

Request for Decision

Julie Ouellette – Request to extend a conditional approval on a rezoning application, 10 Mary Avenue, Naughton

Presented To:	Planning Committee
Presented:	Monday, Jan 08, 2018
Report Date	Friday, Dec 08, 2017
Type:	Routine Management Reports
File Number:	751-8/14-4

Resolution

THAT the City of Greater Sudbury approves the application by Julie Ouellette to extend the approval of a Zoning By-law Amendment Application, File # 751-8/14-4, on those lands described as PIN 73381-0316, Lot 2 & Part of Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14994, Lot 2, Concession 3, Township of Graham, for a period of one year until December 9, 2018, as outlined in the report entitled “Julie Ouellette” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend the approval of a Zoning By-law Amendment from Council is an operational matter under the Planning Act to which the City is responding.

Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the conversion of a former place of worship to a single-detached residential dwelling at 10 Mary Avenue in Naughton. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until December 9, 2018.

Financial Implications

Based on the information available, staff is unable to determine the property tax implications and development charges implications at this time. This is due to the existing building on the property for the difference in assessed values and there may be development charges credits for the redevelopment to

Signed By

Report Prepared By
 Glen Ferguson
 Senior Planner
Digitally Signed Dec 8, 17

Manager Review
 Eric Taylor
 Manager of Development Approvals
Digitally Signed Dec 8, 17

Recommended by the Division
 Jason Ferrigan
 Director of Planning Services
Digitally Signed Dec 8, 17

Financial Implications
 Apryl Lukezic
 Co-ordinator of Budgets
Digitally Signed Dec 13, 17

Recommended by the Department
 Tony Cecutti
 General Manager of Growth and Infrastructure
Digitally Signed Dec 14, 17

Recommended by the C.A.O.
 Ed Archer
 Chief Administrative Officer
Digitally Signed Dec 15, 17

convert from institutional to residential.

Date: December 4, 2017

STAFF REPORT

Applicant:

Julie Ouellette

Location:

PIN 73381-0316, Lot 2 & Part of Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14994, Lot 2, Concession 3, Township of Graham (10 Mary Avenue, Naughton)

Application:

The original application for rezoning for which an extension is being applied for sought to amend [By-law 2010-100Z](#) being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "I", Institutional to "R1-5", Low Density Residential One.

Proposal:

Staff received a letter from the owner dated November 27, 2017, requesting that the approval be extended for an additional one year until December 9, 2018. The owner has advised that they continue to work on the conditions of approval that were ratified by Council on December 9, 2014. One previous extension has been provided by Planning Committee following the approval of resolution PL2017-10, which was ratified by Council on January 24, 2017. The rezoning once completed would facilitate the conversion of a former place of worship to a single-detached residential dwelling.

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Mary Avenue and to the south of Municipal Road #55 in the community of Naughton. Simon Lake is situated to the south of the subject lands. The lands have a total lot area of 1,497.27 m² (16,117 ft²) with approximately 48 m (160 ft) of frontage onto Mary Avenue and a lot depth of approximately 30 m (100 ft). The lands presently contain a former place of worship building which the owner has purchased and intends to convert into a single-detached residential dwelling. The lands also contain a cleared, gravel surfaced former parking area to the north of the existing building. Surrounding uses along Mary Avenue are urban residential in nature with the predominant built-form being single-detached dwellings. The Naughton Community Centre is located to the immediate west of the subject lands and is accessed from Municipal Road #55. There is also a more general mix of land uses to the north along Municipal Road #55 including commercial, rural, and open space uses.

Planning Considerations:

The application for rezoning was originally approved by Planning Committee through recommendation PL2014-215 on November 24, 2014 and ratified by Council on December 9, 2014. The approval was conditional upon the owner providing a satisfactory Record of Site Condition to Building Services and confirmation on the location of the existing sanitary sewer connection and if needed the completion of the improper servicing agreement. The rezoning approval has been extended previously for a period of one year and is set to expire again on December 9, 2017.

Date: December 4, 2017

The owner attended the City recently and has advised staff that they continue to work toward the preparation of a Record of Site Condition as was requested by Building Services prior to the passing of an amending zoning by-law. The owner also continues to work on confirming the location of the existing sanitary sewer connection which may result in an improper servicing agreement to the satisfaction of the General Manager of Growth and Infrastructure prior to passing an amending zoning by-law.

The owner has indicated that they continue to work toward satisfying the conditions of rezoning the lands and have requested a one year extension to the rezoning approval. Staff has reviewed the request and has no concerns with a further one year extension at this time.

A copy of both the initial staff report approving the rezoning, as well as a copy of the approved Planning Committee minutes which extended the approval previously are attached to this report for information purposes.

Summary:

The owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would permit the conversion of a former place of worship to a single-detached dwelling. The rezoning approval granted by Council is conditional upon a Record of Site Condition being provided and that the location of the existing sanitary sewer connection be confirmed and if required an improper servicing agreement be entered into between the owner and the City. Staff is supportive of and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until December 9, 2018.

Request for Decision

Application for rezoning in order to facilitate the conversion of a former place of worship building to a single-detached residential dwelling, 10 Mary Avenue, Naughton – Julie Ouellette

Presented To: Planning Committee
Presented: Monday, Nov 24, 2014
Report Date: Tuesday, Nov 04, 2014
Type: Public Hearings
File Number: 751-8/14-4

Recommendation

THAT the City of Greater Sudbury approve the application by Julie Ouellette to amend Zoning By-law 2010-100Z by changing the zoning classification from "I", Institutional to "R1-5", Low Density Residential One on those lands described as PIN 73381-0316, Lot 2 & Part of Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14993, Lot 2, Concession 3, Township of Graham subject to the following conditions:

1. That the owner confirm the location of the existing sanitary sewer connection and enter into an improper servicing agreement if required to the satisfaction of the General Manager of Infrastructure Services prior to the passing of the amending by-law;
2. That the owner provide a Record of Site Condition to the satisfaction of the Chief Building Official prior to the passing of the amending by-law; and,
3. That the amending by-law include a site-specific minimum required rear yard setback to the existing building of 4.5 metres.

STAFF REPORT

Applicant:

Julie Ouellette

Location:

PIN 73381-0316, Lot 2 & Part of Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14993, Lot 2, Concession 3, Township of Graham (10 Mary Avenue, Naughton)

Application:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 4, 14

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Nov 4, 14

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Nov 4, 14

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Nov 4, 14

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Nov 7, 14

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "I", Institutional to "R1-5", Low Density Residential One.

Proposal:

The application is intended to facilitate the conversion of a former place of worship building to a single-detached residential dwelling.

Official Plan Conformity:

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater of Sudbury. Living Area 1 includes urbanized communities that are fully serviced and are the primary focus of residential development in the City. Low density, medium density and high density residential development is permitted in the Living Area 1 designation subject to densities of 36 units/ha, 90 units/ha and 150 units/ha respectively.

Small scale institutional uses are generally not designated Institutional in the Official Plan but are incorporated within and permitted in the Living Area 1 designation. Rezoning applications related to the conversion of surplus institutional buildings and the rezoning of vacant lands held by institutions shall be considered based on the following criteria:

1. The need for such lands or building for other public uses, and their long-term value to the community;
2. The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed uses; and,
3. For conversion to residential uses, the appropriateness of the proposed density.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Mary Avenue and to the south of Municipal Road 55 in the community of Naughton. Simon Lake is situated further to the south of the subject lands. The lands have a total lot area of 1,497.27 m² (16,117 ft²) with approximately 48 m (160 ft) of frontage onto Mary Avenue and a lot depth of approximately 30 m (100 ft). The lands presently contain a former place of worship building which the owner has recently purchased and intends to convert into a single-detached residential dwelling. The lands also contain a cleared, gravel surfaced former parking area to the north of the existing building.

Surrounding uses along Mary Avenue are urban residential in nature with the predominant built-form being single-detached dwellings. The Naughton Community Centre is located to the immediate west of the subject lands and is accessed from Municipal Road 55. There is also a more general mix of land uses to the north along Municipal Road 55 including commercial, rural, and open space uses.

Departmental & Agency Comments:

Building Services

Building Services will require a Record of Site Condition as per the Environmental Protection Act, Ontario

Regulation 153/04 for the proposed change of use.

Development Engineering

No objections. The lands are currently serviced with municipal water and sanitary sewer. The sanitary sewer service appears to be located near the southerly property line. The exact location of the sanitary sewer service is to be confirmed to ensure that it does not encroach on the neighbouring property. Should it be found that the service crosses the neighbouring property, an improper servicing agreement will be required.

Drainage

No concerns.

Leisure Services

No comments.

Roads, Traffic and Transportation

No concerns.

Public Consultation:

The owner 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. At the time of writing this report, no phone calls and no written submission objecting to the application have been received by the Planning Services Division.

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 planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. Municipalities are required to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including the availability of existing infrastructure and public service facilities. The Official Plan for the City of Greater Sudbury has identified that opportunities exist to convert and redevelop surplus institutional buildings subject to certain criteria outlined in the Plan. Staff has reviewed these policies and notes that the subject lands would conform with the above noted policies should a residential use be permitted to establish within the former place of worship building; and,
2. Municipalities are generally encouraged to avoid unjustified or uneconomical expansion of infrastructure. Staff notes that the subject development proposal will make use of existing infrastructure and services that are available along Mary Avenue. The existing building is already connected to existing infrastructure and therefore no new infrastructure is required to be constructed in order to service the proposed converted residential dwelling. The development proposal is therefore consistent with PPS policy with respect to avoiding unjustified or uneconomical expansion

of infrastructure.

Official Plan

Staff has reviewed the applicable policies with respect to rezoning surplus institutional lands that are within the Living Area 1 designation. Staff is generally supportive of the development proposal from an Official Plan policy perspective and would note the following:

1. Staff is satisfied there is no identified need for retaining the subject lands or the existing building for other small-scale public uses;
2. The owner is proposing to convert the existing building to a single-detached residential use, which is in keeping with the predominant residential built-form that presently exists along Mary Avenue. Staff is therefore satisfied that the proposed conversion will not present any issues with respect to neighbourhood compatibility should the conversion be approved; and,
3. Staff is satisfied that the proposed conversion is of an appropriate residential density and said density would not be out of character in this particular neighbourhood.

Zoning By-law

The applicant has requested that the subject lands be rezoned to "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The R1-5 Zone generally requires minimum frontages of 15 m (50 ft) with lot areas of 465 m² (5,000 ft²) and lot depths of 30 m (100 ft). Staff has reviewed the submitted sketch and confirms that the existing lot would comply with the development standards noted above. The existing building with a 4.5m setback to the rear lot line does require site-specific relief from the minimum rear yard setback standards of 7.5m in the R1-5 Zone. There is also an existing covered porch providing access to the front of the building. The submitted sketch does not depict a setback dimension to the covered porch.

Table 4.1 of By-law 2010-100Z permits a porch to encroach 2.4 m (7.87 ft) into a required front yard. The porch appears to comply with permitted encroachments into the front yard. The building otherwise appears to comply with yard setback and lot coverage standards. Staff has no concerns with the proposed zone classification and recommends that the amending by-law include site-specific provisions recognizing the location of the existing building.

Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury, as well as the PPS. Staff is also satisfied that the development proposal to convert the former place of worship building into a single-detached residential dwelling represents good land use planning. Prior to an amending by-law being passed the owner should provide a Record of Site Condition to Building Services and confirm the location of the existing sanitary sewer connection and enter into an improper servicing agreement if required. The Planning Services Division is therefore recommending that the application to rezone the lands be approved subject to the conditions noted in the recommendation section of this report.

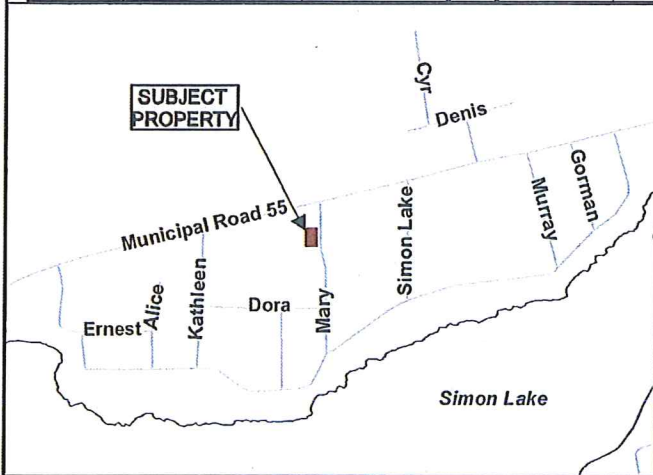
R1-5

P

SUBJECT PROPERTY

RU

Municipal Road 55



Growth and Development Department



Subject Property being PIN 73381-0316, Lot 2 & Pt Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14993, Lot 2, Con. 3, Twp. of Graham, 10 Mary Avenue, Naughton, City of Greater Sudbury

Sketch 1
NTS

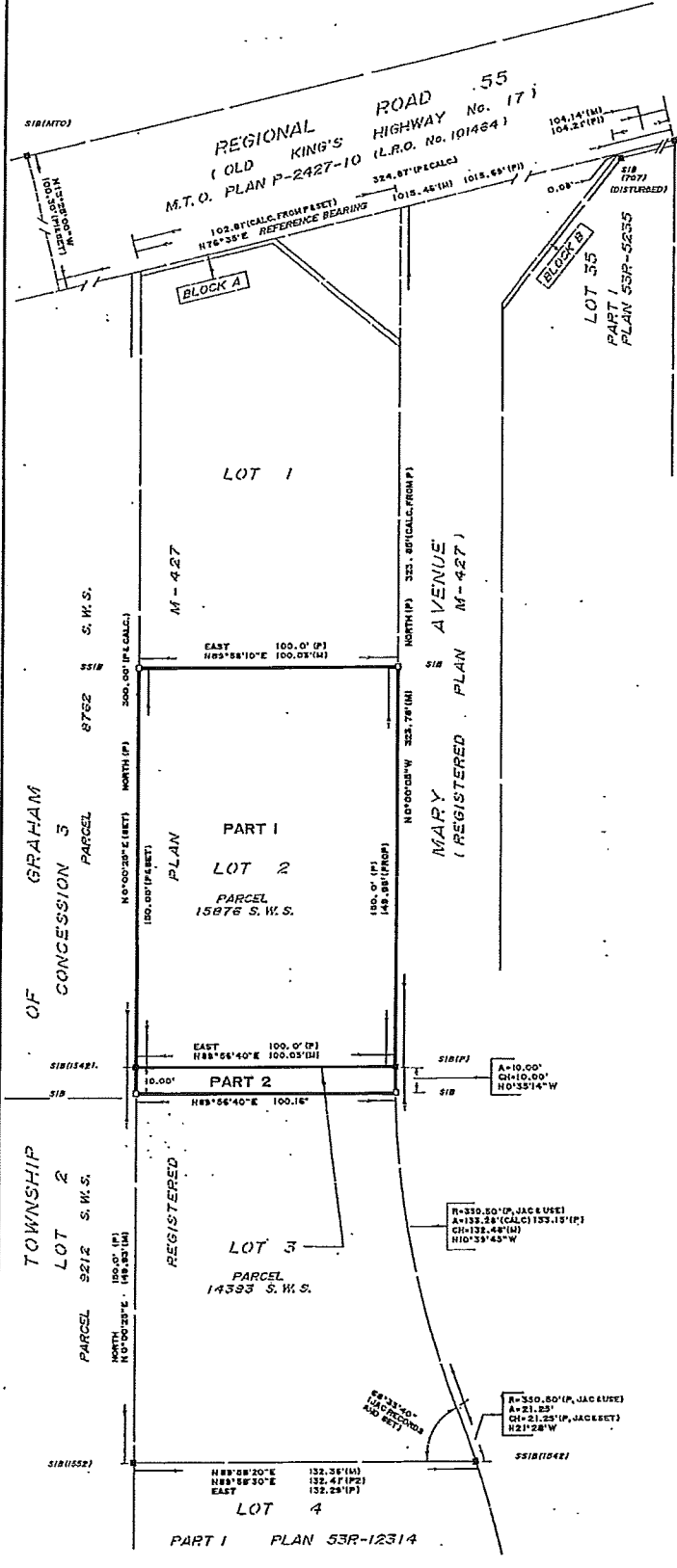
751-8/14-4
Date: 2014 09 08

#62

PLAN 53R-14993

RECEIVED AND DEPOSITED
 94-07-08 *Walt Zwenke*
 DATE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF SUDBURY
 I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 JULY 6, 1994. *R. S. Holder*
 DATE ROBERT C. HOLDER
 ONTARIO LAND SURVEYOR

PART 1 - ALL OF PARCEL 15876 S.W.S.
 PART 2 - PART OF PARCEL 14333 S.W.S.



NOTE
 BEARINGS SHOWN HEREON ARE ASTROGNOMIC AND ARE REFERRED TO PART OF THE SOUTH LINE OF REGIONAL ROAD 55 FROM OR M.T.O. PLAN P-2427-10 HAVING A BEARING OF N 14°25' E.

- LEGEND
- MB DENOTES MONUMENT FOUND.
 - PI DENOTES MONUMENT PLANTED.
 - SIB DENOTES 1" X 1" X 4" LOGS DOOR BAR.
 - SIB DENOTES 1" X 1" X 2 1/2" LOGS DOOR BAR.
 - II DENOTES 1/4" X 1/4" X 2 1/2" LOGS DOOR BAR.
 - (CALC) DENOTES CALCULATED.
 - (PROP) DENOTES PROPOSED.
 - (M) DENOTES MEASURED.
 - (R) DENOTES REGISTERED PLAN M-427.
 - (U) DENOTES PLAN 53P-5235.
 - (U) DENOTES PLAN 53P-5235.
 - (JAC) DENOTES J.A. COLE SURVEYING LTD.
 - (MTO) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO.

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY
 1) THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
 2) THAT THE SURVEY WAS COMPLETED ON THE 28th. DAY OF JANUARY 1994.
 FEBRUARY 9, 1994. *R. S. Holder*
 DATE ROBERT C. HOLDER
 ONTARIO LAND SURVEYOR

CAUTION
 THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

PLAN OF SURVEY OF
 LOT 2 AND PART OF LOT 3
 REGISTERED PLAN M-427
 TOWNSHIP OF GRAHAM
 TOWN OF WALDEN
 REGIONAL MUNICIPALITY OF SUDBURY
 DISTRICT OF SUDBURY

Ogilvie Holder Gossling
 SURVEYORS
 2225 WALKER
 LAND INFORMATION SERVICES

ONTARIO LAND SURVEYORS - CANADA LAND SURVEYORS
 410 FALLOON DRIVE ROAD - SUDBURY, ONTARIO P3A 4P1
 TEL. (705) 824-3011
 FAX. (705) 824-1342

DATE: 1994. PL. BY: M/R REF. 53R-14993 M-427 GRAHAM
 SCALE: 1" = 30' EXP. BY: R/W W.O.N. 84-021



PHOTO 1 EXISTING BUILDING ON THE SUBJECT LANDS LOOKING WEST FROM MARY AVENUE



PHOTO 2 EXISTING PARKING AREA TO THE NORTH OF THE EXISTING BUILDING LOOKING WEST FROM MARY AVENUE

751-8/14-4 PHOTOGRAPHY OCT 29, 2014



PHOTO 3 REAR YARD OF THE SUBJECT LANDS LOOKING EAST
TOWARD MARY AVENUE



PHOTO 4 EXISTING SINGLE DETACHED DWELLING TO THE
IMMEDIATE NORTH OF THE SUBJECT LANDS LOOKING
NORTH TOWARD MUNICIPAL ROAD 55



PHOTO 5 EXISTING SINGLE DETACHED DWELLING TO THE IMMEDIATE NORTH OF THE SUBJECT LANDS LOOKING SOUTH ALONG MARY AVENUE



PHOTO 6 NAUGHTON COMMUNITY CENTRE LOCATED TO THE IMMEDIATE WEST OF THE SUBJECT LANDS VIEWED FROM MARY AVENUE

MINUTES – NOVEMBER 24, 2014

APPLICATION FOR REZONING IN ORDER TO FACILITATE THE CONVERSION OF A FORMER PLACE OF WORSHIP BUILDING TO A SINGLE-DETACHED RESIDENTIAL DWELLING, 10 MARY AVENUE, NAUGHTON – JULIE OULLETTE

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated November 4, 2014 was received from the Acting General Manager of Growth and Development regarding an application for rezoning in order to facilitate the conversion of a former place of worship building to a single-detached residential dwelling, 10 Mary Avenue, Naughton – Julie Oullette.

Julie Oullette, the applicant, was present.

The Manager of Development Approvals outlined the application to the Committee.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following recommendation was presented:

PL2014-215 Dutrisac/Craig: THAT the City of Greater Sudbury approve the application by Julie Ouellette to amend Zoning By-law 2010-100Z by changing the zoning classification from "I", Institutional to "R1-5", Low Density Residential One on those lands described as PIN 73381-0316, Lot 2 & Part of Lot 3, Plan M-427, Parts 1 & 2, Plan 53R-14993, Lot 2, Concession 3, Township of Graham subject to the following conditions:

1. That the owner confirm the location of the existing sanitary sewer connection and enter into an improper servicing agreement if required to the satisfaction of the General Manager of Infrastructure Services prior to the passing of the amending by-law;
2. That the owner provide a Record of Site Condition to the satisfaction of the Chief Building Official prior to the passing of the amending by-law; and,
3. That the amending by-law include a site-specific minimum required rear yard setback to the existing building of 4.5 metres.

YEAS: Councillors Dutrisac, Craig, Caldarelli, Kilgour

CARRIED