Presented To:	Planning Committee
Presented:	Monday, Jun 08, 2020
Report Date	Friday, May 08, 2020
Type:	Public Hearings
File Number:	751-7/20-3

Request for Decision

Diane & Marcel Boulais – Application for Zoning By-law Amendment in order to permit a medical office within an existing building, 4868 Municipal Road #80, Hanmer

Resolution

THAT the City of Greater Sudbury approves the application by Diane and Marcel Boulais to amend Zoning By-law 2010-100Z by changing the zoning classification of the subject lands from "R3.D18(13)", Medium Density Residential Special to an amended "R3.D18(13)", Medium Density Residential Special on those lands described as PINs 73504-2236, 73504-2242, 73504-2263 & 73504-2281, Parcels 17916, 19968, 11485, & 19746, Lot 5, Concession 3, Township of Hanmer, as outlined in the report entitled "Diane & Marcel Boulais", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 8, 2020, subject to the following conditions:

1.That prior to the passing of an amending zoning by-law:

a) That the owner apply for a change of use building permit to the satisfaction of the Chief Building Official prior to the passing of an amending zoning by-law;

b) That the owner shall provide a parking layout plan demonstrating compliance with all parking space provisions of the Zoning By-law to the satisfaction of the Director of Planning Services; and,

c) That the owner remove the shipping container from the subject lands to the satisfaction of the Chief Building Official and the Director of Planning Services prior to the passing of an amending zoning by-law.

2. That the amending zoning by-law contain the following site-specific provisions:

a) That a medical office be added as a permitted use in the "R3,D18(13)" Zone; and,

b) That any necessary site-specific relief related to the parking provisions of the Zoning By-law be provided.

3. That conditional approval shall lapse on June 23, 2022 unless Condition #1 above has been met or an

Signed By

Report Prepared By
Glen Ferguson
Senior Planner
Digitally Signed May 8, 20

Manager Review
Alex Singbush
Manager of Development Approvals
Digitally Signed May 8, 20

Recommended by the Division
Jason Ferrigan
Director of Planning Services
Digitally Signed May 11, 20

Financial Implications
Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed May 14, 20

Recommended by the Department
Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 15, 20

Recommended by the C.A.O.
Ed Archer
Chief Administrative Officer
Digitally Signed May 27, 20

extension has been granted by Council.

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

This report reviews an application for Zoning By-law Amendment intended permit a medical office within an existing building having frontage on Municipal Road #80 in Hanmer. No land uses permitted within the current “R3.D18(13)” Zone are proposed to be removed. The lands are designated Parks, Open Space and Rural in the Official Plan but are recognized and zoned under the non-conformity policies of the Official Plan. The non-conformity policies set out criteria for rezoning lands should an owner choose to change or add a use to their lands. Staff has reviewed said criteria and is of the opinion that adding a medical office in this location and setting will not negatively impact the existing character of this particular area along Municipal Road #80. The lands at present are already zoned to permit six residential dwelling units and a dance studio use. Staff is also satisfied that neighbouring complying uses will be sufficiently protected should the rezoning be approved to add a medical office as a permitted use on the subject lands. Staff is recommending that prior to the passing of an amending zoning by-law that a change of use building permit is applied for and that the shipping container located in the easterly side yard be removed. Staff is also recommending that prior to passing an amending zoning by-law that a parking layout plan be provided by the owner demonstrating compliance with all applicable parking provisions. The Planning Services Division is recommending that the rezoning application be approved with conditions as outlined and noted in the resolution section of this report.

Financial Implications

This report has no financial implications as it is a request for a zoning by-law amendment to permit a medical office within an existing building. There is no request to expand the size of the existing buiding.

Title: Diane & Marcel Boulais

Date: April 3, 2020

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 "R3.D18(13)", Medium Density Residential Special to an amended "R3.D18(13)", Medium Density Residential Special.

The proposed rezoning is intended to permit a medical office within an existing building having frontage on Municipal Road #80 in Hanmer. The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on January 8, 2020. The owner's agent met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on January 24, 2020, and the owner has subsequently now submitted a rezoning application to the City for consideration.

The owner has submitted a Concept Plan, which also includes floor space areas of the existing building in support of their request to rezone the lands to permit a medical office within the existing building having frontage on Municipal Road #80 in Hanmer. The existing dance studio use is intended to remain with the basement being used for storage purposes. No other changes to the applicable "R3.D18(13)" Zone is being sought beyond adding a medical office as a permitted use on the subject lands.

Existing Zoning: "R3.D18(13)", Medium Density Residential Special

The "R3.D18(13)" Zone permits only a multiple dwelling containing not more than six residential dwelling units, a dance studio, a day care centre and accessory uses.

Requested Zoning: "R3.D18(13)", Medium Density Residential Special (Amended)

The proposed rezoning would add a medical office as a permitted use in addition to those uses currently permitted in the "R3.D18(13)" Zone.

Location and Site Description:

The subject lands are located on the north side of Municipal Road #80 between Dugas Street and St. Mary Boulevard in the community of Hanmer. The lands have a total lot area of approximately 4,734 m^2 (50,965 ft^2) with approximately 45 m (150 ft) of lot frontage onto Municipal Road #80 and a lot depth of approximately 103 m (340 ft). The lands presently contain an existing commercial building having an approximate main floor area of 410 m^2 (4,413.20 ft^2) with an additional and approximate 316 m^2 (3,401.40 ft^2) of storage space in the basement. MPAC records indicate the existing building was originally constructed as an assembly hall in 1950. Six residential dwelling units were later added along with the dance studio use. The lands are no longer used as an assembly hall. There is a large parking area in the rear yard and a shipping container located in the easterly interior side yard.

Title: Diane & Marcel Boulais

Date: April 3, 2020

Surrounding Land Uses:

North: Large tracts of well vegetated rural lands with visible trails extending to Gravel Drive.

East: Rural residential land uses and a garden nursery.

South: Pre-dominantly lower and medium density urban residential land uses.

West: Rural and urban residential land uses, and a place of worship and elementary school accessed from St. Therese Street.

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 subject lands containing the existing commercial building containing which presently contains a dance studio. The parking areas on the lands and a shipping container in the easterly interior side yard are also depicted. Photos of the immediately surrounding residential area are also included to illustrate the rural, and lower and medium density residential nature of the general area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on February 26, 2020. The statutory Notice of Public Hearing dated May 21, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 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 agent has approached nearby landowners to explain their application to rezone the lands in order to permit a medical office within the existing building on the subject lands.

At the time of writing this report, no emails or letter submissions have been received by the Planning Services Division. Staff did receive one phone call from an area resident who was seeking clarification on the lands to be rezoned and what land uses would be permitted should the application be approved.

POLICY AND REGULATORY FRAMEWORK:

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

- 2020 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.

Title: Diane & Marcel Boulais

Date: April 3, 2020

2020 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 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should a medical office be added as a permitted use on the subject lands.

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 both Parks and Open Space and Rural in the Official Plan for the City of Greater Sudbury. The current uses permitted on the subject lands are not permitted in either of the above noted land use designations.

Section 19.5.7 of the Official Plan contains policing which address existing land uses that are not in conformity with the land use designations in which they are situated. Both residential and non-residential non-conforming land uses may be recognized in the City's Zoning By-law. It is the intent of the City to eliminate those non-residential uses existing at the time of adoption of the Official Plan that are incompatible with surrounding uses, and which do not conform to the land use provisions of the Zoning By-law, nor to the land use designations of this Plan. However, the City may through the rezoning process permit such uses, or an expansion, or change to such uses without an amendment to the Official Plan provided that such uses are or can be made compatible with the surrounding uses.

Specifically, criteria for considering changes of use are set out under Section 19.5.7(4) as follows:

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 City's Zoning By-Law applied to the area;
2. The development 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;
3. The neighbouring conforming uses will be protected where necessary by the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and where necessary by imposing regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs and other matters;
4. The traffic and parking conditions in the vicinity will not be adversely affected by the development proposal. Traffic hazards will be kept to a minimum through the appropriate design of access and egress points to, from and over the site, or through the improvement of site conditions especially in proximity to intersections;
5. Adequate provisions have been or will be made for off-street parking and loading facilities; and,
6. Municipal services such as water, sanitary sewers, storm sewers and roads are adequate, or can be made to be adequate.

Title: Diane & Marcel Boulais

Date: April 3, 2020

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to an amended "R3.D18(13)", Medium Density Residential Special in order to add a medical office as a permitted use within the existing building presently located on the subject lands. The "R3.D18(13)" Zone is site-specific and permits only a multiple dwelling containing not more than six residential dwelling units, a dance studio, a day care centre and accessory uses. No further site-specific relief from any general or parking provisions or from the development standards of the "R3.D18(13)" 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 proposal, comments provided by circulated agencies and departments included the following:

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

Building Services has advised that a Change of Use Permit (ie. building permit) will be required.

Development Engineering advises that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

PLANNING ANALYSIS:

The 2020 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.

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 allow for the addition of a medical office on the subject lands are discussed in detail below.

With respect to general non-conformity policies in the Official Plan, staff has the following comments:

1. Staff is of the opinion that adding a medical office in this location and setting will not negatively impact the existing character of this particular area along Municipal Road #80. The lands at present are zoned to permit six residential dwelling units and a dance studio use. These land use permissions were also permitted under former By-law 83-200 being the Zoning By-law for the Town of Valley East and subsequently carried forward into the City's current and in-force Zoning By-law 2010-100Z. It should also be noted that the building was originally constructed in 1950 and was used as an assembly hall. The use of the land for a mix of residential and commercial purposes is considered to be an established and recognized non-conforming use despite being designated Parks and Open Space and Rural in the Official Plan;
2. Staff does not anticipate or expect any issues related to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs or environmental matters should a medical office be added as a permitted use on the subject lands;

3. Staff is satisfied that neighbouring complying uses will be sufficiently protected should the rezoning be approved to add a medical office as a permitted use on the subject lands. The lands are adequately buffered on the north side of Municipal Road #80 to the east by mature vegetation with the closest residential dwelling being located approximately 53 m (173.89 ft) from the lands easterly interior side lot line The residential dwelling to the immediate west on the north side of Municipal Road #80 is located approximately 33 m (108.27 ft) from the westerly interior side lot line;
4. Staff notes no additions are proposed to the existing building and therefore existing setbacks are to be maintained. Staff is also of the opinion that no devices or measures are necessary in order to mitigate any nuisances resulting from the addition of a medical office as a permitted use;
5. Staff is generally satisfied that traffic and parking conditions in the vicinity will not be adversely affected should a medical office be added as a permitted use on the subject lands. There is an existing driveway access onto Municipal Road #80 and no new works as it relates to the driveway or within the Municipal Road #80 right-of-way were identified as being necessary. It is noted that the application to rezone the lands was circulated to the City's Roads, Traffic and Transportation staff and no concerns with the above were identified;
6. Staff has reviewed the submitted sketch and note that the existing dance studio would require 16 parking spaces and the proposed dance studio would require 5 parking spaces for a total of 21 parking spaces being required. Section 5.2.3.5, Table 5.1 of the Zoning By-law would also require that two of the required 21 parking spaces be accessible parking spaces. The submitted sketch depicts a total of 31 parking spaces including three accessible parking spaces. Staff notes that the parking spaces in the rear yard are required to have a dimension of 2.75 m (10 ft) by 6 m (20 ft) and the accessible parking spaces are required to have a dimension of 4.4 m (14.44 ft) by 8 m (26.25 ft). The aisle widths shown on the submitted sketch would also appear to exceed the minimum requirement of 6 m (20 ft). Staff is satisfied that there is sufficient area in the rear yard to support a total of 28 parking spaces with two being accessible parking spaces;
7. The parallel parking spaces shown along the westerly interior side yard may not necessary for satisfying minimum parking space requirements in the Zoning By-law but also appear to have appropriate parking space dimensions and they do not appear to be located in the front yard;
8. The dance studio is required to provide a loading space having a minimum dimension of 3.6 m in width (11.81 ft) and 9 m (29.53 ft) as it exceeds 300 m^2 (3,229.71 ft^2) in floor area. There does appear to be sufficient area in the rear yard to provide for a loading space given the use being that of a dance studio. The owner should be required to amend their sketch to reconfigure the parking area layout and demonstrate that a loading space is available. Staff is of the opinion that a loading space should be required given the operational nature of a dance studio use;
9. There is a third accessible parking space indicated on the submitted sketch is located at the side of the existing building and within the front yard. This accessible parking space is not permitted as it would be located in the front yard; and,
10. Development Engineering has indicated in their review of the proposed rezoning that the subject lands are fully serviced with both municipal water and sanitary sewer infrastructure. It is also noted that the lands have an existing driveway access onto Municipal Road #80 and no new driveway access is being proposed.

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

Title: Diane & Marcel Boulais

Date: April 3, 2020

With respect to the City's Zoning By-law, the owner is requesting that the existing "R3.D18(13)" Zone be amended to add a medical office as a permitted use. The existing land use permissions being that of six residential dwelling units and a dance studio would continue to be permitted should the rezoning be approved. Staff in general has no concerns with the request to amend the existing zone category. The "R3.D18(13)" Zone will retain existing use permissions and provide additional flexibility in terms of how the existing building can be utilized from a land use planning perspective.

Staff do have the following comments with respect to the proposed rezoning of the lands:

1. Section 5.8, Table 5.10 of the Zoning By-law requires that a medical office provide two parking spaces plus one additional bicycle parking space per 500 m² (5,381.96 ft^2) gross floor area to a maximum requirement of 24 bicycle parking spaces on a lot. The proposed medical office would have a gross floor area of 94.73 m^2 (1,019.67 ft^2) within the existing building and therefore two bicycle parking spaces are required to be added. Section 5.8 also includes development standards for bicycle parking space dimensions and where they may be located on a lot;
2. Staff would recommend that the owner be required to submit a revised parking layout sketch demonstrating compliance with all applicable parking development standards under Part 5 of the Zoning By-law. The lands do appear to be sufficiently large enough in terms of area to support both the dance studio and medical office however the submission of a parking layout plan can confirm compliance and provide for reasonable site-specific relief from parking provisions should it be required; and,
3. It should be noted that staff supports the rezoning on the condition that the owner removes the shipping container that is at present located in the easterly interior side yard on the subject lands. The shipping container is clearly visible from Municipal Road #80. Section 4.34 of the Zoning By-law does not permit shipping containers on lands zoned for residential or commercial purposes. The subject lands are zoned at present, and would continue to be zoned if the rezoning is approved, to allow for both residential and commercial uses. Staff is of therefore opinion that the shipping container should be removed prior to an amending zoning by-law being enacted by Council.

Staff has reviewed the submitted sketch and analyzed those other uses that could locate on the lands and are satisfied that the request to also permit a medical office in the "R3.D18(13)" Zone is both reasonable and supportable provided the above noted matters are addressed.

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 is recommending that prior to the passing of an amending zoning by-law that a change of use building permit is applied for to the satisfaction of the Chief Building Official and that the shipping container located in the easterly side yard be removed to the satisfaction of both the Chief Building Official and the Director of Planning Services. Staff is also recommending that a parking layout plan be provided by the owner demonstrating compliance with all applicable parking provisions in the City's Zoning By-law to the satisfaction of the Director of Planning services prior to passing an amending zoning by-law.

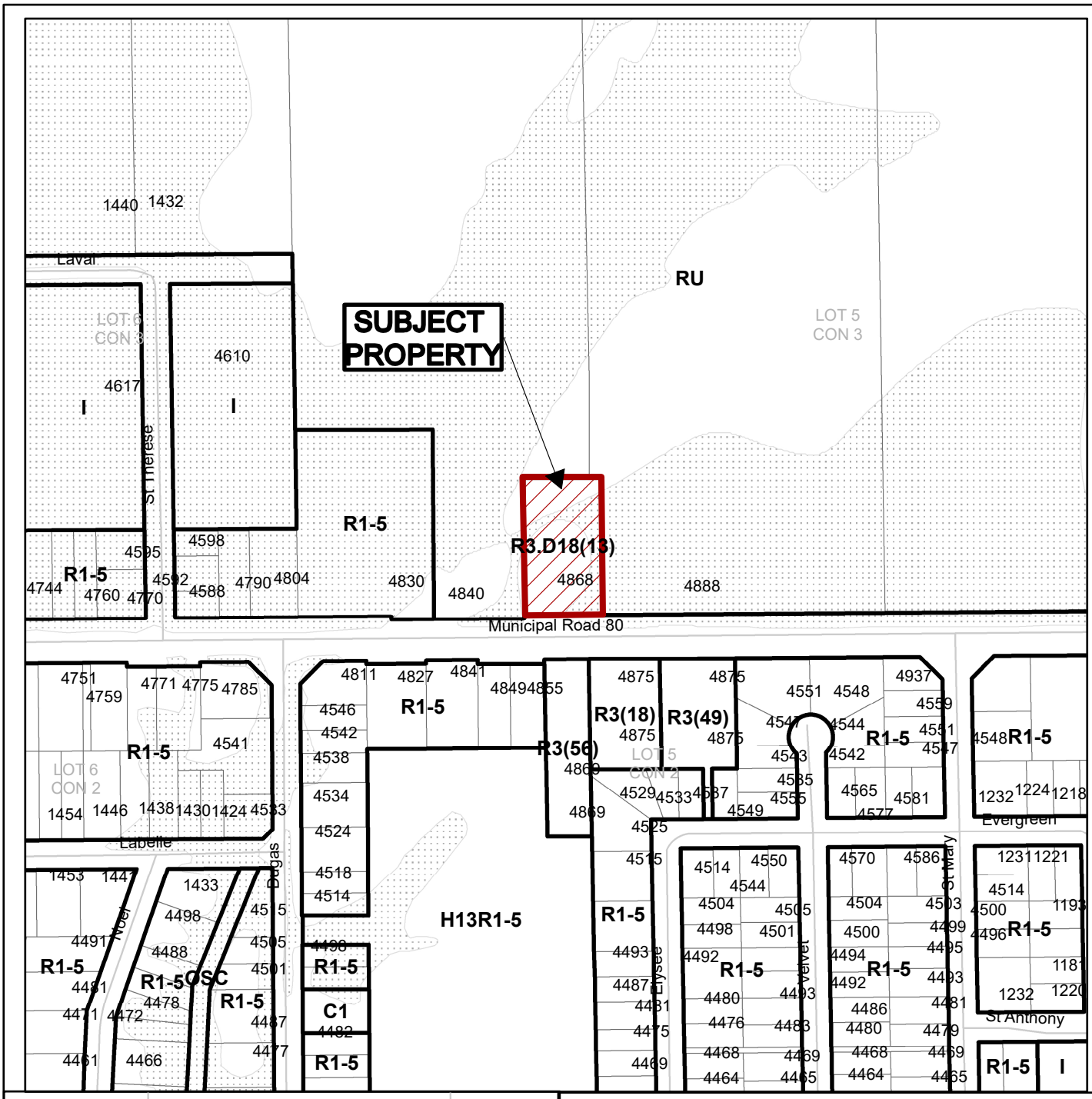
Title: Diane & Marcel Boulais

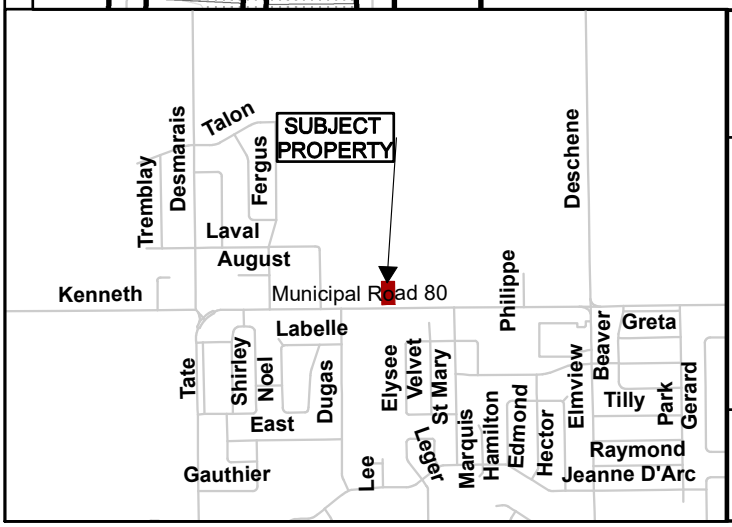
Date: April 3, 2020

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

- To add a medical office as a permitted use on the lands in addition to those uses currently permitted within the existing “R3.D18(13)” Zone; and,
- That any necessary site-specific relief related to the parking provisions of the Zoning By-law be provided.

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.





Growth and Infrastructure Department

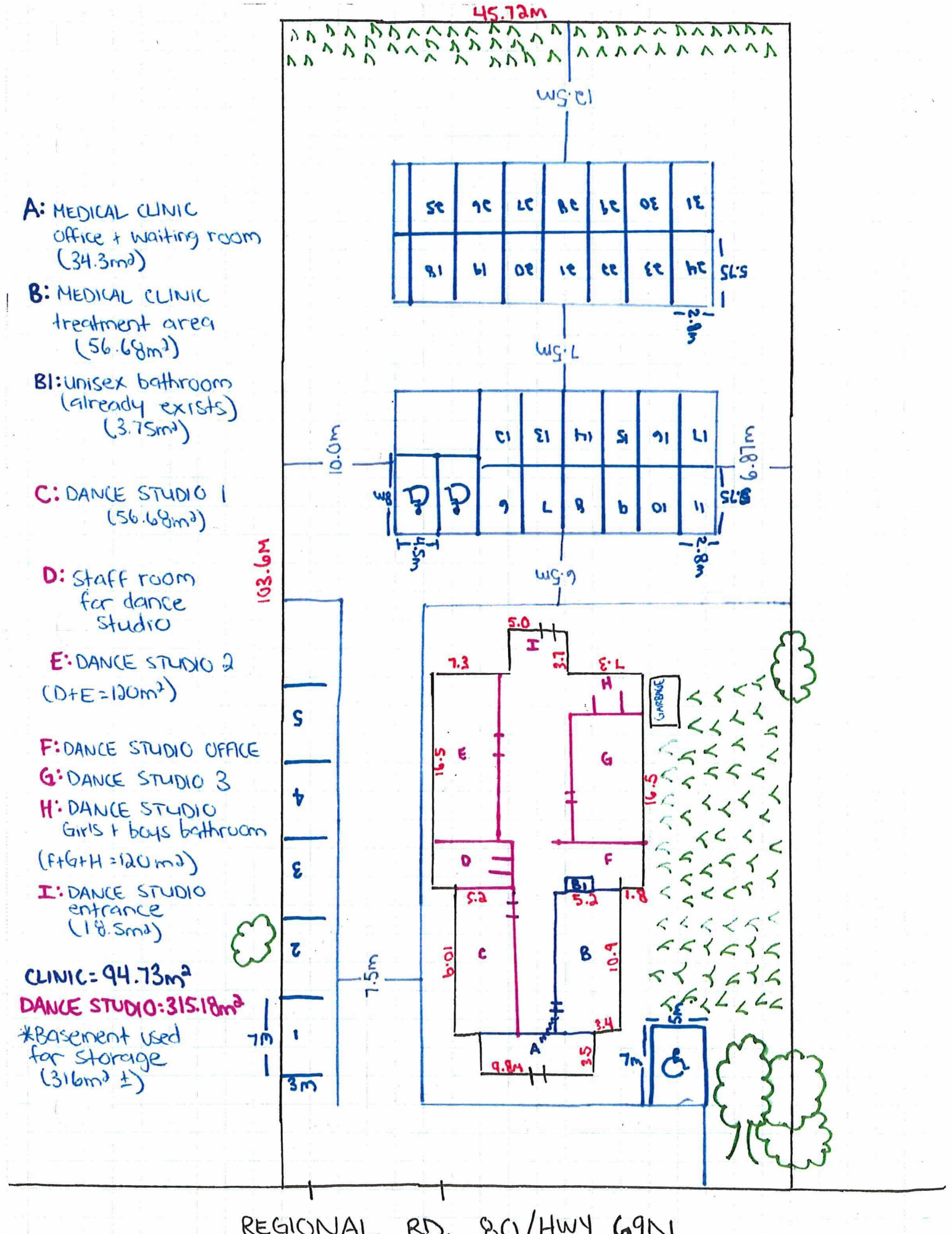
Subject Property being PINs 73504-2236, 73504-2242, 73504-2263, & 73504-2281, PCLs 17916. 19968,11485 & 19746, Lot 5, Concession 3, Township of Hanmer, 4868 Highway 69 N, Hanmer, City of Greater Sudbury

NTS

Sketch 1

751-7/20-03

Date: 2020 02 10



A: MEDICAL CLINIC
office + waiting room
(34.3m²)

B: MEDICAL CLINIC
treatment area
(56.68m²)

B1: unisex bathroom
(already exists)
(3.75m²)

C: DANCE STUDIO 1
(56.68m²)

D: staff room
for dance
studio

E: DANCE STUDIO 2
(D+E=120m²)

F: DANCE STUDIO OFFICE

G: DANCE STUDIO 3

H: DANCE STUDIO
Girls + boys bathroom
(F+G+H=120m²)

I: DANCE STUDIO
entrance
(18.5m²)

CLINIC: 94.73m²

DANCE STUDIO: 315.18m²

*Basement used
for storage
(316m² ±)

PHOTO #1 – Subject lands with existing building as viewed from Municipal Road #80 looking north.

PHOTO #2 – Parking area located in the rear yard of the subject lands as viewed from westerly interior side yard looking north.

PHOTO #3 – Existing building and shipping container located in the easterly interior side yard as viewed from the rear yard looking south.

PHOTO #4 – Existing low density residential development as viewed from the subject lands looking south across Municipal Road #80.

PHOTO #5 – Existing medium density residential development as viewed from the subject lands looking south across Municipal Road #80.

PHOTO #6 – Existing rural lots to the immediate east of the subject lands as viewed from Municipal Road #80 looking east.

PHOTO #7 – Existing residential dwelling to the immediate west of the subject lands as viewed from Municipal Road #80 looking west.