

## Request for Decision

**1679592 Ontario Inc. – Applications for Official Plan Amendment and Zoning By-law Amendment in order to continue to permit office uses and facilitate the development of a retail store accessory to the existing medical office use, 761 & 771 Lasalle Boulevard, Sudbury**

Presented To: Planning Committee

Presented: Monday, Jun 12, 2017

Report Date Tuesday, May 23, 2017

Type: Public Hearings

File Number: 751-6/17-6 & 701-6/17-3

### Resolution

Resolution regarding Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by 1679592 Ontario Inc. with respect to those lands described as PINs 02123-0272 & 02123-0273, Parcels 34030 & 12066, Parts 1 to 3, Plan 53R-16350, Parts 1 & 3, Plan 53R-4474 and Part 1, Plan 53R-6951, Lot 3, Concession 5, Township of McKim to amend the Official Plan for the City of Greater Sudbury by changing the land use designation on the subject lands from Living Area 1 to Mixed Use Commercial and by deleting the site-specific exception found under Subsection 22.38 of the Official Plan.

Resolution regarding Zoning By-law Amendment:

THAT the City of Greater Sudbury approves the application by 1679592 Ontario Inc. with respect to those lands described as PINs 02123-0272 & 02123-0273, Parcels 34030 & 12066, Parts 1 to 3, Plan 53R 16350, Parts 1 & 3, Plan 53R-4474 and Part 1, Plan 53R-6951, Lot 3, Concession 5, Township of McKim to change the zoning classification of the subject lands from "C3(20)", Limited General Commercial and "R3-1", Medium Density Residential to "C3(S)", Limited General Commercial Special subject to the following conditions:

1. That prior to the enactment of the amending zoning by-law:
  - a. The owner shall have entered into an amended site plan control agreement with the City and register said amended site plan control agreement on-title to the satisfaction of the Director of Planning Services; and,
  - b. The owner shall have finalized any open and outstanding or otherwise required building permits applicable to the lands, including a demolition permit if necessary relating to the removal of the detached

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed May 23, 17*

**Manager Review**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed May 23, 17*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed May 23, 17*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed May 24, 17*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed May 25, 17*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed May 26, 17*

garage, or the two lots are consolidated, making the medical office the new principal use of the lands to the satisfaction of the Chief Building Official.

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

- a. That the only permitted uses on the subject lands shall be business and professional offices, medical offices and a retail store;
- b. That the retail store be permitted a front yard setback of 4.2 metres and an easterly interior side yard setback of 1.6 metres;
- c. That the existing medical office building be permitted a westerly interior side yard setback of 1.9 m and a rear yard setback of 3.2 metres; and,
- d. That any further relief required for the parking areas and any parking spaces or loading space, as well as landscaping and buffering be incorporated into the amending zoning by law once the site planning process has concluded.

### **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 summarizes two applications submitted concurrently for Official Plan Amendment and Zoning By-law Amendment on lands fronting Lasalle Boulevard, which would continue to permit office uses on a westerly portion of the subject lands and facilitate the expansion and development of an adjacent retail store that would be accessory to the existing medical office use. Staff is supportive of the applications and is recommending approval subject to conditions.

### **Financial Implications**

If approved, the taxation revenue may differ from the demolition of existing residential building to the proposed retail building. However, there is insufficient information available to estimate the change in taxation revenue (ie. assessed value of the retail building).

In addition, this development would result in total development charges of approximately \$12,000 in relation to the conversion of a single family detached dwelling to non-industrial use. The development charges amount of \$12,000 is net of the redevelopment credit as per the DC By-Law.

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**Date:** May 16, 2017

## **STAFF REPORT**

### **Applicant:**

1679592 Ontario Inc.

### **Location:**

PINs 02123-0272 & 02123-0273, Parcels 34030 & 12066, Parts 1 to 3, Plan 53R-16350, Parts 1 & 3, Plan 53R-4474 and Part 1, Plan 53R-6951, Lot 3, Concession 5, Township of McKim (761 & 771 Lasalle Boulevard, Sudbury)

### **Official Plan and Zoning By-law:**

#### Official Plan

The subject lands are proposed to be re-designated Mixed Use Commercial in the [Official Plan](#) for the City of Greater Sudbury.

On June 28, 2006, Council adopted Official Plan Amendment #263 (OPA 263) amending the City of Sudbury Secondary Plan redesignating the westerly part of the subject lands (i.e. 761 Lasalle Boulevard) from "Medium Density Residential District" to "Linear Mixed Use District." A site-specific provision was included in the Secondary Plan limiting the permitted uses to business or professional offices, medical or dental clinic and laboratories and multiple dwellings and their accessory uses. As part of the Ontario Municipal Board's (OMB) approval of the current in-force City of Greater Sudbury Official Plan, the same provisions limiting the uses were incorporated into the current Official Plan at Subsection 22.38, however the designation on the land use schedules to the Plan was shown as Living Area 1. This application for Official Plan Amendment will correct the land use designation applicable to 761 Lasalle Boulevard by designating it Mixed Use Commercial. The owner is also requesting that the northerly portion of abutting 771 Lasalle Boulevard be re-designated to Mixed Use Commercial.

#### Zoning By-law

The subject lands are presently zoned "C3(20)", Limited General Commercial and "R3-1", Medium Density Residential under [By-law 2010-100Z](#) being the Zoning By-Law for the City of Greater Sudbury. The "C3(20)" Zone restricts the use of the westerly portion of the subject lands to business or professional offices, medical offices and multiple dwelling residential units. The "R3-1" Zone which is present on the easterly portion of the subject lands permits a broad range of residential and local commercial uses including a bed and breakfast establishment, convenience store, day care centre, duplex dwelling, group home type 1, linked dwelling, multiple dwelling, personal service shop, private home daycare, row dwelling, semi-detached dwelling, single-detached dwelling and a street townhouse dwelling. A retail store is not a permitted use in either the "C3(20)" or "R3-1" Zones.

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

The subject lands are located on the south side of Lasalle Boulevard between Adanac Gardens to the west and Montrose Avenue to the east in the community of New Sudbury. The lands have a total lot area of approximately 0.53 ha (1.31 acres) with approximately 38.44 m (126.12 ft) of frontage onto Lasalle Boulevard. The westerly portion of the lands contains an existing medical office with a parking area in front of the building. The owner intends to remove the existing residential dwelling on the easterly portion of the lands in favour of constructing a new one-storey retail store. The existing metal accessory building is proposed to remain on the lands and presently provides personal storage for the owners.

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Surrounding uses are generally mixed along the Lasalle Boulevard corridor with a variety of commercial, light industrial, residential and institutional uses. The lands immediately abut a six-storey, multiple residential dwelling to the east and wooded area and rowhouse residential development to the west. Urban residential development in the area is generally a mix of built-forms and densities existing to the north and to the south off of the Lasalle Boulevard corridor. There is a commercial plaza to the immediate north of the lands.

**Applications:**

1. To amend the Official Plan for the City of Greater Sudbury by changing the land use designation on a northerly portion of the subject lands from Living Area 1 to Mixed Use Commercial; and,
2. To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a northerly portion of the subject lands from "C3(20)", Limited General Commercial and "R3-1", Medium Density Residential to "C3(S)", Limited General Commercial Special.

**Proposal:**

The applications seek to continue to permit office uses on a portion of the subject lands and facilitate the expansion and development of an adjacent retail store that would be accessory to the existing medical office use.

**Departmental/Agency Circulation:**

The Drainage Section, Nickel District Conservation and Roads, Traffic and Transportation have each advised that they no concerns from respective areas of interest.

Building Services has no objections but notes that based on the development proposal the two abutting PINs 02123-0272 and 02123-0273 are to be consolidated. There is also an outstanding building permit application for the detached garage located on the lands and the owner should be required to fulfill all requirements of said outstanding building permit. It was also noted by Building Services that certain site-specific relief from applicable zoning requirements may be necessary.

Development Engineering notes that both buildings presently on the lands are serviced with municipal water and sanitary sewer. The current sanitary service to 771 Lasalle Boulevard requires the installation of a test maintenance hole. Should the lots be consolidated, one of the buildings must be disconnected from the main on Lasalle Boulevard and connected downstream of the water meter within the other building. Storm-water management quality and quantity control must also be provided. Development Engineering further understands that the development proposal will proceed via an amendment to the existing site plan control agreement where servicing, storm-water management and lot grading relating to the development can be finalized in greater detail.

**Neighbourhood 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 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 application prior to the public hearing. The agent for the owner indicated on their application that they would be consulting with immediately abutting neighbours. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.



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**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 and staff notes that 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 proposed addition of a retail store as a permitted use accessory to an existing and related medical office in this urban setting along the Lasalle Boulevard mixed-used commercial corridor should be promoted.

Official Plan

The Mixed Use Commercial designation contains a mix of land uses and is generally located along certain stretches of Arterial Roads. It is the intent of the Plan to permit a range of uses in the Mixed Use Commercial designation including commercial, institutional, residential, and parks and open space through the rezoning process. Given the high visibility of Mixed Use Commercial areas, special attention to urban design principles is considered to be 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 is to be utilized to enhance the aesthetic appearance of mixed use corridors.

Within the Mixed Use Commercial designation, subject to rezoning, new development may be permitted 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.

Subsection 22.38 of the Official Plan also includes a site-specific exception to the portion of the lands which contain the existing medical office which limits the permitted uses to only business, professional and medical offices, multiple dwellings and their accessory uses.

Staff is recommending that Subsection 22.38 of the current Official Plan be deleted should the Official Plan Amendment and Zoning By-law Amendment applications be approved by Council.

Staff is supportive of the re-designation from Living Area 1 to Mixed Use Commercial under the Official Plan as the re-designation as proposed is a reasonable extension to an existing Mixed Use Commercial corridor located along the north-side of Lasalle Boulevard and to the east at the Montrose Avenue intersection. Lasalle Boulevard is also an Arterial Road and the re-designation would not result in the creation of a disjointed or unreasonably located Mixed Use Commercial corridor.

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Based on a review of the Mixed Use Commercial designation rezoning policies, staff is in support of the re-designation for the following reasons:

1. Development Engineering has advised that there are existing municipal sewer and water services available to the subject lands from Lasalle Boulevard. Staff notes it is the intention of the owner and recommended by Building Services that 761 and 771 Lasalle Boulevard be consolidated on-title based on the development being proposed, in which case one of the two existing connections to the main would need to be disconnected. This would be addressed through the site planning process as described later in this report;
2. Based on a review of the submitted sketch, there appears to be sufficient and adequate on-site space in order to support required parking areas including standard parking spaces, accessible parking spaces, bicycle parking spaces and loading spaces across both parcels of land;
3. Staff notes that the subject lands presently have two driveway entrances with one driveway providing access to the residential dwelling and the other driveway providing driveway access to the existing medical office building. The submitted sketch depicts one driveway entrance providing reasonable access to the existing medical office as well as the future proposed retail store. The development proposal would result in a reduction of driveway entrances onto Lasalle Boulevard;
4. Staff do not anticipate any significant or negative effects on the traffic carrying capacity of Lasalle Boulevard should the applications be approved;
5. Roads, Traffic and Transportation reviewed the submitted sketch and did not identify any traffic improvements that would be necessary in order to accommodate the addition of a retail store in this location along Lasalle Boulevard; and,
6. With respect to landscaping strips along the entire length of road frontages and buffering between non-residential and residential uses, it is anticipated that the site planning process can positively contribute to these aspects of the proposed development. Staff also notes the existing medical office is already well buffered to the residential use to the west by a mature woodlot. The owner is not requesting any site-specific relief from landscaping and buffering requirements under the Zoning By-law.

#### Zoning By-law

The owner is requesting that the lands subject to these applications be zoned "C3(S)", Limited General Commercial in order to continue to permit office uses on a portion of the subject lands and facilitate the expansion and development of an adjacent retail store that would be accessory to the existing medical office use. The owner has requested site-specific relief relating to the location of both the existing medical office and the proposed retail store. The owner is also requesting a reduction from setback requirements from lot lines to parking areas and spaces. Staff has reviewed this request and has the following comments:

1. The amending by-law would continue to permit business and professional offices, medical offices and add a retail store as a permitted land use. There appears to be sufficient area on the lands subject to the rezoning to support parking requirements;
2. The proposed retail building is setback at 4.27 m (14 ft) from the front lot line whereas 7.5 m (24.61 ft) is required. Staff is supportive of this setback as it would facilitate lands in the rear of the proposed building to accommodate parking spaces as opposed to in front of the building;
3. The proposed retail building would also require relief for a 1.63 m (5.34 ft) side yard setback whereas 3 m (9.84 ft) is required typically for an interior side yard that abuts a residential lot;

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4. Staff have no concerns with recognizing the existing interior side yard and rear yard setbacks which are already established for the medical office building and have incorporated this relief into the recommendation for approval; and,
5. With respect to the parking area setback and buffering, as well as loading space relief being requested, staff is generally supportive of the request in general in order to ensure the functionality of the site and would recommend that the extent of relief necessary be incorporated into the amending zoning by-law once an amended site plan control agreement has been finalized on the lands.

Staff notes that a maximum of 26 parking spaces would need to be provided on-site in order to accommodate the combined medical office and retail store based on information provided on the submitted sketch. The parking space requirement may be lower as net floor areas are not provided and both of the uses rely upon a parking rate of 1 parking space per each 20 m<sup>2</sup> (215.29 ft<sup>2</sup>) of net floor area. Staff also note that sufficient space appears to be available at the rear of the lands being rezoned to provide additional parking spaces if required, including the provision of accessible parking spaces and loading spaces where and if required.

Staff also understands from the agent for the owner that the detached garage in the rear of the lands known as 771 Lasalle Boulevard is being used for personal storage purposes. The detached garage at present has a principal building in the form of a residential dwelling and is therefore permitted. Once the residential dwelling is removed in favour of a retail store there will no longer be a principal use or residential use located on this portion of the subject lands. Staff would advise the owner that the detached garage at this point could no longer be used for personal storage purposes and should either be removed entirely or use only for storage purposes directly associated with the medical office. The owner will need to consolidate the lands so that the existing medical office becomes the principal use or in the alternative demolish the detached garage to the satisfaction of the Chief Building Official. Staff has structured a condition to this effect in the recommendation section of this report.

#### Site Plan Control

Staff notes that there is an existing site plan control agreement applicable to those lands known municipally as 761 Lasalle Boulevard. Development Engineering has noted the details of the development as they related to lot grading, storm-water management and site servicing should be addressed through the site plan process. The site planning process in this case would also address the installation of a Precast Test Maintenance Hold (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) to the satisfaction of the General Manager of Growth and Infrastructure. Other site planning matters relating to landscaping buffers, fencing and parking areas and spaces are to be further refined through the site planning process as this development proceeds. Staff is therefore recommending that as a condition of approving the Zoning By-law Amendment that the owner be required to enter into an amended site plan control agreement that contemplates and solidifies the site planning details of developing the retail store in conjunction with the existing medical office. The amending zoning by-law would therefore not be enacted until such time as the amended site plan control agreement is entered in with the City and properly registered on-title of the lands.

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**Summary:**

Staff has reviewed the development proposal and is satisfied that the amendment to the Official Plan can be supported and the amendment to the Zoning By-law conforms to the Official Plan. The development proposal is also consistent with the land use planning policy directions identified in PPS. Staff has no concerns with the requested zone category and has noted in this report those site-specific provisions which should be included in the amending zoning by-law. Staff is also recommending that conditions related to building permit matters and an amending site plan control agreement be satisfied prior to an amending zoning by-law being enacted by Council. The Planning Services Division therefore recommends that the re-designation to Mixed Use Commercial under the Official Plan be approved and that the rezoning to continue to permit office uses on a portion of the subject lands and facilitate the expansion and development of an adjacent retail store that would be accessory to the existing medical office use be approved subject to the conditions noted in the recommendation section of this report.



# Appendix 1

## Departmental & Agency Comments

Files: 701-6/17-3 & 751-6/17-6

**RE: Application for Rezoning – 1679592 Ontario Inc. – PINs 02123-0272 & 02123-0273, Parcels 34030 & 12066, Parts 1 to 3, Plan 53R-16350, Parts 1 & 3, Plan 53R-4474 and Part 1, Plan 53R-6951, Lot 3, Concession 5, Township of McKim (761 & 771 Lasalle Boulevard, Sudbury)**

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### Building Services

We have no objection to the proposed change of the land use designation Living Area 1 to Mixed Use Commercial, with the subject area.

We have no objection to the rezoning of the properties from C3(20) and R3-1 to C3(S) subject to the following:

1. The completion of a lot consolidation for PIN 02123-0272 and PIN 02123-0273 as noted on the sketch submitted.

The applicant should also be made aware of the following concerns before proceeding:

1. There is currently an incomplete permit for the detached garage on the property. The owner is required to fulfill the requirements of the permit and obtain the necessary inspections to have the permit closed; and,
2. The proposed plan indicates a requirement for minor variances to address reduced front and side yard setbacks and required landscape buffers.

### Development Engineering

Both buildings are currently serviced with municipal water and sanitary sewer. The current sanitary service to 771 Lasalle Boulevard requires installation of a test maintenance hole. Should the lots be consolidated, one of the buildings must be disconnected from the main on Lasalle and connected downstream of the water meter within the other building.

Storm-water management quality and quantity control must be provided for this site.

We understand that this development will proceed by way of an amendment to the existing Site Plan. We will comment on the details of such things as servicing, storm-water management, lot grading at this stage.

### Drainage

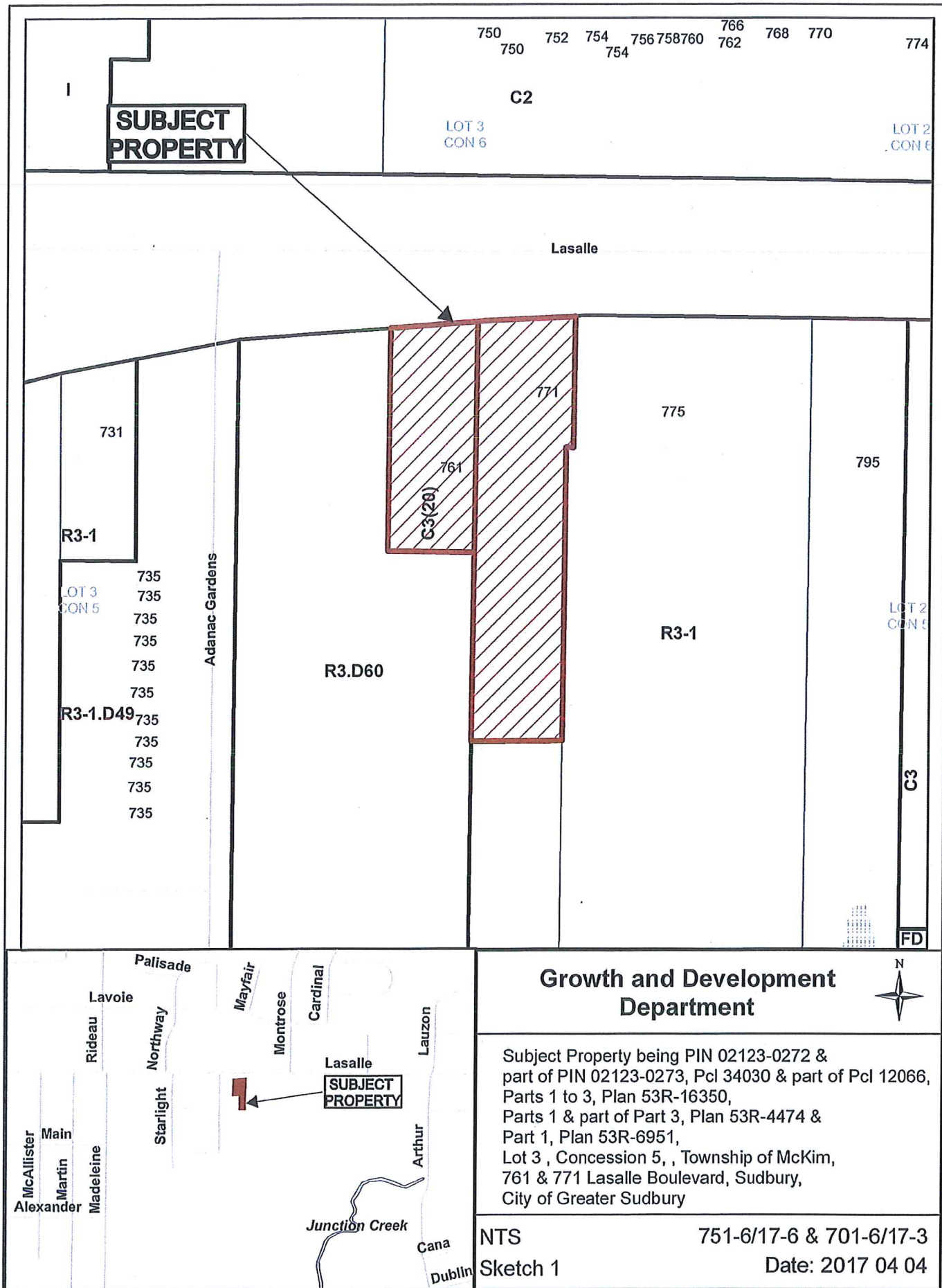
No concerns.

### Nickel District Conservation Authority

No concerns.

### Roads and Transportation

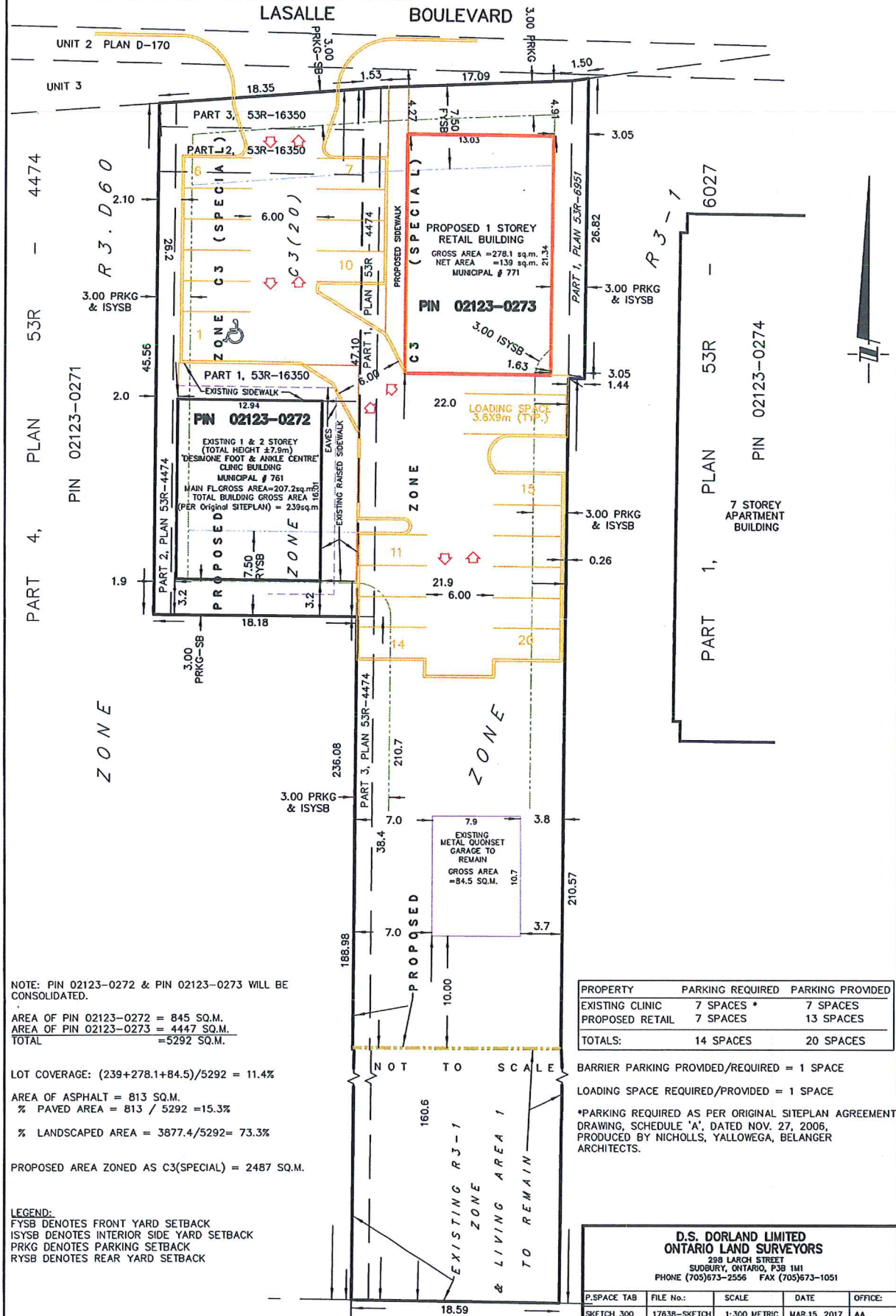
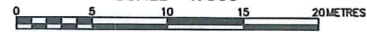
No concerns.



REQUIRED SKETCH  
**PIN 02123-0272 & PIN 02123-0273**  
 LOT 3, CONCESSION 5  
 GEOGRAPHIC TOWNSHIP OF McKIM

CITY OF GREATER SUDBURY  
 DISTRICT OF SUDBURY

SCALE 1:300



NOTE: PIN 02123-0272 & PIN 02123-0273 WILL BE CONSOLIDATED.

AREA OF PIN 02123-0272 = 845 SQ.M.  
 AREA OF PIN 02123-0273 = 4447 SQ.M.  
 TOTAL = 5292 SQ.M.

LOT COVERAGE:  $(239+278.1+84.5)/5292 = 11.4\%$

AREA OF ASPHALT = 813 SQ.M.

% PAVED AREA =  $813 / 5292 = 15.3\%$

% LANDSCAPED AREA =  $3877.4/5292 = 73.3\%$

PROPOSED AREA ZONED AS C3(SPECIAL) = 2487 SQ.M.

PROPERTY	PARKING REQUIRED	PARKING PROVIDED
EXISTING CLINIC	7 SPACES *	7 SPACES
PROPOSED RETAIL	7 SPACES	13 SPACES
TOTALS:	14 SPACES	20 SPACES

BARRIER PARKING PROVIDED/REQUIRED = 1 SPACE

LOADING SPACE REQUIRED/PROVIDED = 1 SPACE

\*PARKING REQUIRED AS PER ORIGINAL SITEPLAN AGREEMENT DRAWING, SCHEDULE 'A', DATED NOV. 27, 2006, PRODUCED BY NICHOLLS, YALOWEGA, BELANGER ARCHITECTS.

**D.S. DORLAND LIMITED**  
**ONTARIO LAND SURVEYORS**

289 LARCH STREET  
 SUDBURY, ONTARIO, P3B 1M1  
 PHONE (705)673-2556 FAX (705)673-1051

P. SPACE TAB	FILE No.:	SCALE	DATE	OFFICE:
SKETCH 300	17638-SKETCH	1:300 METRIC	MAR.15, 2017	AA





PHOTO 1 SUBJECT LANDS CONTAINING EXISTING MEDICAL OFFICE  
AND RESIDENTIAL DWELLING AS VIEWED FROM  
LASALLE BOULEVARD LOOKING SOUTH



PHOTO 2 EXISTING DETACHED GARAGE IN THE REAR YARD OF THE  
SUBJECT LANDS LOOKING SOUTH FROM THE  
RESIDENTIAL DWELLING

701-6/17-3 & 751-6/17-6  
PHOTOGRAPHY APRIL 4, 2017





PHOTO 3 EXISTING COMMERCIAL DEVELOPMENT TO THE  
IMMEDIATE NORTH OF THE SUBJECT LANDS



PHOTO 4 EXISTING RESIDENTIAL DEVELOPMENT TO THE  
IMMEDIATE WEST OF THE SUBJECT LANDS

701-6/17-3 & 751-6/17-6  
PHOTOGRAPHY APRIL 4, 2017