = 11 (6 on street not permitted)
- Total Parking Spaces Provided = 71

9. Pursuant to CGS Zoning By-law 2010-100Z, a minimum 3 m wide planting strip or 1.8 m wide with a 1.5 m high opaque wall or fence is required along the lot line of the garage where it abuts the R2-3 Zone. Also, a 3 m wide landscaped area is required along the full length of the lot line, of the garage building, which abuts Victoria Street. A 1.2 m minimum setback is required from the lot line abutting the lane.
10. Pursuant to CGS Zoning By-law 2010-100Z, the minimum size of a parking space within a parking structure is 2.6 m wide by 5.5 m long, 3 m wide adjacent a wall and drive aisles remain 6 m wide. The size of the proposed garage building will not accommodate these minimums for the number of spaces indicated. Additionally, the area of the garage building will be further reduced by providing the required yards and planting strips.
11. We require a legal survey from the applicant, prepared by an Ontario Land Surveyor, indicating the actual lot dimensions, lot areas, locations and sizes of existing structures, including Alder Street portions, for this site specific zoning amendment and Lot Consolidation.
12. We require a revised Site Plan, based on the legal survey, that complies with CGS Zoning By-law 2010-100Z, in order to proceed with this site specific zoning amendment.
13. The intended use of the retained building labeled Basement House, is not clearly indicated and the floor plans are not specific. The applicant should be made aware that this building, in whole or in part, is not permitted for residential use.
14. The applicant should be made aware of the provisions under **3.2.3. Spatial Separation and Exposure Protection** of the Ontario Building Code. Of particular concern is the *exposing building face* of the North façade of the residential tower, due to the close proximity to the existing 2-storey building.
15. A Record of Site Condition (RSC) will be required prior to the issuance of a building permit, pursuant to the Environmental Protection Act. To satisfy the RSC, a Risk Assessment is required to develop site specific criteria or a remedial plan to remove the soil and groundwater impacts.
16. As part of the site specific Zoning By-law, the CGS will need to designate this development as a CLASS 4 area as defined by NPC-300 and appropriate warning clauses will be required advising occupants of this designation.
17. The residential building addition (sprinklered/non-combustible construction) requires approximately 146.7 L/s of water for firefighting purposes. The available water at the site (Lorne/Victoria St.) is 265.9 L/s, as verified by Development Engineering.

### Canadian Pacific Railway

Canadian Pacific Railway is concerned with the siting of a new residential development in close proximity to our Sudbury Yard. The proposed land use is definitely not compatible with the continuous shunting activities at a railway yard such as this. The yard is active 24 hours per day. Current operations are both at the east and west end of the yard, CP can increase or alter their operations at any time.

We cannot stress enough the importance of ensuring that future residents are protected against the inherent adverse conditions facing those living adjacent to the railway yard.

Notwithstanding any other warning clauses recommended in the noise and vibration studies, a clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

An additional clause should be inserted in all offers to purchase, agreements of sale and purchase and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the close proximity of the Railway Yard; that its operations are conducted 24 hours a day, 7 days a week which includes the shunting of trains and idling of locomotives; and the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

### Development Engineering

Water distribution mains surround the subject property with the most significant main being a 250mm diameter main located on Lorne Street. To obtain sufficient flows for fire and domestic use, the building's connection must be made to the main on Lorne Street. The portion of Alder Street that the developer is requesting to have closed does not have municipal watermain present. As part of the Site Plan process, all water services, save for the one connection, must be capped and abandoned to the satisfaction of the General Manager of Infrastructure Services.

The sanitary sewer servicing for this location was reviewed. The sanitary sewer service for the main building must utilize a service connection to the municipal system on Lorne Street. If, during the Site Plan process an alternate connection is proposed, or if deficiencies are discovered with the existing service to the sanitary sewer main on Lorne Street, all replacement of existing municipal mains and associated remedial work would be at the developer's cost. The existing building addressed 227 Victoria Street has a sanitary sewer service and this service would remain. The location for the parking garage proposed on Victoria Street is serviced with sanitary sewer; if this service requires upgrading or replacement, this would be at the developer's cost.

The subject property is being redeveloped from the existing condition to suit the creation of the development as proposed. This would, as shown on the plans submitted by the developer, result in the removal of impervious surfaces and the placement of landscaping. As such, the stormwater quantity generated on site will result in no increase. We will require, as part of the Site Plan Agreement process, that the developer provide stormwater quality control for this development to the satisfaction of the General Manager of Infrastructure Services.

A noise and vibration analysis was performed as part of this application. All noise abatement measures put forth in this report and associated warning clauses must form part of the Site Plan Control Agreement and this information must be provided to all subsequent purchasers and/or tenants. We also understand that this development will be classified as a Class 4 area as defined by NPC-300 and as such appropriate warning must be provided to all subsequent purchasers and/or tenants.

We have no objection to the application for zoning by-law amendment provided that the development of this site proceeds by way of the Site Plan Control Agreement process. This process will review but is not limited to water and sanitary sewer servicing, site lot grading, stormwater quality control, and noise abatement requirements.

#### Roads and Traffic & Transportation

The owner has submitted a Traffic Impact Study (TIS) in conjunction with this application. While we have some minor concerns with the study, we are in agreement with most of the findings and recommendations.

The TIS identified that the northbound left turn lanes are warranted at the intersections of Lorne Street at Victoria Street and Lorne Street at Hazel Street. It also identified that there have been a number of collisions involving left turn vehicles at these intersections where the occupants of the vehicles were injured. With the proposed closure of Alder Street, the majority of traffic accessing this site will utilize the Lorne Street at Victoria Street intersection. It is anticipated that 30 percent of the vehicles turning left at this intersection will be accessing the proposed development. This increased volume of left turning vehicles will likely increase the frequency of collisions at this intersection.

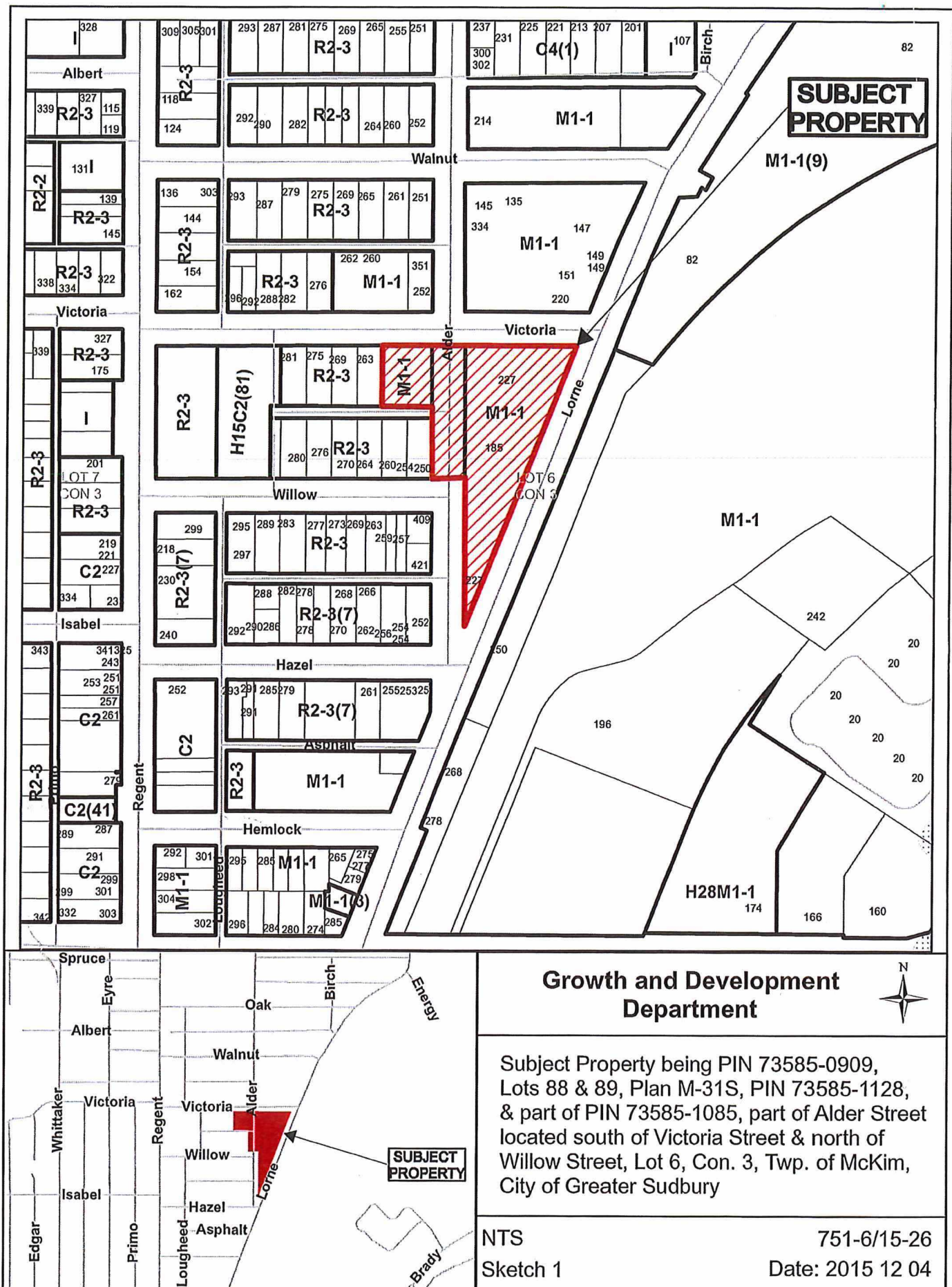
As a condition of approval, we ask that the owner contribute \$57,000 towards the construction of a northbound left turn lane on Lorne Street at Victoria Street. This sum represents 30 percent of the estimated construction costs of the left turn lane (excluding property acquisition and utility relocation costs).

The TIS indicates that on-street parking could be permitted on Lorne Street adjacent to the site between 7:00 p.m. and midnight (12:00 a.m.) from April to December. This area of Lorne Street (M.R. 55) is classified as a Secondary Arterial roadway and parking is prohibited on both sides of the street from Elm Street to the west limit where it meets Highway 17 in Whitefish.

As previously mentioned, collisions are a concern in this area and the introduction of on-street parking will likely increase the frequency of collisions while reducing the capacity of the roadway. In addition, with only one lane of traffic available for southbound vehicles, it will become more difficult for northbound left turning vehicles to find a sufficient gap in opposing traffic to be able to turn safely. Staff strongly recommend against the allowance of on-street parking adjacent to this development.

### Operations

The Operations Section requires that a 7m square block (in addition to the lane width) be retained for winter control purposes. The block may be positioned in any configuration at the eastern most end of the laneway running between the Montessori School of Sudbury and Alder Street.



## Growth and Development Department



Subject Property being PIN 73585-0909,  
Lots 88 & 89, Plan M-31S, PIN 73585-1128,  
& part of PIN 73585-1085, part of Alder Street  
located south of Victoria Street & north of  
Willow Street, Lot 6, Con. 3, Twp. of McKim,  
City of Greater Sudbury

NTS  
Sketch 1

751-6/15-26  
Date: 2015 12 04





VIEW FROM LORNE ST. LOOKING SOUTH WEST



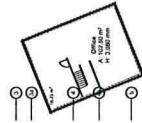
VIEW FROM VICTORIA AND ALDER ST. LOOKING SOUTH WEST

## THE BREWER LOFTS



1. The applicant shall provide a copy of this plan to the City of Sudbury for review and approval. The City of Sudbury reserves the right to request additional information or to require modifications to the plan. The applicant shall be responsible for obtaining all necessary permits from the City of Sudbury and the Province of Ontario. The applicant shall be responsible for obtaining all necessary approvals from the City of Sudbury and the Province of Ontario. The applicant shall be responsible for obtaining all necessary approvals from the City of Sudbury and the Province of Ontario.

NO. 01 ISSUANCE DATE 07/02/2015  
 01 Issued for Record Application



Office Basement  
 SCALE: 1:250

architectsAlliance  
 205-217 Adelaide St. West  
 Toronto, Ontario M5V 1P9  
 Tel: 416 593 4811  
 info: architectsalliance.com



185 Lorne Street  
 Sudbury Ont.  
 Oldenburg Inc.

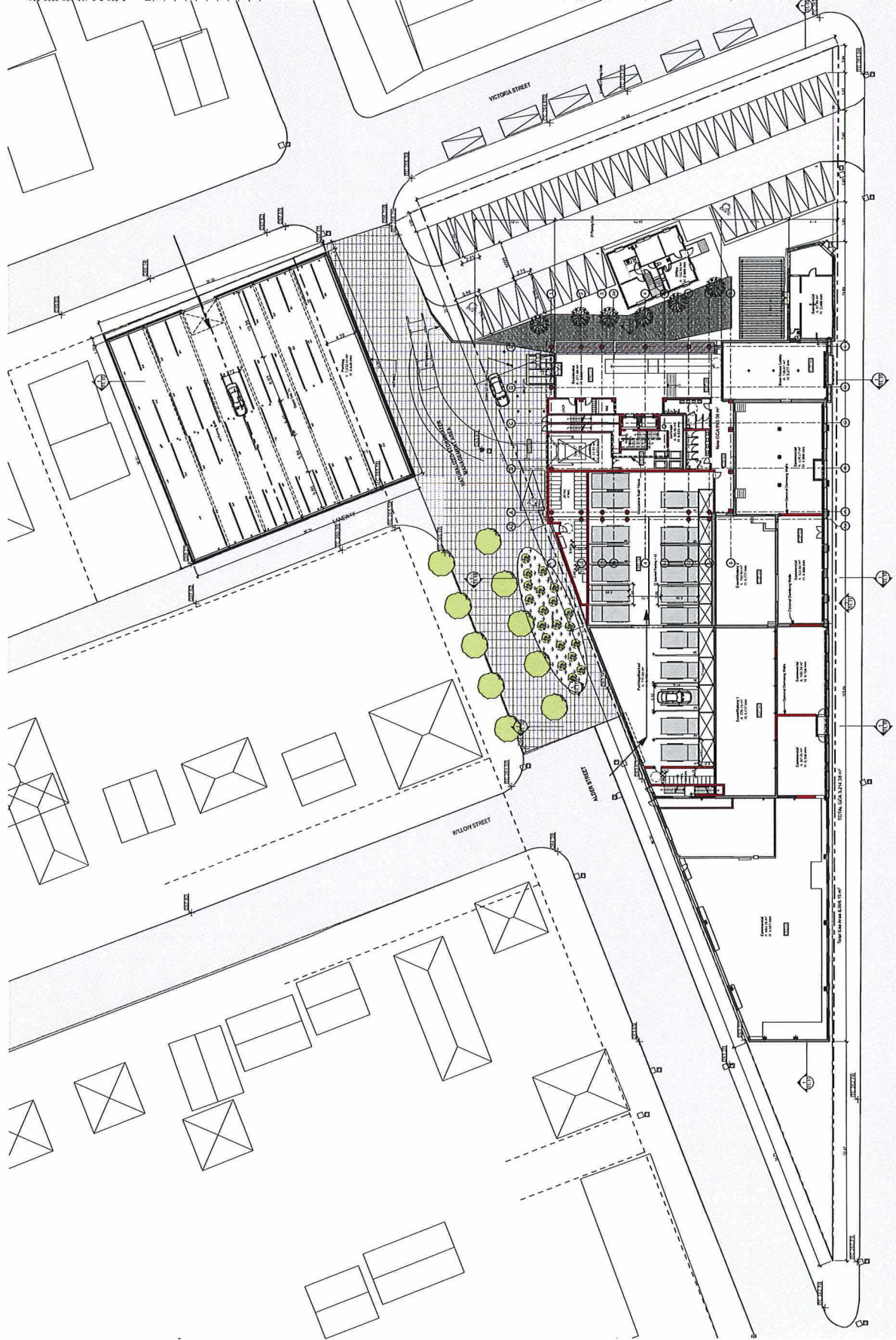
Ground Fl / Site Plan

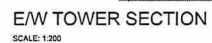
1:250

Refer to Issuance for Date of Issue

01.4

Ground Flr  
 SCALE: 1:250





NO	ISSUANCE	DATE
01	Issued for Rezoning Application	07/10/2015

**architectsAlliance**  
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185 Lorne Street  
Sudbury Ont.

Oldenburg Inc.

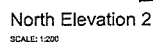
## Sections

1:200

Refer To Issuance for Date of Issue

## 01.10





doi:10.1017/S0022292412001616

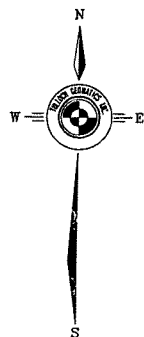
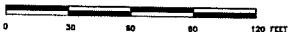


**01.11**

PART OF  
LOT 6  
CONCESSION 3

LOTS 88 & 89  
REGISTERED PLAN 31-S-A  
GEOGRAPHIC TOWNSHIP OF MCKIM  
CITY OF GREATER SUDBURY  
DISTRICT OF SUDBURY

SCALE 1 : 40



■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SSB	DENOTES	STANDARD IRON BAR
SIB	DENOTES	SHORT STANDARD IRON BAR
IRB	DENOTES	IRON BAR
RB	DENOTES	ROCK BAR
RPL	DENOTES	ROCK PLUG
M	DENOTES	MEASURED
S	DENOTES	SET
N/M	DENOTES	NO VISIBLE MARKINGS
WIT	DENOTES	WITNESS MONUMENT
PROP	DENOTES	PROPORTIONED
P	DENOTES	PROPERTY IDENTIFIER NUMBER
IN 1655	DENOTES	TERRY DEL BOSCO, O.L.S.
P	DENOTES	PLUMBER #1640
P1	DENOTES	REGISTERED PLAN 31-S-A
	DENOTES	NOT TO SCALE



SURVEYOR'S CERTIFICATE

I CERTIFY THAT

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 6th DAY OF OCTOBER, 2014.

SEPTEMBER 8, 2015

DATED AT SUDBURY, ONTARIO

TERRY DEL BOSCO, O.L.S.

BEARINGS ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (1997.0).

NOTE : DISTANCES SHOWN HEREON ARE IN FEET AND CAN  
BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048.

ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
1929604



THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR

In accordance with  
Regulation 1026, Section 29(3)



PHOTO 1 SUBJECT LANDS AS VIEWED FROM VICTORIA STREET  
LOOKING SOUTH



PHOTO 2 SUBJECT LANDS AS VIEWED FROM LORNE STREET  
LOOKING NORTH

751-6/15-26 PHOTOGRAPHY OCT 24, 2016





PHOTO 3 SUBJECT LANDS AS VIEWED FROM ALDER STREET  
LOOKING SOUTH TOWARD LORNE STREET



PHOTO 4 PROPOSED LOCATION FOR ACCESSORY PARKING GARAGE  
AS VIEWED FROM VICTORIA STREET LOOKING SOUTH

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 5 APPROXIMATE VIEW OF THE PORTION OF ALDER STREET  
THAT IS PROPOSED TO BE CLOSED LOOKING NORTH  
TOWARD VICTORIA STREET



PHOTO 6 EXISTING RAIL YARD TO THE IMMEDIATE EAST OF THE  
SUBJECT LANDS

751-6/15-26 PHOTOGRAPHY OCT 24, 2016





PHOTO 7 EXISTING LIGHT INDUSTRIAL/COMMERCIAL BUILDING  
TO THE IMMEDIATE NORTH OF THE SUBJECT LANDS



PHOTO 8 EXISTING LOW DENSITY RESIDENTIAL USES TO THE  
IMMEDIATE WEST OF THE SUBJECT LANDS

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 9 EXISTING COMMERCIAL DEVELOPMENT TO THE  
IMMEDIATE WEST OF THE SUBJECT LANDS



File: 751-6/15-26  
Lorne Street,  
Sudbury  
2011 Orthophotography

Walnut Street

Victoria Street

Alder Street

Willow Street

Hazel Street

Lorne Street

Subject Property

0 25 50 100 150 200  
Metres

