

Presented To:	Planning Committee
Presented:	Monday, May 06, 2019
Report Date	Tuesday, Apr 09, 2019
Type:	Public Hearings
File Number:	751-6/19-4

Request for Decision

**LIUNA Local 493 Property Corporation -
Application for rezoning in order to permit a
limited range of commercial uses in an existing
office building zoned "I(26)", Institutional Special,
584 Clinton Avenue, Sudbury**

Resolution

THAT the City of Greater Sudbury approves the application by LIUNA Local 493 Property Corporation to amend Zoning By-law 2010-100Z by changing the zoning classification from "I(26)", Institutional Special to a revised "I(26)", Institutional Special on those lands described as PIN 02245-0113, Parcels 46902 & 45814 S.E.S., Lots 241 to 247, Plan M-60, Part 6, Plan 53R-9906 in Lot 4, Concession 4, Township of McKim, as outlined in the report entitled "LIUNA Local 493 Property Corporation" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 6, 2019 subject to the following conditions:

1. That the permitted uses in the I(26) zone be amended by adding offices, custom print or copy shop, personal service shop, veterinary clinic and scientific or medical laboratory; and,
2. That prior to the adoption of the amending by-law, the owner shall address the following condition to the satisfaction of the Director of Planning Services:
 - a) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service.
3. Conditional approval shall lapse on May 28, 2021 unless Condition 2 above has been met or an extension has been granted by Council.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Apr 9, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Apr 9, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Apr 9, 19

Financial Implications

Jim Lister
Manager of Financial Planning and
Budgeting
Digitally Signed Apr 23, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Apr 23, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Apr 24, 19

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

An application for rezoning has been submitted in order to add a limited range of commercial use to the "I(26)", Institutional Special zoning applied to 584 Clinton Avenue, Sudbury. The rezoning is requested in order to utilize surplus office space. The proposal received conditional approval in 2015, which has since lapsed.

No land use conflicts are anticipated with the proposed uses and the application demonstrates conformity with Official Plan policies applied to the adaptive reuse of surplus buildings. Planning Services recommends that the site-specific zoning be amended by adding offices, custom print or copy shop, personal service shop, veterinary clinic and scientific or medical laboratory as permitted uses. The installation of a test manhole in compliance with the City's Sewer Use By-law is required as a condition of approval.

Financial Implications

If approved, staff is unable to estimate the change in assessment value that may result from the change in zoning. No development charges are anticipated as no new development is proposed.

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Date: April 5, 2019

STAFF REPORT

Applicant:

LIUNA Local 493 Property Corporation

Location:

PIN 02245-0113, Parcels 46902 & 45814 S.E.S., Lots 241 to 247, Plan M-60, Part 6, Plan 53R-9906 in Lot 4, Concession 4, Township of McKim (584 Clinton Avenue, Sudbury)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject property is designated as Living Area 1, which allows a range of residential uses subject to rezoning. The Living Area designation also permits a limited range of local commercial uses, such as convenience stores and personal services shops.

The proposal to utilize the surplus floor area for a limited range of commercial use has been submitted under the provisions of Section 20.5.6 of the Official Plan concerning the conversion of existing buildings. In some instances, a suitable use for a surplus building may not conform to the underlying land use designation. In order to provide some flexibility in the adaptive reuse of existing building stock, the Official Plan permits new uses to be established by rezoning without an Official Plan Amendment provided that the following conditions are addressed:

- a. the surplus building is suitable for the proposed use with respect to Building Code regulations;
- b. off-street parking is adequate;
- c. the proposed use is compatible with surrounding land uses with regard to noise, fumes, smoke, odours, traffic, hours of operation, signs and other undesirable features;
- d. the neighbouring conforming uses are protected, where necessary, by the provision of landscaping, buffering or screening;
- e. parking, driveways, loading areas are improved, relocated, and buffered as warranted;
- f. wherever possible, the aesthetic appearance of the building and property is improved and maintained;
- g. sewer and water capacities are adequate to serve the new use;
- h. for conversion to residential uses, the proposed density is appropriate for the area and amenities are adequate; and,
- i. a Site Plan Control Agreement may be required prior to the enactment of an amending by-law.

[Zoning By-law](#)

The "I(26)", Institutional Special zoning permits all institutional uses as well as a computer software business. Institutional uses include the following:

Children's home, a day care centre, a place of worship, a hospital, a private club, a non-profit or charitable institution, a group home type 1, a group home type 2, a special needs facility, a recreation and community centre, an arena, a public museum, a public library, a public business, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility.

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Site Description & Surrounding Land Uses:

The subject property is located in the Flour Mill neighbourhood. The area presents a mix of uses but is predominantly residential in character. The surrounding residential blocks are zoned "R2-3", Low Density Residential Two. The entire property is located in a designated flood plain, as is the surrounding area.

The subject property has a total area of 3 148 m², with 37 metres of frontage on Clinton Avenue and a depth of 85 metres along Perreault Street. An existing one-and-a-half storey building with a total floor area of 1 234 m² occupies the site. Approximately 604m² of gross floor area is occupied by LIUNA in the form of an institutional office use.

Parking areas are located in front of the building along Clinton Avenue and in the easterly rear yard along Perreault Street. The site plan indicates 34 parking spaces.

Residential uses abut to the east, west and south. An institutional use is located north of the subject property on the opposite side of Perreault Street (Abundant Life Spiritual Healing Centre of Sudbury).

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "I(26)", Institutional Special to a revised "I(26)", Institutional Special.

Proposal:

Application for rezoning in order to add the following uses to the existing site-specific zoning: offices (professional, business and medical), custom print or copy shop, personal service shop, veterinary clinic and scientific or medical laboratory. The rezoning is requested in order to utilize surplus office space.

Departmental/Agency Circulation:

In compliance with the City's Sewer Use By-law, Development Engineering recommends that a test maintenance hole be installed as a condition of approval.

Building Services advised that a building permit is required for any building alterations/tenant improvements. Depending upon the new occupancies, a change of use permit may be required.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

A neighbourhood information session was conducted on March 11, 2015 at the LIUNA building as part of the previous application, for which conditional approval has lapsed.

As of the date of this report, one (1) phone call seeking clarification was received.

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Background:

The existing building was originally constructed in 1951. During the 1950s until the late 1960s, the property was used for the storage, maintenance and repair of buses. The 1958 Comprehensive Zoning By-law for the City of Sudbury zoned the property "M1", Light Industrial.

The implementation of By-law 62-192 changed the zoning classification from M1 to "R3", Multiple Residential consistent with the surrounding neighbourhood. The bus company was thereby rendered a legal non-conforming use. In 1967 the Committee of Adjustment approved a change in legal non-conforming use in order to permit the manufacture, repair and assembly of snowmobiles on the property (File A485/67). This use continued until 1981, at which time approval was granted to permit the sale, distribution and storage of waterworks equipment (File A19/81). In 1984, another application for a change in legal non-conforming use was approved to permit a home renovations business (File A182/84).

In 1989 the property was purchased by the Sudbury Regional Hospital for an off-site clinic. A Site Plan Control Agreement was registered in May 1990. The implementation of By-law 95-500Z in July 1995 changed the zoning classification of the subject property to "I", Institutional in recognition of this use.

Following the sale of the property in 2007, an application for rezoning was approved in order to permit a business office for a computer services company (File 751-6/07-1). The "I(26)", Institutional Special zoning permits all institutional uses as well as a computer software business.

The property was purchased by the current owner in December 2013. In 2015 an application for rezoning was approved in order to add offices, custom print or copy shop, personal service shop, veterinary clinic and scientific or medical laboratory as permitted uses (File 751-6/15-1). The installation of a test manhole was required as a condition of approval.

The owner was granted an 18-month extension on May 30, 2017 (Resolution PL2017-78). Conditional approval subsequently lapsed on October 14, 2018, requiring the owner to reapply.

Planning Considerations:

The owner is requesting the same uses that received conditional approval in 2015.

Evaluation of proposed new uses

a. Offices

Hours of operation for most offices are typically during the day, with less demand for parking compared to other commercial uses such as retail and restaurants. No land use conflicts have been created by the existing office use, which will continue to occupy approximately half of the building. The full range of office uses (medical, professional and business) can be supported on this basis.

b. Custom print or copy shop

A copy shop that would provide services to businesses and the general public would not generate large volumes of customer traffic. It may also serve the convenience needs of local residents and businesses.

c. Personal service shop

Personal service shops such as beauty salons, barber shops and laundromats are neighbourhood commercial services that are deemed appropriate in a residential setting. Furthermore, local commercial uses are permitted in Living Areas under the Official Plan.

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d. Veterinary clinic

A veterinary clinic is considered to be acceptable provided the use is restricted to the interior of the building and no dwelling units being proposed in conjunction with the use. A veterinary clinic does not include a kennel, which is not permitted.

e. Scientific or medical laboratory

A scientific or medical laboratory is similar to an office use; however, there is the potential for hazardous wastes to be discharged into the City's sanitary sewer system. This use can therefore be supported provided a test manhole is installed as per the Staff recommendation.

Parking

The site plan agreement registered on title indicates 34 parking spaces. In July 2017 the owner applied for a minor variance for the provision of 34 parking spaces and no loading space, where 58 parking spaces and 1 loading space would be required if the highest parking standard of 1 per 20 m² was applied (File A0072/2017). The parking requirement was calculated based on gross floor area in lieu of net floor area, which would reduce the parking requirement slightly. Committee of Adjustment approved the application and advised the owner that any future change in use would be subject to further review including parking requirements.

The owner advised that there is an arrangement for overflow parking with the institutional use across the road. Parking demand varies based on the use and time of day (e.g., union meetings take place once a month in the evenings).

There are no concerns related to the provision of on-site parking based on the proposed mix of uses.

Servicing

Given the additional commercial uses being sought for the property, Development Engineering recommends that a maintenance access chamber (test manhole) be installed. This will bring the property into compliance with the Sewer Use By-law 2010-188, which requires monitoring devices for commercial, institutional and industrial premises and multi-residential buildings with one or more connections to sewage works. The test manhole will allow the monitoring of sanitary sewer flows.

The owner intends to install a test manhole and has done some preliminary work. A letter of intent dated October 3, 2018 from the contractor was provided to Planning Services. There have been some technical issues related to the installation, including what appears to be an abandoned service that requires further investigation. The work has been deferred until weather conditions are appropriate.

Official Plan

The proposal demonstrates conformity with the policies of Section 20.5.6 based on the following considerations:

- The building has a recent history of office use and is well-suited to the proposed limited commercial uses. Building permits were issued in 2014 and 2017 for interior office renovations in compliance with the Ontario Building Code.
- Staff is satisfied that on-site parking is sufficient and that the owner has made arrangements for off-site parking as needed.
- No nuisance factors are associated with the proposed uses, which are conducted indoors. There is no need for outdoor storage. The proposed uses are deemed more compatible in comparison to the historical light industrial uses that occupied the site from the 1950s through the 1980s.

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- The property is subject to a Site Plan Control Agreement. Any future redevelopment of the property will require an amendment to the site plan agreement and potential improvements to the site.
- A test manhole is required as a condition of approval in order to bring the property into compliance with the Sewer Use By-law.

2014 Provincial Policy Statement (PPS)

Under Section 1.1.3 of the PPS, settlement areas shall be the focus of growth and development. Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided. Land use patterns shall be based on a mix of uses which are transit-supportive.

The application is deemed to be consistent with the PPS based on the following considerations:

- the subject site is located in a fully serviced area within the settlement area boundaries of Sudbury;
- municipal services are available and a test manhole is being installed as a condition of approval;
- public transit is readily accessible on King Street and Notre Dame Avenue;
- the surplus institutional building is well-suited for adaptive reuse, most notably the provision of office uses.

2011 Growth Plan for Northern Ontario (GPNO)

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses. The proposal conforms to the Growth Plan for Northern Ontario.

Summary

The limited range of commercial uses can be supported as proposed. This will allow the owner to utilize surplus office space and also make the building more viable over the long term. The application conforms to Official Plan policies related to the conversion of existing buildings through adaptive reuse.

Although located in a flood plain, Conservation Sudbury has no objection to the proposal, as no new development is proposed. Prior to the establishment of any new use, the owner is advised to contact Building Services concerning the need for building permits and/or change of use permits.

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.

Appendix 1

Departmental & Agency Comments

File: 751-6/19-4

RE: Application for Rezoning – LIUNA Local 493 Property Corporation
PIN 02245-0113, Parcels 46902 & 45814 S.E.S., Lots 241 to 247, Plan M-60, Part 6,
Plan 53R-9906 in Lot 4, Concession 4, Township of McKim (584 Clinton Avenue,
Sudbury)

Development Engineering

This property is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification provided the owner meets the following condition:

- The Owner must install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service.

Traffic and Transportation

No concerns.

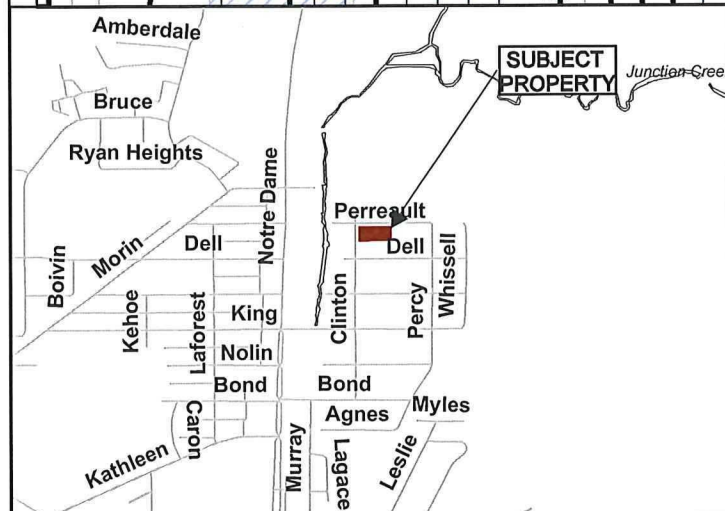
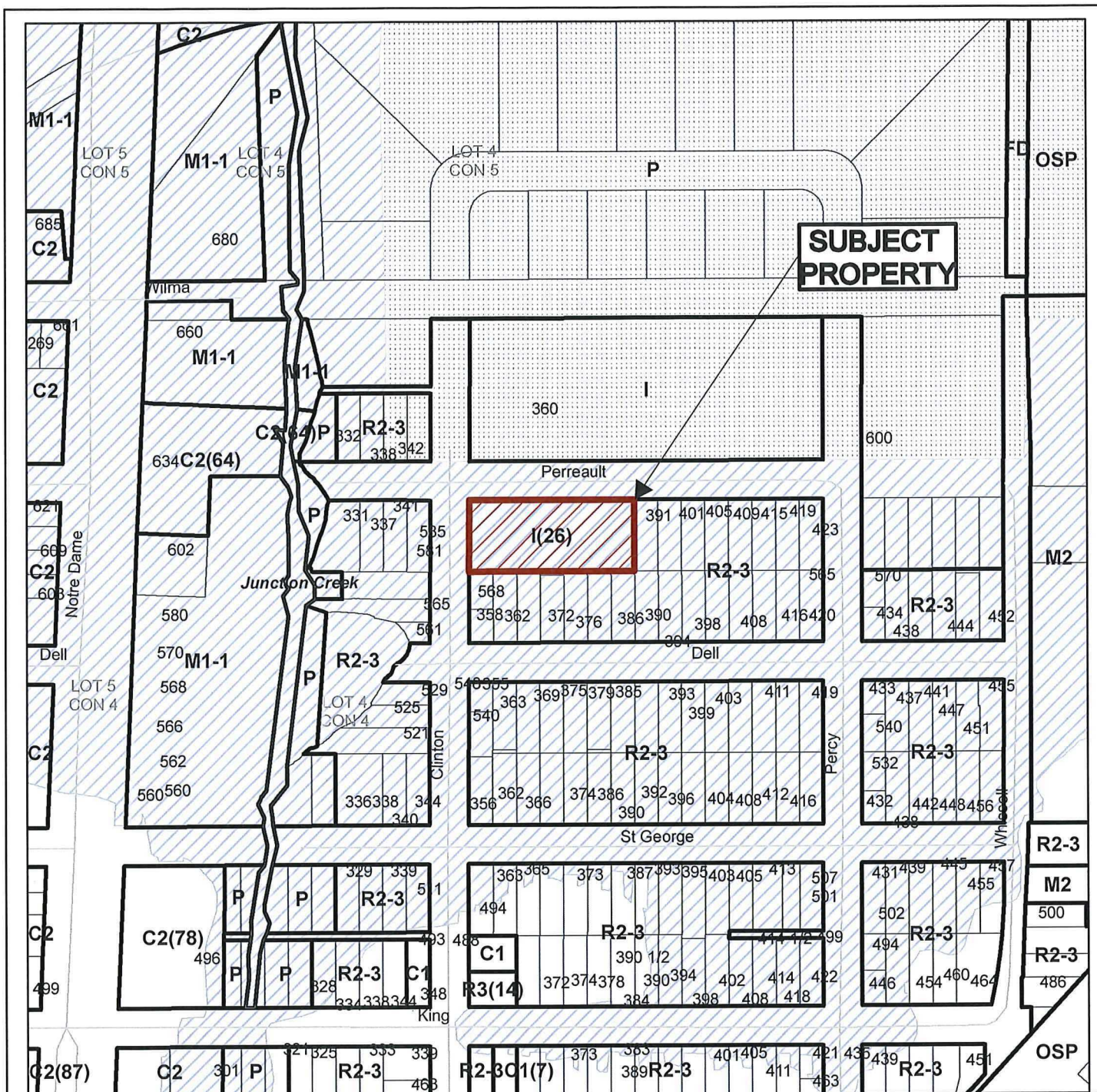
Building Services

We can advise that Building Services has no objection to this application other than the following comments for the applicant's information:

1. Once this amendment has been approved, the applicant shall apply for a building permit for any building alterations/tenant improvements.
2. Drawings submitted for building permit review shall be prepared by a qualified designer in conformance with the Ontario Building Code, CGS by-laws and to the satisfaction of the Chief Building Official.
3. Depending upon the new occupancies, a change of use permit may be required.

Conservation Sudbury

Conservation Sudbury has no objection to the rezoning. However, please note that the property is in a designated flood plain.



Growth and Infrastructure Department



Subject Property being PIN 02245-0113
 Pcls 46902 & 45814, Lot 241 to 247, Plan M-60,
 Pt 6, Plan 53R-9906, Lot 4, Con.4, Twp. of McKim,
 584 Clinton Avenue, Sudbury,
 City of Greater Sudbury

NTS
 Sketch 1

751-6/19-4
 Date: 2019 03 18



Photo 1: 584 Clinton Avenue, Sudbury
View of subject land from Clinton Avenue frontage
File 751-6/19-4 Photography April 1, 2019



Photo 2: 584 Clinton Avenue, Sudbury
View of rear yard parking area and abutting single detached dwelling on
Perreault Street
File 751-6/19-4 Photography April 1, 2019



Photo 3: 360 Perreault Street, Sudbury
Institutional use on north side of Perreault Street located opposite subject
land
File 751-6/19-4 Photography April 1, 2019



Photo 4: Clinton Avenue, Sudbury
Residential uses on west side of Clinton Avenue opposite subject land
File 751-6/19-4 Photography April 1, 2019