

Title: 0 Nelson and 422 - 426 Elgin Street, Sudbury

Date: February 8, 2021

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone. 0 Nelson is to the north of the existing C2(89) zone, and 422-426 Elgin is surrounded by the C2(89) zone.

The lands at 0 Nelson are currently vacant and are intended to accommodate the storage of vehicles associated with the existing taxi stand located at the corner of Nelson and Elgin. The applicant has had challenges with accommodating vehicles associated with their existing taxi stand use to the south at the corner of Nelson and Elgin, resulting in actions being taken by City of Sudbury by-law enforcement staff.

The lands at 422-426 Elgin currently contain a 2-storey multiple dwelling with three units with a gross floor area of 251.54 square metres and no changes are proposed to the existing residential building at this time.

The applicant's site sketch shows the proposed 12-vehicle taxi stand vehicle storage area at 0 Nelson, and the location of the existing building at 422-426 Elgin.

Existing Zoning: "R3-1(6)", Medium Density Residential Special and "R3.D130", Medium Density Residential

The current R3-1(6) zoning at 0 Nelson Street permits the full range of medium density uses as well as rooming houses and boarding house dwellings. The current R3.D130 at 422-426 Elgin permits the full range of medium density residential uses with a maximum density of 130 dwelling units per hectare.

Requested Zoning: Amended C2(89), General Commercial Special

The proposed C2(89) zone permits the full range of C2 uses, with a special provision to prohibit drive-through service facilities.

Location and Site Description:

The subject property is described as PIN 73584-0861 & 73584-0864, Lot 92, Plan 12-SB, Inst #109452 & #112906, Lot 5, Concession 3, Township of McKim. 0 Nelson Street is located on the west side of Nelson Street, and is approximately 650 m² in size with 21 m of frontage on Nelson. 0 Nelson Street is currently vacant and is serviced with municipal water and sanitary sewer.

422-426 Elgin Street is located on the north side of Elgin Street, and is approximately 237 m² in size with 9 m frontage on Elgin. The lands at 422-426 Elgin contain a 2-storey multiple dwelling with three dwelling units that is serviced with municipal water and sanitary sewer services. The rear parking area is accessible via an easement extending from Nelson Street.

0 Nelson Street is adjacent to, and 422-426 Elgin Street is surrounded by the existing C2(89) zone. The current extent of the C2(89) zone consists of five privately-owned lots, two of which are owned by the applicant (311 and 434 Nelson).

There are transit stops on the south side of Elgin at the intersection of Nelson and Elgin, and 20 m to the west of the subject lands on the north side of Elgin.

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Surrounding Land Uses:

This area of Nelson and Elgin Street is at the easterly and southerly edge of the Downtown designation in the City's Official Plan. The lands are along the Elgin Street Greenway, and are opposite the Nelson Street pedestrian Bridge and the proposed Cultural Heritage Plaza. The lands are at a lower elevation than the institutional lands to the north.

North of 0 Nelson Street:	institutional use (Our Lady of Lourdes Grotto)
East side of Nelson Street:	residential use, consisting of low and medium density dwellings
South side of Elgin Street:	CPR rail lands
West side of subject lands:	retail uses and hotel

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 subject lands and intervening lands at 305-307 Nelson (residential triplex built in 1910), 311 Nelson (residential use) and 434 Nelson (taxi stand), as well as the residential uses along the east side of Nelson Street, and the retail uses and hotel to the west on Elgin Street.

The proposed storage of vehicles at 0 Nelson is related to the taxi stand use at 434 Nelson Street. During the site visit, it was observed that the lands to the west at 420 Elgin would also appear to be used for parking for the taxi stand (not owned the applicant).

Public Consultation:

Notice of the application was circulated to the public and surrounding property owners on November 9, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on February 18, 2021. The owner 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 applications prior to the public hearing. As of the date of this report, one phone call was received from an adjacent property owner raising longstanding concerns with vehicles parking on their property, as well as drainage and grading impacts of an un-related development. No other comments, concerns, or objections have been received by the Planning Services Department regarding the proposed rezoning application.

Related Applications:

Rezoning Application RP751-6/87-32: This application rezoned the lands at 422-426 Elgin from C2 to R3 to permit a multiple dwelling with three dwelling units. The application was required to permit the conversion of the main floor of the existing building into two residential apartments, and eliminating the commercial use of the lands. The application was approved on the basis that the size of the property and shortage of parking limited its ability to be used for commercial purposes.

Policy and 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

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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.

Section 1.3.1 of the PPS is relevant to the application. It 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.

Section 1.7.1 (a) states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness.

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development, and land use patterns shall be based on densities and a mix of land uses, which efficiently use land and resources. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

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.

The City of Greater Sudbury has been identified as one of the municipalities in northern Ontario that contains strategic core areas. Through the Official Plan, the City has identified the Downtown as a strategic core area. The City is encouraged to plan for strategic core areas as vibrant and walkable mixed-use districts, which can attract employment, accommodate higher densities and provide a range of amenities to residents and visitors. Municipalities are also encouraged to prepare revitalization strategies for strategic core areas.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Downtown in the Official Plan, which is within an Employment Area designation. It is an objective of the Employment Area policies to promote the development of the Downtown as an employment and business centre for the City (policy 4.1(e)). Policy 4.1.2(1) permits a wide variety of uses in the Downtown, consistent with its function as the most diversified commercial centre in the City. Policy 4.2.1.1(1) states that non-residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity and reinforcing the City's urban structure by achieving a more efficient pattern of development.

Zoning By-law 2010-100Z:

Development standards for the C2 zone require a maximum height of 15 m. The minimum required front yard is 6.0 m, and the minimum required rear yard is 7.5 m. The minimum required interior side yard is 0 m given there are no adjacent Residential Zones. The maximum lot coverage is 50%. A minimum of 5% landscaped open space is required and the general landscaping provisions must be met.

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Site Plan Control:

The subject lands are not currently subject to a Site Plan Control Agreement. Section 19.6 of the Official Plan identifies that a Site Plan Control Agreement will not normally be required in the Downtown but may be applied in specific instances.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. Comments have been addressed to the satisfaction of reviewing department and agencies.

Building Services has provided the following comments:

- The existing multiple dwelling at 422-426 Elgin is considered to be a non-complying building with 3 legal dwelling units. There is currently an Order to Comply and an Order to Remedy Unsafe Building on the property due to the construction of a fourth dwelling in the basement and a common entry vestibule without benefit of permit. A building permit would be required to add a fourth dwelling unit, and would require zoning relief for increased density and parking.
- The vacant land at 0 Nelson is a legally existing lot, and as such, is permitted to have a lesser lot area and frontage. All other applicable zoning standards for the proposed C2 zone must be met. This property is subject to a site alteration permit, and will require a blasting report and pre-blast survey prepared by a Professional Engineer.

Development Engineering has commented that the site is presently serviced with municipal water and sanitary sewer. Any concerns we have regarding servicing, lot grading, and stormwater management will be reviewed through the Site Plan process.

Water/Wastewater staff have commented with respect to the Sourcewater Protection Plan that the subject lands are located within the Ramsey Lake Intake Protection Zone 2 with a vulnerability score of 9. No significant threats to the drinking water source have been identified at this time. The applicant is advised that the storage of more than 0.5 tonnes of road salt within the Ramsey Lake Issue Contributing Area is prohibited.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (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 circulation.

The purpose of the rezoning application is to enable a portion of the subject lands to be used for a taxi stand and no other changes are proposed at this time. The rezoning would have the effect of additionally permitting the full range of C2 commercial uses and applying the associated development standards (e.g. front yard parking is permitted in the C2 zone beyond the required 3.0 m landscape area). The residential uses currently permitted by the R3-1(6) and R3.D130 are also permitted in the C2 zone with some exceptions (e.g. C2 restricts low density built forms).

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Generally, the use of the site for commercial purposes would conform with the Growth Plan for Northern Ontario policies by enabling employment uses. The application is consistent with the Provincial Policy Statement and conforms with Official Plan policies for the Downtown that acknowledge the importance of employment uses and supporting business activities. The application is also consistent with the Provincial Policy Statement in terms of directing efficient development that uses infrastructure, which is already available.

The site is adjacent to the planned Elgin Greenway (the plan for which identifies a cultural pavilion directly opposite the site), and the rezoning would result in a block with consistent zoning thereby providing enabling zoning to support a future redevelopment project. The subject lots are too small on their own to accommodate the majority of uses permitted in the C2(89) zone. However, if the lands are consolidated, the current zoning fabric could impede a future redevelopment proposal because the R3 zone would limit commercial use. The Official Plan permits a wide variety of uses in the Downtown, consistent with its function as the most diversified commercial centre in the City. Applying the C2(89) zone to this block recognizes the lands are at the edge of the Downtown designation, in a transition area between the more permissive C6 Downtown Commercial zone to the west along Elgin and the residential neighbourhood to the east. In terms of site suitability, any future large-scale redevelopment of consolidated properties would likely trigger the need for a Site Plan Control Agreement, which would provide an opportunity to address matters related to land use compatibility and site suitability.

The applicant's sketch shows the proposal for a taxi stand use at 0 Nelson, and no development is proposed at 422-426 Elgin. The applicant has indicated that the operating times of the taxi stand will be irregular given the nature of the business, however at any time up to 12 taxis could be stored at 0 Nelson. The additional vehicles using Nelson Street are not expected to have significant impacts on the local road network. However, it is expected that a significant amount of rock would need to be removed to enable space for 12 taxis at this location, and there has been previous issues with respect to compatibility of parking with the adjacent residential use. In order to ensure that the vehicle storage area is constructed in accordance with any appropriate design standards as well as to promote compatibility with the adjacent neighbourhood, it is recommended that a condition be implemented requiring the owner enter into a site plan control agreement with the City. The Site Plan Control Agreement should include a 1.5 m opaque fence along the south and west property lines in order to promote compatibility with the existing residential use to the south and to demarcate the boundary between properties.

Building Services has confirmed the existing multiple dwelling at 422-426 is considered a non-conforming structure containing three (3) legal dwelling units. There are two orders on the property with respect to construction of a fourth unit in the basement and common entry vestibule. The applicant has advised that they do not wish to recognize the existing building in the zoning by-law, nor request to additionally permit a fourth unit. The effect of this approach to the rezoning means that the existing building could be renovated as per the provisions for non-complying structures in the zoning-by-law, which would not permit a fourth residential unit given the density maximum and the minimum number of parking spaces required. Staff recommends that the owner be required to comply with the orders on the property as a condition of rezoning.

Conclusion:

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

The following are the principles of the proposed site-specific Zoning By-law Amendment:

- To enable the use of 0 Nelson for a 12-vehicle taxi stand, and to align the zoning with the adjacent zone

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The development of the subject lands achieves a number of policy directives, including the promotion of economic development. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is of the opinion that the proposed Zoning By-law Amendment is appropriate based on the following:

- Development in this location aligns with economic development policies and directing development to an area with existing infrastructure.
- The lands are within the Downtown designation, where a wide variety of uses are permitted, consistent with its function as the most diversified commercial centre in the City.
- No servicing constraints and minimal traffic impacts are expected. Site Plan Control can be used to address how the proposed vehicle storage area is constructed.

Staff recommends approval of the application on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest, and represents good planning.