

## Highway 144, Chelmsford

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/21-01

## Report Summary

This report provides a recommendation regarding a rezoning application in order to eliminate the split zoning that results from a lot addition with abutting lands to the west, Highway 144, Chelmsford – Northern Home Builders and Renovators Inc.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Northern Home Builders and Renovators Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “C2”, General Commercial to “R3 Special”, Medium Density Residential Special on lands described as Part of PIN 73349-2135, in Lot 1, Concession 3, Township of Balfour, as outlined in the report entitled “Highway 144, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
2. That the amending by-law includes the site-specific provisions applied to the “R3 Special”, Medium Density Residential Special zoning that received conditional approval under Planning Committee Resolution PL2020-55; and,
3. Conditional approval shall lapse on April 27, 2023 unless Condition 1 above has been met or an extension has been granted by Council.

## 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. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

## Financial Implications

If the rezoning is approved, staff estimates approximately \$131,000 in taxation revenue in the supplemental

tax year only, based on the assumption of 60 row dwelling units at an estimated assessed value of \$275,000 respectively per dwelling unit at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$421,000 based on the assumption of 40 row dwelling units based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (i.e. Roads, water/wastewater linear pipes, etc).

## **Report Summary**

An application for rezoning has been received in order to eliminate the split zoning that results from a proposed 430m<sup>2</sup> lot addition with abutting lands on Highway 144 in Chelmsford. The application is considered a technical amendment in order to accommodate development of a 40-unit row dwelling complex on abutting lands to the west, which received conditional approval by Council on June 23, 2020.

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to eliminate the split zoning that results from a proposed 430m<sup>2</sup> lot addition with lands described as Part of PIN 73349-2060. The application is considered a technical amendment in order to address a minor boundary adjustment related to the development of a 40-unit row dwelling complex on abutting lands to the west.

### **Existing Zoning:** "C2", General Commercial

The existing C2 zoning permits multiple dwellings to a maximum density of 60 dwelling units per hectare and a maximum building height of 15 metres. It does not permit row dwellings.

### **Requested Zoning:** "R3 Special", Medium Density Residential Special

The proposed zoning would allow row dwellings, multiple dwellings and low density housing types. Site-specific relief is required to accommodate the design, including setbacks, privacy yards, the width of planting strips, required courts and building offsets.

### **Location and Site Description:**

Part of PIN 73349-2135, in Lot 1, Concession 3, Township of Balfour (Highway 144, Chelmsford)

The subject property is located on the north side of Highway 144 just east of Edward Avenue in Chelmsford. The area is fully serviced by municipal sewer and water. Highway 144 is a Provincial Highway and falls under the jurisdiction of the Ministry of Transportation. The highway is constructed to an urban standard at this location including sidewalks. Public transit service is available with transit stops located a short distance to the east and west (Route 104).

Total area of the land to be rezoned is approximately 430 m<sup>2</sup>. The benefiting parcel is a partially developed lot abutting to the west, which is the site of a proposed 40-unit row dwelling complex. A retail use in the form of a drug store is located further to the west. Medium density housing is located to the north and south. The

remainder of the corridor contains mixed commercial uses.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: co-operative housing complex zoned “R3.D11”, Medium Density Residential and undeveloped lands zoned “FD”, Future Development

East: vacant commercial land zoned “C2”, General Commercial

South: ten-unit multiple dwelling

West: benefiting parcel to be rezoned for row dwellings

### **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on March 1, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on March 25, 2021.

The applicant 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.

No further public consultation is proposed by the applicant given the minor nature of the application as a boundary adjustment.

As of the date of this report, Planning Services has not received any phone calls or written submissions.

### **Policy & Regulatory Framework:**

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **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.

The Provincial Policy Statement was updated in 2020. Many of the core policies remain intact, including the focus on development within settlement area boundaries. Housing policies under Section 1.4.3 have been enhanced, with special emphasis on addressing both market-based and affordable housing needs. Municipalities shall permit and facilitate all housing options, which cover a broad range of housing types and housing arrangements.

### **Growth Plan for Northern Ontario:**

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses, including an appropriate range of housing types.

**Official Plan for the City of Greater Sudbury:**

The subject land is designated as Mixed Use Commercial, which permits a range of uses as outlined under Section 4.3 of the Official Plan.

1. All uses permitted by this Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process.
2. In order to minimize the disruption of traffic flow along Arterial Roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted.
3. Subject to rezoning, new development may be permitted provided that:
  - a. sewer and water capacities are adequate for the site;
  - b. parking can be adequately provided;
  - c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
  - d. the traffic carrying capacity of the Arterial Road is not significantly affected;
  - e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
  - f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
  - g. the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

**Zoning By-law 2010-100Z:**

The site-specific provisions required to accommodate the 40-unit row dwelling complex will also be applied to the subject land as follows:

- i) The minimum front yard setback shall be 14 metres;
- ii) A maximum two (2) metre-high opaque wall or opaque fence shall be permitted within the required front yard;
- iii) The minimum rear yard setback shall be six (6) metres;
- iv) The minimum privacy yard depth shall be six (6) metres;
- v) A minimum 1.8 metre court shall be required between buildings;
- vi) No minimum difference in setbacks shall be required for adjacent groups of row dwellings;
- vii) Planting strips shall be provided subject to the provisions of Section 4.15, with the following exceptions:
  - (a) Where a planting strip along the westerly interior side lot line contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.5 metres;
  - (b) Where a planting strip along the easterly interior side lot line abutting PIN 73349-1207 contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.2 metres.

**Site Plan Control:**

The proposed development requires a Site Plan Control Agreement prior to the issuance of a building permit.

**Department/Agency Review:****Planning Analysis:**

The land use merits of the proposed 40-unit row dwelling complex were reviewed as part of a previous rezoning application in 2020. The Planning report dated May 19, 2020 is attached as background information. The proposed development has now moved forward to the site plan stage. The current application is therefore considered a technical amendment in order to accommodate a minor boundary adjustment.

**Land use compatibility**

There are no significant issues related to land use compatibility with adjacent uses. Existing medium density residential uses are located to the north and south. In terms of the interface with commercial lands to the east and west, planting strips are required for screening and buffering along the interior side lot lines abutting C2 lands.

In general, the proposed row dwelling development aligns with the mixed-use character of the surrounding area and will enhance the residential component of the arterial corridor. The site benefits from close proximity to services. Retail and office uses including a grocery store are within a comfortable walking distance. The street has been fully urbanized to facilitate pedestrian access.

**Conformity with Official Plan and Provincial policies**

The proposal presents conformity with the Official Plan and consistency with the 2020 Provincial Policy Statement based on the location within a designated growth area, the provision of housing, access to public transit, proximity to community services, and the adequacy of servicing, amongst other matters. The proposal is also a form of residential infill development that will contribute towards intensification targets within the built boundary of Chelmsford.

**Conclusion:**

The applicant is advised that a final plan of survey is required in order to enact the amending by-law.

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.