

Request for Decision

Application for rezoning in order to permit additional commercial uses in the existing building on the property, 208 Loach's Road, Sudbury - Francesco Marasco Limited

Presented To:	Planning Committee
Presented:	Monday, Feb 23, 2015
Report Date	Tuesday, Feb 10, 2015
Type:	Public Hearings
File Number:	751-6/14-33

Recommendation

THAT the City of Greater Sudbury approve the application by Francesco Marasco Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the lands described as PIN 73594-0325, Parcel 17594 S.E.S., Lot 5, Plan M-205, Lot 5, Concession 1, Township of McKim from "C1", Local Commercial to "C1(S)", Local Commercial Special subject to the following conditions:

1. That the amending by-law add a business office, retail store and a custom print and copy shop to those uses permitted in the "C1" Zone and,
2. That prior to the passing of the amending by-law, the owner install a test-maintenance access chamber to the sanitary sewer service to the satisfaction of the General Manager of Infrastructure Services.

STAFF REPORT

Applicant:

Francesco Marasco Ltd.

Location:

PIN 73594-0325, Parcel 17594 S.E.S., Lot 5, Plan M-205, Lot 5, Concession 1, Township of McKim (208 Loach's Road, Sudbury)

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 "C1", Local Commercial to "C1(S)", Local Commercial Special.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Feb 10, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Feb 10, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Feb 10, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Feb 10, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Feb 10, 15

Proposal:

The application is to permit additional commercial uses including business office, custom print shop or copy shop, take out restaurant, catering and retail store in the existing building on the property.

Official Plan Conformity:

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury. Small-scale commercial uses that are intended to serve the convenience needs of local residents are permitted in the Living Area 1 designation through a rezoning. Such uses are intended to be isolated rather than forming a group or cluster that could potentially change the residential character of an area. These uses may include confectionary stores, laundromats and other personal service establishments and are to be limited to a maximum of 150 m² (1,614 ft²) of floor space per location.

The application conforms in part 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 north side of Loach's Road at Windle Drive and are situated to the north-east of Regent Street in the community of Sudbury. The lands have a total lot area of approximately 1,147.69 m² (12,354 ft²) with approximately 42.37 m (139 ft) of frontage onto Loach's Road and 26.82 m (88 ft) on Windle Drive. The lands presently contain a one-storey local commercial building having a gross floor area of 334 m² (3,600 ft²).

Surrounding uses in the immediate area are urban residential in nature with the predominant built-form being that of single-detached dwellings. There is a medium density residential development to the immediate south at 199 Loach's Road. Lo-Ellen Park Secondary School is located to the south of the subject lands and general commercial development exists to the west closer to the intersection of Loach's Road and Regent Street.

Departmental & Agency Comments:Building Services

The number of parking spaces required for the use applied for, a take-out restaurant, would be 36 spaces in a worst case scenario. The parking plan submitted will require accurate measurements to reflect sight triangle, barrier free and angled parking requirements.

Development Engineering

No concerns. The site is currently serviced with municipal water and sanitary sewer. A test-maintenance access chamber (ie. test man-hole) is to be added to the sanitary sewer service as per the City's Sewer Use By-law.

Drainage

No concerns.

Operations

No concerns.

Roads, Transportation and Traffic

We note a number of concerns with the existing parking layout that was submitted with the application. Parking spaces #14 to #17 do not appear to be functional. The disabled parking space #13 does not appear to be wide enough and parking space #1 may be blocking a doorway. However, provided that sufficient parking can be provided on-site to satisfy the by-law, we have no concerns with the proposed uses of the property.

Neighbourhood 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 submissions objecting to the application have been received by the Planning Services Division.

Planning Considerations:

Background

The existing building was constructed in 1989. There is an existing site plan agreement applicable to the subject land that was executed on December 19th, 1989 in order to facilitate the development of the existing local commercial building. The lands are presently zoned "C1", Local Commercial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "C1" Zone permits a convenience store, day care centre, medical office, personal service shop and a pet grooming establishment. The owner is seeking additional commercial uses beyond those which are permitted in the "C1" Zone.

Staff notes that two minor variances approvals have been granted on the subject lands in the past. The first application (File # A0001/1989) approved a reduced westerly rear yard setback of 2.43 m (8 ft) where 7.5 m (25 ft) was required in order to facilitate construction of a two-storey commercial building. Staff notes that the existing building on the lands does provide for a 2.43 m (8 ft) rear yard setback. The second application (File # A0222/1990) approved a professional office use within the existing one-storey commercial building having approximately 55.74 m² to 74.32 m² (600-800 ft²). Staff would note therefore that the owner could utilize the existing building in keeping with the above noted use variance provided the floor space maximum noted in the variance decision is respected.

Provincial Policy Statement 2014

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 2014 (PPS). Staff has reviewed the PPS 2014 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

Official Plan

Staff has reviewed the applicable policies with respect to rezoning lands to permit local commercial uses that are within the Living Area 1 designation. Staff would note the following:

- a) Staff is able to support in principle an expanded number of commercial uses which could be viewed as positively serving the local convenience-related needs of residents living in the Loach's Road neighbourhood. The neighbourhood does contain a mix of residential built-forms and a secondary school. The lands are also in close proximity to the Regent Street corridor where a fuller range of general commercial uses are located;
- b) Staff cannot support a take-out restaurant or a catering business. Take-out restaurants and catering typically generate increased traffic flows to-and-from sites and higher parking requirements are thus applied at a rate of 3 spaces plus 1 additional space per each 10 m² (107.64ft²) of net floor area. If the entire building was utilized as a take-out restaurant it would generate a parking space requirement of 36 spaces. The site does not appear capable of supporting such increased parking demands. Staff also has concerns with this use with respect to odour, hours of operation, delivery traffic and the buffering separation which exists between the site today and abutting residential uses. Given the existing building and on-site layout of parking and available space for garbage disposal, staff is also not satisfied that a take-out restaurant or catering would be an appropriate use to permit on the lands. The rear yard at its narrowest point is 1.83 m (6 ft) and staff observed during a site visit that the space in the rear of the building is unusable to vehicles as well as for garbage and delivery purposes. There is no loading space provided on the lands currently and limited garbage areas to the west of the building are provided;
- c) Staff can however support the proposed retail store and custom print and copy shop and business office uses given the location of the local commercial building with a secondary school, as well as hotel uses and other commercial uses being in close vicinity to the subject lands. It is not anticipated that a print and copy shop, retail store or a business office would have any negative impacts on the immediately abutting residential uses.

Zoning By-law

The owner is requesting that the lands be rezoned from "C1", Local Commercial to "C1(S)", Local Commercial Special. The owner has specifically requested business office, a retail store, custom print shop or copy shop, a take-out restaurant and catering as permitted special uses on the subject lands. Staff is supportive of adding business offices, as well as a retail store and a custom print shop or copy shop to the permitted list of uses on the lands. Staff has reviewed potential mixes of uses on the lands and would also note that site-specific relief for parking, including loading spaces may be required depending on the amount of floor space that is dedicated to each permitted use. It is anticipated that a minor variance application could address this as the owner has not indicated any knowledge as to what the exact mix and distribution of floor space on the lands will be.

Site Plan

Staff has attended the lands and note that the garbage disposal facility is not located in compliance with the site plan agreement. The parking layout as shown on the submitted sketch accompanying the rezoning application also differs from what is now being proposed. Roads, Traffic and Transportation have also commented that the parking as shown on the submitted sketch is not functional. The approved site plan depicts a total 18 parking spaces on the lands with a garbage enclosure to the east of the building. It is recommended by staff that the owner comply with the existing site plan agreement in terms of the parking layout and area for garbage disposal.

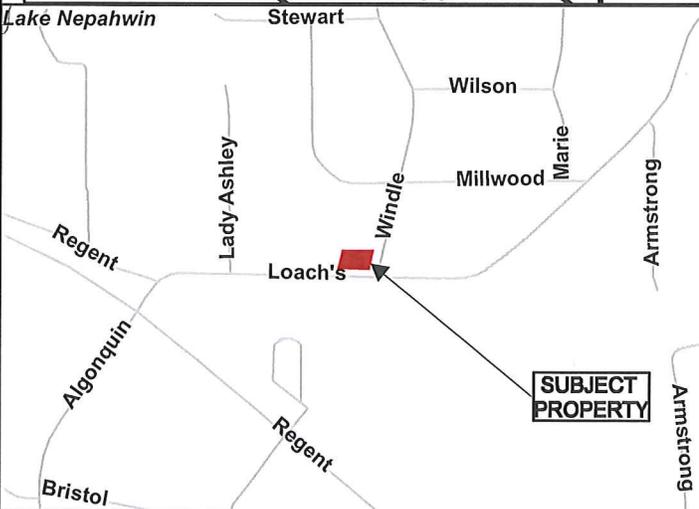
Summary

Staff is of the opinion that a take-out restaurant and catering business is not appropriate given the site

constraints identified within this report. Staff does support the addition of business offices, retail store and a custom print and copy shop given the site and neighbourhood context. The Planning Services Division therefore recommends that the application for rezoning be approved with a condition that the only further uses permitted on the lands beyond those uses permitted in the "C1" Zone be that of a print and copy shop, retail store and a business office within the existing commercial building.



SUBJECT PROPERTY



Growth and Development Department



Subject Property being PIN 73594-0325, Pcl. 17594 SES, Lot 5, Plan M-205, Lot 5, Con. 1, Twp. of McKim, 208 Loach's Road, Sudbury, City of Greater Sudbury

NTS
Sketch 1

751-6/14-33
Date: 2014 11 14

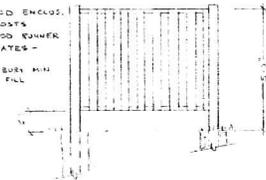
Existing Parking

11

LEGEND	
WOOD FENCE	
ASPHALT	
SPD	
CONCRETE	
BLDG	
SHRUBS	
TREES	
BELL POLE	B.P.
HYDRO POLE	H.P.
LIGHT STANDARD	
LIGHTING (WALL MOUNT)	

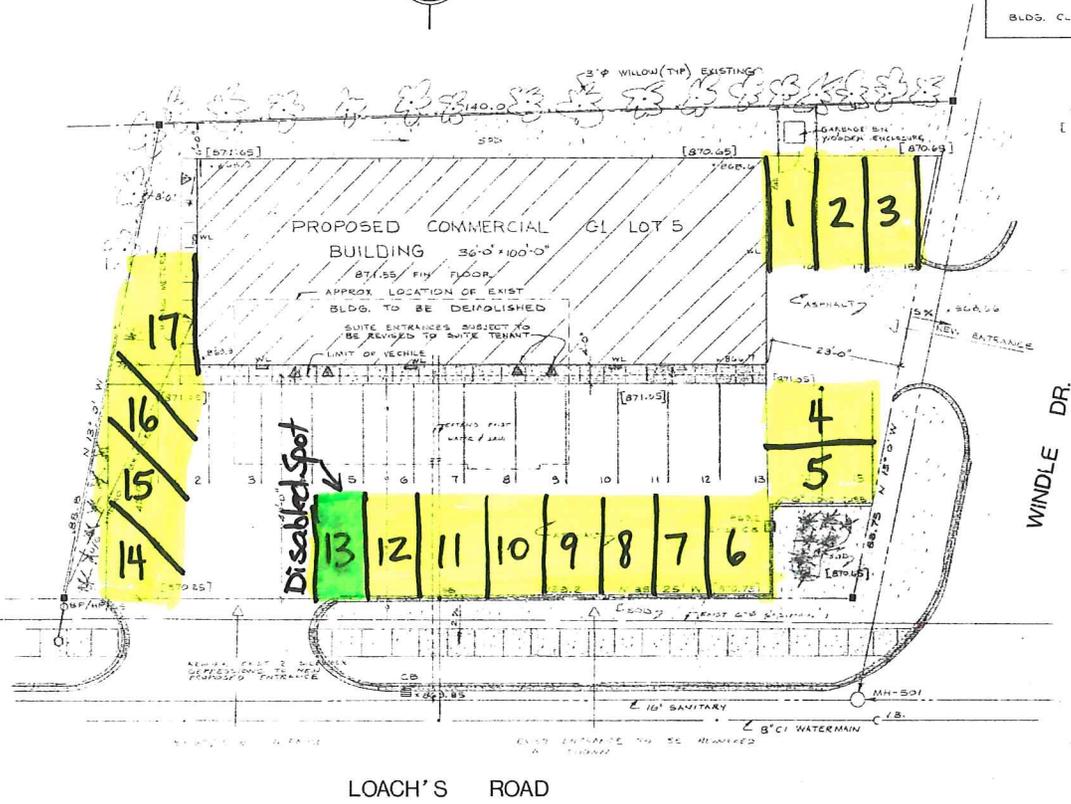
GARBAGE BIN ENCLOSURE

- OPAGUE WOOD ENCL.
- 4x4 WOOD POSTS
- 2x4 T&B WOOD RUNNER
- 1/2" WOOD SLATES - 8' POWERED
- WOOD POSTS BURR MH
- 4x6" CW CONC FILL



NOTES:
 ZONING: C-1 COMMERCIAL
 LEGAL DESCRIPTION: LOT 5,
 17534 S.E.S., REG'D PLAN NO. M-205
 TWP OF M'KIM, 208 LOACH'S ROAD, SUDBURY
 LOT AREA 12,354 FT²
 BUILDING HEIGHT 20 FT
 BUILDING AREA 3,600 FT²
 NO. OF STORES 1
 RETAIL FLOOR AREA 2,332 FT²
 RESIDENTIAL FLOOR AREA 4/A FT²
 COMMERCIAL PARKING SPACES 17
 RESIDENTIAL PARKING SPACE 4/A
 COMMERCIAL GARBAGE BIN 1
 TOTAL PARKING SPACES 18
 COMMITTEE OF ADJUSTMENT FOR REAR YARD
 RELIEF OBTAINED: A: 53
 BLDG. CLASSIFICATION: PART 3, MERCANTILE, GROUP E

THIS IS SCHEDULE A TO THE ATTACHED
 AGREEMENT DATED December 19, 1989,
 BETWEEN THE REGION AND
 Anthony Hildebrand and Dawn Hildebrand



X ACTUAL ELEV.
 [] PROPOSED ELEV.

Revisions	Date
2	REVISED FOR SITE PLAN
1	REVISED TO REFLECT PLAN
0	REVISED WOOD SIGN
	REVISED FOR S.P.A.
	COMMENTS & REVIEW

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EE
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 SUDBURY, ONTARIO

RECEIVED
 NOV 01 1989
 BUILDING DEPT.
 SUDBURY

A
 B10
 A: Site Plan
 B: Survey
 C: Engineering

Project Title:
 COMMERCIAL BLDG
 208 LOACH'S RD
 SUDBURY, ONT.

Drawing Title:
 SITE PLAN

Date:	MAY 4/89	Scale:	1" = 10'-0"
Drawn:	D.P.	Checked:	EE
Reference:		Drawing:	



PHOTO 1 EXISTING LOCAL COMMERCIAL BUILDING AS VIEWED FROM LOACH'S ROAD LOOKING NORTH



PHOTO 2 EXISTING PARKING AREA WITH ABUTTING RESIDENTIAL USE TO THE NORTH AS VIEWED FROM WNIDLE DRIVE



PHOTO 3 REAR YARD OF THE EXISTING LOCAL COMMERCIAL DEVELOPMENT LOOKING WEST



PHOTO 4 EXISTING GARBAGE DISPOSAL AREA TO THE WEST OF THE BUILDING



PHOTO 5 EXISTING HOTEL DEVELOPMENT TO THE SOUTH WHICH HAS FRONTAGE AND ACCESS ON TO REGENT STREET



PHOTO 6 EXISTING MEDIUM DENSITY RESIDENTIAL DEVELOPMENT TO THE IMMEDIATE SOUTH OF THE SUBJECT LANDS

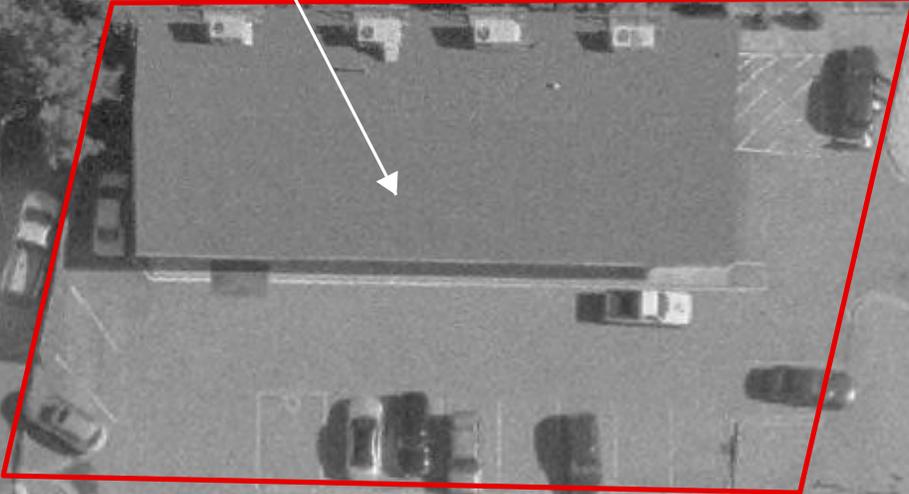


PHOTO 7 LO-ELLEN SECONDARY SCHOOL LOCATED TO THE
SOUTHEAST OF THE SUBJECT LANDS

File: 751-6/14-33
208 Loach's Rd.,
Sudbury
2011 Orthophotography

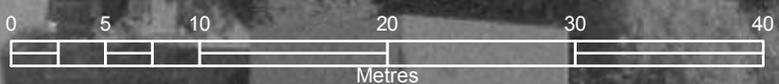


Subject Property

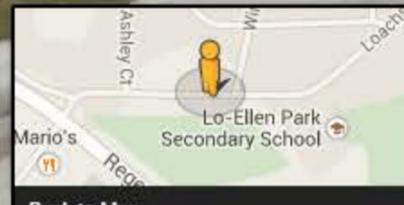


WINDLE DRIVE

LOACH'S ROAD



199 Loachs Rd
Sudbury, Ontario
Street View - Jul 2014



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a 'Back to Map' button.