

STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks 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 "I(34)", Institutional Special to an amended "I(34)", Institutional Special. The proposed rezoning is intended to expand upon the maximum floor space for non-institutional offices that are permitted within the existing building located on the subject lands. The owner has specifically requested that a business office be added without floor space limitation as a permitted use on the subject lands. No additions to the existing building are proposed at this time.

The owner has submitted a Concept Plan depicting the existing building along with 24 parking spaces and a Planning Justification Report in support of the proposed rezoning that would expand upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands.

Existing Zoning: "I(34)", Institutional Special

The "I(34)" Zone is a site-specific zone which allows for non-institutional offices not exceeding 93 m² (1,001.04 ft²) in addition to those uses permitted in the "I" Zone. The "I" Zone permits a group home type 1, group home type 2, special needs facility, cemetery, day care centre, institutional uses, library, museum, park, private club, recreation and community centre, refreshment pavilion if accessory to a park, and a restaurant if accessory to a park.

Requested Zoning: "I(34)", Institutional Special

The proposed rezoning would eliminate the maximum non-institutional office space floor space maximum of 93 m² (1,001.04 ft²) in the existing "I(34)" Zone and would instead allow for the entire building to be utilized as a business office in addition to those uses permitted in the "I" Zone.

Location and Site Description:

The subject lands are located on the north side of Bancroft Drive and to the west of Levesque Street in the community of Sudbury. The lands have a total lot area of approximately 2,870 m² (30,892.42 ft²) with approximately 46 m (150.92 ft) of lot frontage onto Bancroft Drive. The lands presently contain an existing one-storey building with an internal mezzanine providing additional floor area. There is a parking area in front of the existing building with a driveway access onto Bancroft Drive. Landscaped open space in the form of grass sodding is provided for in the interior side yards and rear yard.

Surrounding Land Uses:

North: Low density urban residential and municipally-owned vegetated open space.

East: Low density urban residential land uses.

South: Low density urban residential land uses.

West: Low density urban residential land uses.

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The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Site photos depict the existing building and parking area in the existing front yard as viewed from Bancroft Drive. Photos of the immediately surrounding residential area illustrate the low density residential nature of the general area along this portion of Bancroft Drive.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on July 19, 2019. The statutory Notice of Public Hearing dated September 19, 2019 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owners and agent were 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 applications prior to the public hearing. Staff understands that the owners contacted immediate neighbours in-person to discuss the proposed rezoning and answer any questions. The owner has also indicated in their application form that they have contacted the local councillor to discuss the proposed rezoning.

At the time of writing this report, one phone call for clarification purposes was received, and no emails or letter submissions have been received by the Planning Services Division.

POLICY AND REGULATORY FRAMEWORK:

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

- [2014 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.

2014 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 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns should have a mix of densities and land uses which efficiently use land and resources, are appropriate for the infrastructure available, minimize negative impacts on air quality and climate change and support active transportation and are transit-supportive are to be promoted;

3. Section 1.1.3.2 and 1.1.3.3 together further outlines that a range of uses and opportunities for redevelopment are to be accommodated where appropriate taking into account existing building stock or areas, including the availability of suitable existing or planned infrastructure; and,
4. Section 1.1.3.4 notes that appropriate development standards should be promoted which facilitate redevelopment, while avoiding or mitigating risks to 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 to rezone the lands 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 Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Area 1 includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. The lands are however zoned on a site-specific basis under City's Zoning By-law to permit institutional uses along with a limited amount of non-institutional office floor space.

Section 4.4.3 of the Official Plan outlines the criteria for evaluating rezoning applications to convert surplus institutional buildings. The criteria to be considered are as follows:

1. The need for such lands or building for other public uses, and their long-term value to the community;
2. The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed use; and,
3. That consideration be given to settlement area policies, as well as policies related to ensuring land uses are supportive of the provision of public transit, accessibility, heritage and urban design policies that are included in the Official Plan.

The following policies under the Section 19 – Implementation are relevant to the proposed rezoning:

Section 19.5.7 states that the City's Zoning By-law may recognize and permit non-residential uses that do not conform to the Official Plan provided that such uses are or can be made compatible with the surrounding uses. In considering the expansion of such a recognized land use, Council is to have regard for the following criteria:

1. The development proposal will not aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law applied to the area;
2. The proposal will create minimal impacts on surrounding uses with regard to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters.

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Section 19.5.8 of the Official Plan permits Council to pass amending zoning by-laws which have the effect of permitting the use of an existing building or structure for a use that does not conform with a land use designation under Schedule 1a of the Official Plan. The following situations are applicable to his policy:

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

Before passing an amending zoning by-law in these situations, Council is to be satisfied that:

1. The surplus building is suitable for the proposed use with respect to [Ontario Building Code](#) (OBC) regulations;
2. Off-street parking is adequate;
3. The proposed use is compatible with surrounding lands uses with respect to noise, fumes, smoke, odours, traffic hours of operation, signs and other undesirable features;
4. The neighbouring conforming uses are protected where necessary, by the provision of landscaping, buffering or screening;
5. Parking, driveways, loading areas are improved, relocated, and buffered as warranted;
6. Wherever possible, the aesthetic appearance of the building and property is improved and maintained;
7. Sewer and water capacities are adequate to serve the new use; and,
8. A site plan control agreement may be required prior to the enactment of an amending zoning by-law.

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.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to an amended "I(34)" in order to expand upon the maximum floor space for non-institutional office in the form of a business office that are permitted within the existing building located on the subject lands. No site-specific relief from any general or parking provisions or from the development standards applicable to the "I(34)" Zone is being requested by the owner.

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 formulate appropriate development standards in an amending zoning by-law should the application be approved.

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

Active Transportation, the City's Drainage Section, Operations, Roads, Traffic and Transportation, and Water/Wastewater have each advised that they have no concerns from their respective areas of interest.

Building Services has advised that more information is needed to calculate parking requirements for the proposed business office. Building Services also notes that a shipping container is in the rear yard and is to be removed prior to an amending zoning by-law being passed. Planning staff did however attend the lands and no shipping containers are presently located on the subject lands at present. There are shipping containers on abutting lands.

Development Engineering advises that the lands are presently serviced with municipal water and sanitary sewer infrastructure. The owner is advised that it is at their cost entirely if any upgrades to the existing services are required in order to service the development.

PLANNING ANALYSIS:

The 2014 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 in respect of 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 proposed expansion upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands in this urban setting and location should 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 densities and land uses that would be permitted in this particular area of Sudbury. The lands are serviced with municipal water and sanitary sewer and access to public transportation (ie. 10 Minnow Lake) is available directly in front of the lands along Bancroft Drive. Active transportation is also an option for residents as sidewalks and painted bicycle lands are available along Bancroft Drive. Commercial and industrial land uses are located along the Kingsway to the north. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;
3. The subject lands are presently zoned to permit a full range of institutional uses and a limited amount of non-institutional office floor space. Staff is satisfied that the lands can appropriately be zoned to facilitate additional business office floor space and in doing so no risks have been identified with respect to public health and safety. Staff notes that the owner is not seeking any site-specific relief in order to accommodate the expanded use that they are requesting being that of business office being permitted throughout the entire existing building. Appropriate development standards can be incorporated into the amending zoning by-law to ensure the above;
4. The existing building is underutilized and at present vacant. It is well configured to accommodate business office uses and is one of the few buildings available in the area that are available and suitable for business office uses. Expanding upon the range of land uses permitted on the subject lands is good land use planning from a redevelopment perspective and suitable infrastructure exists to accommodate the proposed redevelopment through the expansion of non-institutional office space that would be permitted on the subject lands.

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Staff in general has 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 to expand upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands are discussed in detail below.

With respect to general Living Area 1 policies in the Official Plan, staff notes that the lands were previously recognized as an institutional office use through the rezoning process, along with limited non-institutional office floor space. Staff has noted that the non-conforming uses, conversion of building and institutional policies of the Official Plan set out the main criteria for which the proposed rezoning is to be considered.

With respect to Section 4.4.3 of the Official Plan, staff has the following comments:

1. Staff has not identified or received any feedback or comments that the existing building is required or needed to provide or respond to the demand for any community-based institutional use in the immediate area;
2. In general, staff has no concerns with the compatibility of a business office and other existing residential uses in the immediate area. The existing building has been utilized as an institutional office with limited non-institutional office floor space for some time and no land use conflicts have been observed or are anticipated should the entire building be permitted to be used a business office; and,
3. The lands are within an identified settlement area in the Official Plan (ie. Living Area 1) and the business office land use would be complimentary to the available and existing public transit in the area, it is accessible from the street and no negative impacts on heritage or urban design are anticipated as no changes or additions are being proposed to the existing building or site layout.

With respect to non-conforming uses and conversion of building policies under Section 19 – Implementation of the Official Plan, staff has the following comments:

1. Staff notes that the existing building was most recently utilized as a mix of institutional office and non-institutional office floor space and it is not anticipated that the change in floor space dedicated to non-institutional office in the form of a business office will aggravate or introduce any land use conflicts between the subject lands and abutting properties;
2. Staff are satisfied that minimal to no impacts with respect to noise, vibrations, fumes, smoke, odours, glare, traffic, sign and environmental matters would be generated if the entire building is permitted to operate as a business office. The type of office use is proposed to be change from an institutional office use to an expanded business office use and none of the above parameters are anticipated to become a nuisance should the rezoning be approved;
3. Building Services has indicated that no change of use building permit is required and that any interior renovations as a result of the business office permission being expanded to the entire building may require a building permit. No concerns were raised with respect to the conversion of the institutional building being expanded from an OBC perspective were identified in the circulation of the application;
4. Staff are satisfied that adequate off-street parking is available. Staff is request a Parking Layout Plan and confirmation of floor space calculations for the existing building in order to ensure that the business office provides the required number of parking spaces without requiring any site-specific relief. Staff at the same time notes that the amending zoning by-law should provide any reasonable relief to parking provision standards in order to accommodate the business office use being permitted throughout the entire building;

5. Abutting residential uses are buffered sufficiently. The lands to the west are buffered by a stand of mature trees and the lands to the east are buffered by an existing fence and mature vegetation. It is anticipated that through the redevelopment of the subject lands that further and additional buffering, screening and landscaping may be added which would positively contribute to the compatibility of the business office use in the local neighbourhood;
6. The existing driveway access to Bancroft Drive is to be utilized. Staff notes the submitted sketch depicts a loading space as required in the easterly interior side yard. The parking area to be utilized is paved and existing and no expansions to this area is proposed;
7. Staff understands that the owner has applied for building permits to improve the exterior façade and canopy entrances to the existing building. The building is presently vacant and the establishment of a business office in this location is expected to improve the aesthetic appearance of the building and property should the rezoning be approved;
8. Development Engineering has confirmed there are no issues with respect to municipal water or sanitary sewer service as it pertains to the subject lands and the proposed business office use; and,
9. Staff notes that at present there is no site plan control agreement applicable to the subject lands. The existing building was constructed originally in 1945 and additions were made between then and 1970. Staff reviewed the proposed rezoning during pre-consultation and determined that site plan control would not be applicable as the building has been used for office purposes regardless of the type of office through time and that no increased usability of the lands would result should the rezoning be approved.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the subject lands be rezoned from "I(34)", Institutional Special to an amended "I(34)", Institutional Special. The request would permit the entire existing building to be used for business office purposes. Staff has no concerns with the requested zone category as it would be most appropriate to amend the "I(34)" Zone rather creating a new site-specific exception in the Zoning By-law. Staff have no concerns with a business office being permitted, however would note that this added permission would not extend to a medical office or professional office as defined in the Zoning By-law. Staff has no concerns with those uses allowed in the "I" Zone remaining as permitted uses in the "I(34)" Zone.

The agent has indicated that the building has a gross floor area of 833 m² (8,966.34 ft²), however the Municipal Property Assessment Corporation (MPAC) indicates that the existing building maintains a gross floor area of 1,117 m² (12,028 ft²). The difference in reported gross floor area may impact the number of required parking spaces however the difference is not substantial and staff is of the opinion an appropriate number of parking spaces can be provided for on the lands.

Business offices are to provide one parking space per 30 m² (322.92 ft²) net floor area. Staff do not have a net floor area calculation, however the submitted sketch depicts a total of 24 parking spaces of which one parking space appears to be dimensioned as an accessible space. Staff notes that based on the parking space requirements for the lands that one accessible space would be required. Offices in general are also required to provide 2 bicycle parking spaces on the lot along with an additional space per 500 m² (5,381.96 ft²) up to a maximum of 24 bicycle parking spaces per lot. There are no bicycle parking spaces depicted on the submitted sketch and the floor spaces referenced above would result in either 3 or 4 bicycle parking spaces being provided on the lands. It is on this basis that it is recommended that prior to the passing of an amending zoning by-law that the owner confirm the gross floor area and net floor area of the building and provide the Development Approvals Section with a satisfactory parking layout plan that demonstrates compliances with all applicable parking provisions of the Zoning By-law.

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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. Staff has no concerns with the lands ability to support a business office however a Parking Layout Plan demonstrating compliance with all required parking provisions under the City's Zoning By-law should be required from the owner prior to passing an amending zoning by-law.

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

- To allow any of the uses permitted in the "I" Zone and in addition that the existing building be permitted to be used entirely as a business office; and,
- That once net floor area calculations are provided for the existing building that any further and appropriate relief that is required in order to accommodate required parking spaces for a business office be provided for.

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.