

Request for Decision

Application for rezoning in order to permit a fitness centre within the existing building, 90 King Street, Sudbury - Guy Charbonneau

Presented To:	Planning Committee
Presented:	Monday, Jun 25, 2012
Report Date	Monday, Jun 11, 2012
Type:	Public Hearings
File Number:	751-6/12-11

Recommendation

THAT the City of Greater Sudbury approve the application by Guy Charbonneau to amend the Zoning By-law 2010-100Z with respect to lands described as PIN 02131-0179, Lot 186 to 189, Plan 18S, Lot 5, Concession 4, Township of McKim, Sudbury from "R2-3(2)", Low Density Residential Two Special to a revised "R2-3(2)", Low Density Residential Two Special be approved subject to the following conditions:

1. The only permitted uses and the maximum gross floor areas which may be dedicated to each use shall be as follows:
(a) rehearsal hall, fitness centre and accessory workshop and administrative offices - 646m² (b) commercial enclosed storage space - 2,267 m² (c) woodcraft manufacturing and accessory retail uses - 242 m² (d) offices excluding medical offices - 242 m²
2. The existing building as located is permitted.
3. A minimum of 7 parking spaces shall be provided.
4. Parking may be provided in the required front yard.

STAFF REPORT

Applicant:

Guy Charbonneau

Location:

PIN 02131-0179, Lot 186 to 189, Plan 18S, Lot 5, Concession 4, Township of McKim, 90 King Street, Sudbury

Application:

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Jun 11, 12

Reviewed By

Eric Taylor
Manager of Development Services
Digitally Signed Jun 11, 12

Recommended by the Division

Paul Baskcomb
Director of Planning Services
Digitally Signed Jun 11, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Jun 11, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Jun 12, 12

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "R2-3(2)", Low Density Residential Two Special to a revised "R2-3(2)", Low Density Residential Two Special in order to permit a fitness centre.

The existing R2-3(2) zoning permits a rehearsal hall, commercial storage space, woodcraft manufacturing and accessory retail and offices (excluding medical) with a minimum of seven (7) parking spaces.

Proposal:

The application is to add a fitness centre to the list of permitted uses within the existing building. No additional parking spaces are proposed.

This request to add a fitness centre to the list of permitted uses on site is intended to legalize the existing Boxing and Fitness Gymnasium which has been in operation on site since December 2011.

Site Description & Surrounding Land Uses:

There is a two storey mixed commercial, office and warehouse building on the subject lands with approximately 48.77 m (160 ft.) of frontage at the street line of King Street, a depth of approximately 35.05 m (115 ft.), and an area of 0.171 ha (0.422 ac.). To the rear of the subject property is a public lane. The property was at one time the former Canada Bread building and the property was later rezoned for the Le Theatre du Nouvel Ontario (rehearsal hall and accessory workshops and administrative offices). The current zoning also requires a minimum of seven (7) parking spaces on site.

The subject property is located in a primarily residential area. To the west of the subject property there are several single detached dwellings, while immediately to the east there are multi-residential dwellings. Across King Street there are more single residential dwellings, "Better Beginnings Better Futures" (a child services facility) and undeveloped land. Across the laneway there is a light industrial building.

Departmental & Agency Comments:

Building Services

Building Services has no objections to this application other than the following comments:

1. The minimum parking space requirements for a fitness centre is 1 parking space per 6 person capacity. Not knowing the capacity of the fitness centre or the parking requirements for the other permitted uses, it is difficult at this time to determine if the parking requirements will be met on this site.
2. A building permit is required for the proposed Fitness Centre to the satisfaction of the Chief Building Official.

By-law Enforcement

By-law Enforcement has advised that one individual has called several times with regard to trucks from Moving on Express (a current tenant of the building) parking on the street. By-law Enforcement investigated these complaints but found that the trucks were not present when the officer visited the site.

Development Engineering

Development Engineering has no objection to changing the zoning classification from "R2-3(2)", Low Density Residential Two Special to a revised "R2-3(2)", Low Density Residential Two Special in order to permit a fitness centre. This site is currently serviced with municipal water and sanitary sewer.

Roads & Traffic and Transportation

Some on-street parking is available on the north side of King Street, in front of the building, for a distance of approximately 60m. This on-street parking is restricted between 6 p.m. and 8 p.m., Monday to Friday. No other on-street parking is allowed on King Street in the vicinity of the subject lands.

In addition to the seven parking spaces on site, there is a small area in front of the building where parking is permitted during the day. It is unclear from the application whether the proposed use of the property will result in an increase in demand for parking or not. However, the limited availability of parking spaces should be considered if an increase in parking is expected.

Public Consultation:

The applicant has scheduled a neighbourhood meeting for June 17, 2012 and will report on the meeting to the Planning Committee. As of the date of this report, one phone call expressing concern with driveways being blocked on King Street has been received by the Planning Services Division. No written submissions have been received.

Planning Considerations:

Background

The site is currently zoned R2-3(2) with the following site specific provisions:

- (i) The only permitted uses and the maximum gross floor areas which may be dedicated to each use shall be as follows:
 - (a) rehearsal hall and accessory workshop and administrative offices - 646 m²
 - (b) commercial enclosed storage space - 2,267 m²
 - (c) woodcraft manufacturing and accessory retail uses - 242 m²
 - (d) offices excluding medical offices - 242 m²
- (ii) The existing building as located is permitted.
- (iii) A minimum of 7 parking spaces shall be provided.
- (iv) Parking may be provided in the required front yard.

In 2009 an application was made to add a martial arts school and dog grooming business to the permitted uses on site. This application was recommended for approval by Planning staff, without conditions. At the May 19, 2009 Planning Committee meeting, the request was approved with two conditions:

1. That prior to the amending by-law, a written agreement be reached with Better Beginnings Better Futures for parking purposes; and
2. That the amending by-law be a temporary use by-law for a period of two years in accordance with Section 39 of the Planning Act.

The conditions were not satisfied, and the temporary by-law was not enacted.

Official Plan Conformity

The subject lands are designated "Living Area I" in the City of Greater Sudbury Official Plan. Section 20.5.5 of the Official Plan establishes policies dealing with non-residential uses that do not conform with the land use designations of the Plan. This section permits Council through rezoning to 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.

It was in accordance with similar policies under the former City of Sudbury Secondary Plan that Council allowed the conversion of this building to the uses permitted under the current R2-3(2) zoning.

Based on these change of use policies, the adaptive re-use of the building for the new uses outlined would be deemed to conform with the intent of the Official Plan.

Land Use

As outlined earlier the subject property was rezoned in 1987 to permit Le Theatre du Nouvel Ontario, (rehearsal hall accessory workshops, commercial storage space, woodcraft manufacturing and accessory retail uses and administrative offices) who have since relocated. Currently the majority of the building continues to be used for storage and offices. The applicant now wishes to legalize the existing fitness centre at this location, and therefore a rezoning is required.

Parking

The subject lands have a site specific zoning that allows for seven parking spaces to be provided. The existing zoning recognized the shortfall in parking for the previous rehearsal hall use. It is noted that the Theatre du Nouvel Ontario rehearsal hall could require more than 30 parking spaces. It is noted that the parking standard in the Zoning By-law for a fitness centre and assembly hall are the same at 1 parking space/6 persons capacity.

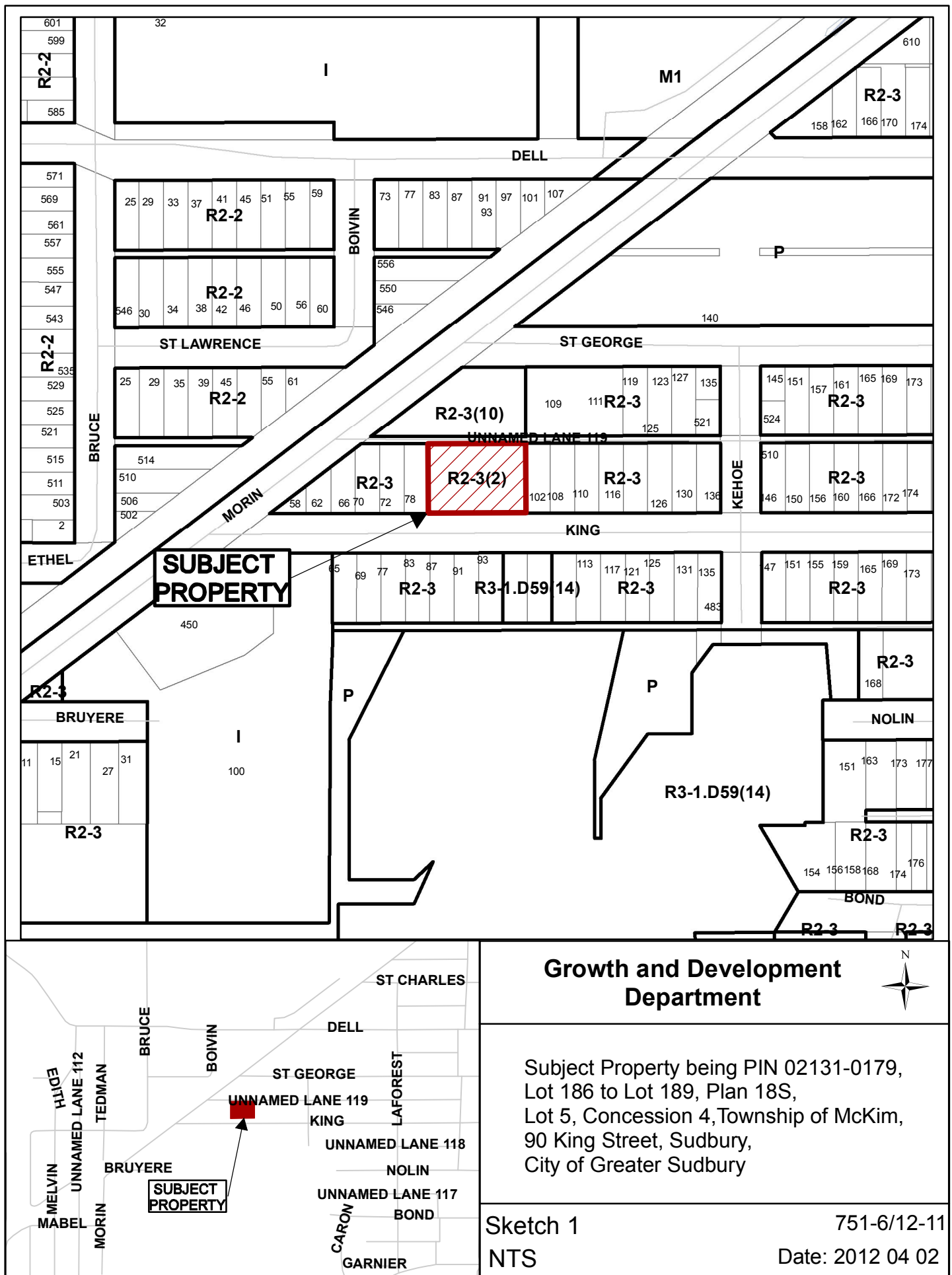
The applicant now wishes to legalize the existing fitness centre. It is anticipated that this additional use would primarily generate traffic in the evening and the parking situation shall not be aggravated further by the introduction of these uses when compared to the prior use of the property.

Further to the seven spaces provided on site there is also on-street parking allowed on the north side of King Street.

Summary

As outlined earlier this application conforms with the Official Plan. The introduction of the proposed use would appear to have less of an impact than the use that previously occupied the building.

Planning staff anticipate no adverse impacts relating to the introduction of this use at this location and therefore this application is recommended for approval.



Lane Way Road Bld.

139'-0"

101'-5"

90 King St

109'-8" (Lot line)

Parking Area

69'-8"

Parking

Parking

40'-11"

20'-4"

56/1512

118' 0" Feet

Lot line

Main Entrance

Entrance

King Street



Photo 1 SUBJECT LANDS, 90 KING STREET, VIEWED
LOOKING NORTHWEST FROM KING STREET



Photo 2 PARKING AREA ON EAST SIDE OF SUBJECT LANDS
VIEWED LOOKING NORTH FROM KING STREET

751-6/12-11 Photography June 5, 2012



Photo 3 78 KING STREET, WEST OF THE SUBJECT LANDS



Photo 4 72 KING STREET, WEST OF THE SUBJECT LANDS

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Photo 5 83 TO 93 KING STREET, SOUTH OF THE SUBJECT LANDS VIEWED LOOKING SOUTH EAST FROM KING STREET



Photo 6 UNDEVELOPED LANDS, SOUTH OF THE SUBJECT PROPERTY, VIEWED LOOKING SOUTH FROM KING STREET

751-6/12-11 Photography June 5, 2012



Photo 7 102 KING STREET, TO THE EAST OF THE SUBJECT LANDS, VIEWED LOOKING NORTH FROM KING ST.



Photo 8 90 KING STREET, THE SUBJECT LANDS, VIEWED LOOKING SOUTHEAST THROUGH AN ADJACENT NON-CONFORMING SITE ON THE EAST SIDE OF MORIN

751-6/12-11 Photography June 5, 2012