

## **0 Celine Street and 0 Louisa Drive, Sudbury**

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-03

## **Report Summary**

This report provides a recommendation regarding an application for rezoning in order to prevent a split-zoning, 0 Celine Street and 0 Louisa Drive, Sudbury – Sitiri Investments Ltd.

This report is presented by Glen Ferguson, Senior Planner.

## **Resolution**

THAT the City of Greater Sudbury approves the application by Sitiri Investments Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “R1-5”, Low Density Residential One to “C1”, Local Commercial on those lands described as PIN 73478-0139, Part of Lot 54, Plan M-403, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Celine Street and 0 Louisa Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on May 25, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

## **Financial Implications**

There are no financial implications associated with this report.

## Report Summary

This report reviews an application for Zoning By-law Amendment intended to prevent a split-zoning that would result from a concurrently submitted consent application (File # B0008/2021) that is intended to consolidate a vacant westerly portion of the subject lands with abutting vacant local commercial lands to the west. The benefitting lands presently have frontage on Celine Street in the community of Sudbury. The portion of the subject lands to be severed and consolidated are presently zoned "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The benefitting lands are zoned "C1", Local Commercial. In this particular case, the "C1" Zone applicable to the benefitting lands is more restrictive from a minimum lot area and minimum lot frontage perspective than the "R1-5" Zone that is applicable to the lands being severed. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City's Zoning By-law.

The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

## Staff Report

### Proposal:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on a portion of the subject lands from "R1-5", Low Density Residential One to "C1", Local Commercial in order to prevent a split-zoning, which would result from a concurrently submitted consent application (File # B0008/2021) that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street in Sudbury. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would address an anticipated condition of provisional consent related to the above noted previous and concurrently submitted consent application.

Staff would also note that the current application for rezoning is seeking the same planning approval that was formerly approved by Planning Committee on November 2, 2015, and ratified by Council on November 24, 2015 (File # 751-6/5-21). The condition of approval on the above noted first rezoning application were not satisfied and said prior rezoning approval has since lapsed. The position of staff remains the same insofar as the rezoning approval should be conditional upon the submission of a registered survey plan.

The owner's agent has submitted a Concept Plan in support of the proposed rezoning that would facilitate the above noted lot addition that amounts to a lot boundary re-alignment between two abutting properties.

### **Existing Zoning:** "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, group home type 1 within a single-detached dwelling and having a maximum of ten beds, private home daycare and a single-detached dwelling.

### **Requested Zoning:** "C1", Local Commercial

The proposed rezoning seeks to prevent a split-zoning, which would result from a concurrently submitted consent application (File # B0008/2021) that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street in Sudbury. The "C1" Zone permits a convenience store, day centre, medical office, personal service shop, pet grooming establishment, and pharmacy with each having a maximum net floor area of up to 150 m<sup>2</sup> ( ft<sup>2</sup>) per lot. Permitted residential uses in the "C1" Zone include generally any dwelling containing not more than two dwelling units, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, and a private home daycare.

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

The subject lands are located on the west side of Louisa Drive and to the east of both Celine Street and Regent Street in the community of Sudbury. The portion of the lands to be rezoned are in the rear of the lands and have an area of approximately 440 m<sup>2</sup> (4,736 ft<sup>2</sup>). The lands are presently vacant.

### **Surrounding Land Uses:**

North:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and a cluster of limited general commercial land uses fronting Armstrong Street.
East:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings.
South:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings, automotive use including shipping container and equipment storage at Cam Street and Celine Street, and vacant lands zoned to permit a place of worship (i.e. "I(40)").
West:	Vacant lands zoned to permit local commercial land uses fronting Celine Street and a medical office and low density urban residential lands uses on the west side of Regent Street.

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area. The previous staff report is also attached to this report for reference purposes and includes site photos, which provide context as it relates to the current rezoning application.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on February 1, 2021. The statutory Notice of Public Hearing dated April 22, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner's agent indicated on their application form that they would not be conducting any public consultation beyond speaking with directly abutting landowners ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning. The owner's agent also noted that the proposed rezoning also amounts to a re-application.

At the time of writing this report, the Planning Services Division received one telephone call seeking clarification around the development proposal, and one emailed letter submission requesting a copy of any decision made by the City's Planning Committee with respect to the rezoning application.

### **Policy and Regulatory Framework:**

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

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

### **2020 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 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

### **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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

The subject lands are located at the boundary of a Living Area 1 and Mixed Use Commercial designation in the Official Plan for the City of Greater Sudbury. Section 19.9 (formerly Section 20.9) of the City's Official Plan notes that the boundaries of land use designations on Schedule 1 – Land Use are considered to be general guidelines only, except where such areas or boundaries coincide with existing roads, railways, rivers, waterbodies and other defined features. The Official Plan permits minor adjustments without a formal amendment through the enactment of zoning by-laws provided the general purpose and intent of the City's Official Plan is maintained. It is on this basis that staff has and continues to be of the opinion that the subject lands are situated within the Mixed Use Commercial land use designation.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Mixed Use Commercial policies in the Official Plan for the City of Greater Sudbury. Staff acknowledges that the proposed rezoning is largely technical in nature (i.e. to facilitate a lot boundary re-alignment) and it is intended to prevent a split-zoning from occurring as a result of a concurrently submitted consent application.

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

The lands are presently zoned "R1-5", Low Density Residential One in the City's Zoning By-law. The owner is requesting that the subject lands be rezoned to "C1", Local Commercial in order to prevent a split-zoning, which would result from a concurrently submitted consent application that is intended to facilitate a lot addition to an existing local commercial lot to the west having frontage on Celine Street. The benefitting lands to the west are situated within an existing "C1" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "C1" Zone is being requested by the owner's agent.

### **Department/Agency Review:**

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Active Transportation, Building Services, Development Engineering, the City's Drainage Section, Fire Services, Operations, Roads, Transportation and Innovation, and Transit Services have each advised that they no concerns from their respective areas of interest.

## **Planning Analysis:**

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application with respect to applicable policies, including issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that the subject lands be rezoned from “R1-5”, Low Density Residential One to “C1”, Local Commercial. Staff has no concerns with the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. It is noted that Section 4.23 – Multiple Zones on One Lot of the City’s Zoning By-law outlines where a lot is divided into more than one zone that the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entirety of the lot. In this particular case, the “C1” Zone applicable to the benefitting lands is more restrictive from a minimum lot area and minimum lot frontage perspective than the “R1-5” Zone that is applicable to the lands being severed. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City’s Zoning By-law.

It is on this basis that staff has no concerns with the requested zone category, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning being approved.

## **Conclusion:**

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning be approved. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff has no concerns with the requested zone category and would note that the portion of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignment. If approved, the amending zoning by-law would prevent a split-zoning, which would result from a concurrently submitted consent application (File # B00008/2021) that is intended to facilitate a lot addition to an existing local commercial lot having frontage on Celine Street in Sudbury.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.