

Request for Decision

Phu Nguyen - Application for rezoning in order to allow for a retail store as a permitted use within an existing building, 1749 Lasalle Boulevard, Sudbury

Presented To:	Planning Committee
Presented:	Monday, May 29, 2017
Report Date	Tuesday, May 09, 2017
Type:	Public Hearings
File Number:	751-6/17-3

Resolution

THAT the City of Greater Sudbury approves the application by Phu Nguyen to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to change the zoning classification from “M1”, Mixed Light Industrial/Service Commercial to “M1(S)”, Mixed Light Industrial/Service Commercial Special on those lands described as PIN 73570-0243, Parcel 29802, Lot 20 and Part of Lot 21, Plan M-341, Lot 11, Concession 5, Township of Neelon subject to the following condition:

1. That the amending zoning by-law contain the following site specific provisions:
 - a) That a retail store be added as a permitted use in addition to those uses permitted in the “M1” Zone; and,
 - b) That the corner side yard location of the existing parking area as it existed on May 29, 2017 be permitted which is to include the provision of five parking spaces, one loading space and no accessible parking spaces or bicycle parking spaces.

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 addresses an application to amend the Zoning By-law to permit a retail use at 1755 Lasalle Boulevard. The application is recommended for approval, including the recognition of the existing parking area in the corner side yard as set out in the Resolution Section of this report.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed May 9, 17

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed May 9, 17

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 9, 17

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 9, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed May 11, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 15, 17

Financial Implications

This report has no financial implications.

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Date: May 4, 2017

STAFF REPORT

Applicant:

Phu Nguyen

Location:

PIN 73570-0243, Parcel 29802, Lot 20 and Part of Lot 21, Plan M-341, Lot 11, Concession 5, Township of Neelon (1755 Lasalle Boulevard, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located at the south-west corner of Lasalle Boulevard and Auger Avenue in the community of New Sudbury. Barry Downe Road is located further to the west. The lands have a total lot area of approximately 728 m² (7,840 ft²) with approximately 18.59 m (61 ft) of frontage onto Lasalle Boulevard and 38 m (125 ft) of frontage onto Auger Avenue. The lands presently contain a one-storey commercial building containing a retail store with parking area being situated along the east wall of the building. The owner intends to rezone the lands to allow for the existing retail store to continue as a permitted use on the lands.

Surrounding uses are generally mixed along Lasalle Boulevard with a variety of commercial, light industrial, residential and institutional uses. The lands immediately abut a presently vacant building at 1749 Lasalle Boulevard which has recently been rezoned to permit medical offices (File # 751-6/16-28). The [planning report](#) considered by Planning Committee for the lands at 1749 Lasalle Boulevard is available online. There is an existing bank and medium-density residential development to the north of the subject lands across Lasalle Boulevard. The portion of the subject lands which are accessed from Auger Avenue are opposite a place of worship located on the east side of the street. There is also a real estate office located to the south of the lands fronting Auger Avenue. Urban residential development with a general mix of built-forms and densities also exists to the north and to the south of the Lasalle Boulevard corridor.

Official Plan Conformity & Zoning By-law:

Official Plan

The subject lands are designated Mixed Use Commercial in the [Official Plan](#) for the City of Greater Sudbury. All land uses are permitted in the Mixed Use Commercial designation except for Heavy Industrial land uses and may be accommodated within the designation through the rezoning process. 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;

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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.

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 provided later in this report.

Zoning By-law

The subject lands are presently zoned "M1", Mixed Light Industrial/Service Commercial under [By-law 2010-100Z](#) being the Zoning By-Law for the City of Greater Sudbury. The "M1" Zone permits a range of lighter industrial and service-related commercial land uses as outlined in Table 8.1 of the Zoning By-law. The "M1" Zone does not however permit a retail store.

Application:

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 "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special.

Proposal:

The application is to allow for a retail store as a permitted use in addition to those uses permitted in the "M1" Zone on the subject lands. The existing building is intended to be used as a retail store.

Departmental & Agency Circulation:

Active Transportation, Drainage and Roads have each advised that they have no concerns from their respective areas of interest.

Traffic and Transportation have noted that drivers are using the paved area around the building to by-pass the traffic signals at the intersection of Lasalle Boulevard and Auger Avenue. They are recommending that the owner provide landscaping along the frontage of Lasalle Boulevard to prevent this movement.

Building Services has noted that the existing parking area should be incorporated and appropriately recognized in an amending zoning by-law should the application be approved.

Development Engineering has noted that the subject lands are serviced with municipal water and sanitary sewer.

Public 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. 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 considered to be consistent with the PPS.

Official Plan

With respect to the Mixed Use Commercial policies in Section 4.3.3 of the Official Plan, staff has the following comments:

1. The lands are presently serviced with municipal water and sewer infrastructure. Development Engineering has not indicated that any concerns with respect to capacities exist should the rezoning be approved;
2. Staff is satisfied that parking can be reasonably and adequately provided on the subject lands. Staff notes that there is an existing parking area along the east wall of the existing building. The submitted sketch depicts five parking spaces and a loading area along with a refuse storage area in the rear yard of the property. Staff has reviewed aerial photography and street-view data and is of the opinion these parking spaces, loading space and refuse storage area appear to be legal non-complying. The parking area is accessible in this configuration from Auger Avenue;
3. No new access onto Lasalle Boulevard is being proposed by the owner;
4. Staff is satisfied that the traffic carrying capacity of Lasalle Boulevard would not be negatively impacted should a retail store be added as a permitted use within the existing building located on the lands;
5. Roads, Traffic and Transportation did not identify the need for any traffic improvements that would be necessary in order to accommodate or allow for the proper operation of a retail store as a permitted use on the subject lands; and,
6. The lands contain an existing building with asphalt which surrounds the entire building. There is a small grassed area at the rear of the existing building. The concept plan does not depict any additional landscaping. Staff advises that there is no existing site plan control agreement applicable to the lands. The owner is not proposing any additions or alternations to the building which would have the effect of substantially increasing the usability of the lands and as such a site plan control agreement is not required under Section 41 of the Planning Act.

Zoning By-law

The applicant is requesting that the subject lands be rezoned from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special in order to add a retail store as a permitted use to those uses permitted in the "M1" Zone on the subject lands. Staff has reviewed this request and has no concerns with the requested zone category. Staff recommend that the amending zoning by-law include a site-specific provision that in addition to those uses permitted in the "M1" Zone, that a retail store be included as a permitted use. Staff also note that the existing parking area and loading space is located within the corner side yard and based on the submitted sketch a total of ten parking

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spaces along with one accessible parking space and two bicycle parking spaces are required. Based on the floor area of the building there is no requirement for a loading space to be provided. Staff recommend that site-specific relief to recognize the above noted matters as they presently exist on the subject lands be addressed in the amending zoning by-law.

Summary:

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury. 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. The Planning Services Division therefore recommends that the rezoning to add a retail store as a permitted use to those uses permitted in the "M1" Zone on the subject lands be approved subject to the conditions noted in the recommendation section of this report.

Appendix 1

Departmental & Agency Comments

File: 751-6/17-3

RE: Application for Rezoning – Phu Nguyen – PIN 73570-0243, Parcel 29802, Lot 20 and Part of Lot 21, Plan M-341, Lot 11, Concession 5, Township of Neelon (1755 Lasalle Boulevard, Sudbury)

Building Services

The existing non-conforming parking should be addressed in this rezoning application.

Development Engineering

No objections. This property is currently serviced with municipal water and sanitary sewer.

Traffic & Transportation

While we have no objections to the proposed use of the subject property, we have noted that drivers are using the paved area around the building to by-pass the traffic signals at the intersection of Lasalle Boulevard and Auger Avenue. We recommend that the owner provide landscaping along the frontage of Lasalle Boulevard to prevent this movement.

← Lasalle Blvd. →

GH \approx 18.6 m

Concept Plan
for 1755 Lasalle

- Parking \times 5
(9 ft \times 20 ft or 2.7 m \times 6.1 m)

↑
Auge
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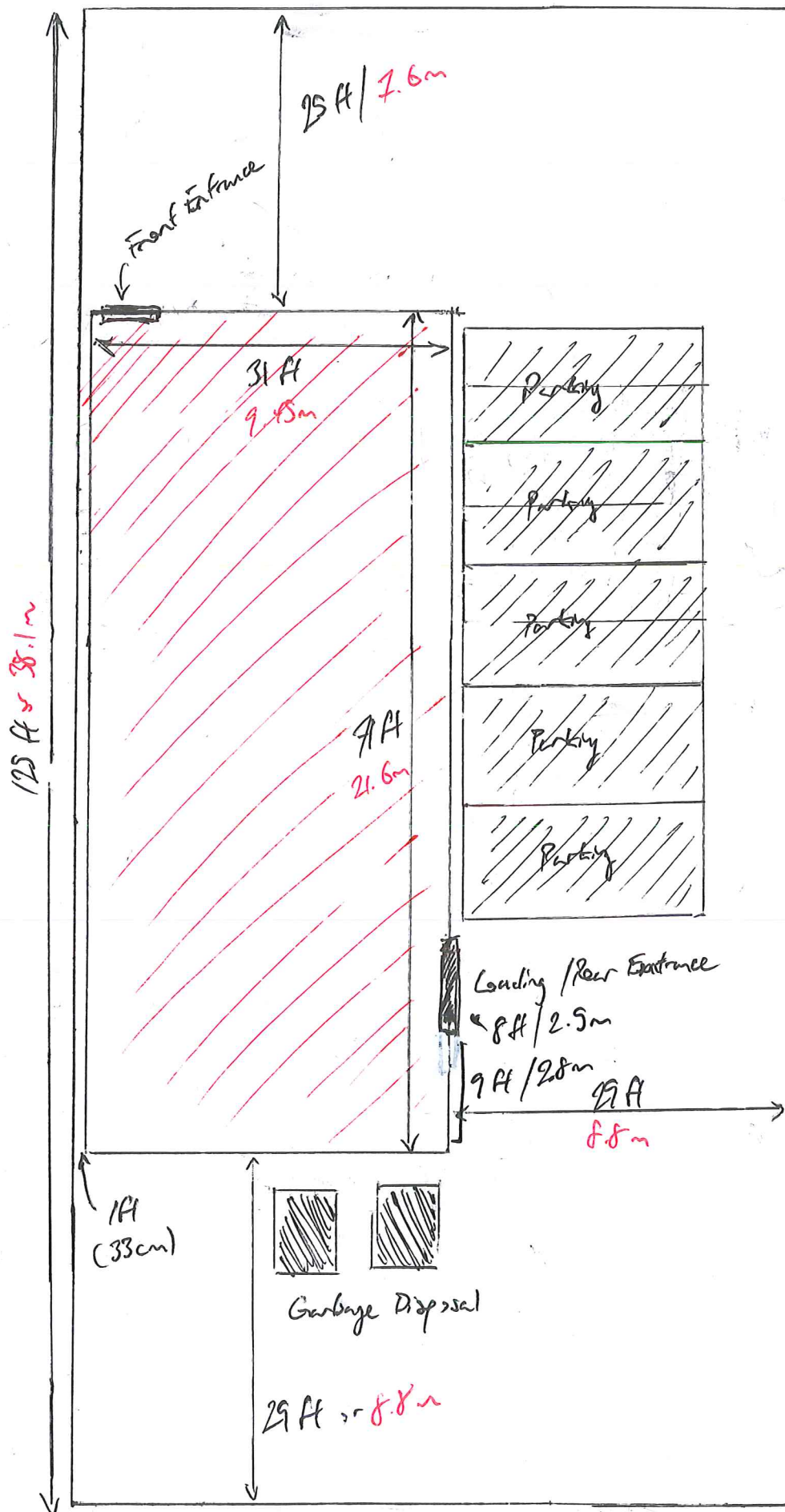




PHOTO 1 SUBJECT LANDS CONTAINING EXISTING RETAIL STORE
AS VIEWED FROM LASALLE BOULEVARD LOOKING SOUTH



PHOTO 2 SUBJECT LANDS WITH PARKING, LOADING AND REFUSE
STORAGE VISIBLE AS VIEWED FROM AUGER AVENUE
LOOKING WEST

751-6/17-3 PHOTOGRAPHY FEBRUARY 3, 2017



PHOTO 3 EXISTING REFUSE STORAGE AREA IN THE REAR YARD
AS VIEWED FROM ABUTTING LANDS TO THE WEST