

## **1049, 1063 and 1069 Notre Dame Avenue, Sudbury**

Presented To:	Planning Committee
Meeting Date:	June 28, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-06

## **Report Summary**

This report provides a recommendation regarding a request for rezoning in order to permit a mixed-use development comprising residential, office and storage uses.

This report is presented by Mauro Manzon, Senior Planner.

## **Resolution**

THAT the City of Greater Sudbury approves the application by Devla Properties Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R3-1", Medium Density Residential to "C2 Special", General Commercial Special on lands described as PINs 02127-0341, 02127-0502 & 02127-0504, Parcel 5808 S.E.S., in Lot 4, Concession 5, Township of McKim, as outlined in the report entitled "1049, 1063 and 1069 Notre Dame Avenue, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 28, 2021 subject to the following conditions:

1. That the amending by-law includes the following site-specific provisions:
  - (i) In addition to the uses permitted in the C2 zone, the following uses shall also be permitted:
    - (a) Row dwellings and related accessory uses;
    - (b) Warehousing and storage accessory to an office use;
  - (ii) The following site-specific provisions shall be applied to row dwellings:
    - (a) A minimum privacy yard of four (4) metres shall be required;
    - (b) A minimum court of 2.5 metres shall be permitted between opposing walls of one or more row dwellings provided that neither of such walls contains balconies or habitable room windows;
    - (c) The minimum difference in setbacks for adjacent groups of row dwellings shall be 0.95 metre.
  - (iii) The minimum front yard setback shall be 13.7 metres;
  - (iv) The minimum rear yard setback shall be 4.2 metres;

- (v) A minimum 3.0 metre-wide landscaped area abutting the street line on PINs 02127-0502 & 02127-0504 shall not be required;
- (vi) Planting strips shall be provided along the northerly and southerly lot lines;
- (vii) A planting strip shall not be required along the westerly limit of the subject lands;
- (viii) Parking shall be permitted within 3 metres of the northerly and southerly lot lines;
- (ix) The minimum width of the driveway aisle shall be 5.7 metres;
- (x) A refuse storage area may be permitted in the required rear yard provided it maintains a minimum setback of 1.2 metres from the rear lot line.

## **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. The proposal is consistent with the goals and objectives of the Strategic Plan by diversifying the supply of new housing. The application also supports business retention and growth by providing a new base of operations for the owner/applicant. The proposed infill development on a major arterial corridor serviced by public transit and located in proximity to a major employment area is consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

## **Financial Implications**

If the application for rezoning is approved, staff estimates approximately \$42,000 in taxation revenue in the supplemental tax year only, based on the assumption of nine row dwelling units and two apartment dwelling units, at an estimated assessed value of \$275,000 per dwelling unit at the 2021 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 \$116,000 based on the assumption of nine row dwelling units and two apartment dwelling units based on the rates in effect as of this report. There may an exemption of up to 50% of development charges for the townhouse portion if the multi-residential units are partially or fully constructed within 100 metres of the common property line between the Notre Dame Corridor and the parcel of land on which the Multi-Unit Residential Building is located are located, as defined in the Development Charges By-Law.

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges for the office space as the assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

## **Report Overview:**

An application for rezoning has been submitted in order to permit a mixed-use development located on Notre Dame Avenue opposite the Taxation Data Centre. The proposed uses include nine (9) row dwelling units and an office building containing a main floor business office, two (2) second floor apartment units, and an accessory equipment garage. Site-specific relief covering a range of zone standards is required to accommodate development.

The site is a preferred location for mixed-use development given the location on a major arterial corridor, the availability of public transit, the proximity to services and employment areas, and the opportunities for alternative active transportation. It is recommended that the application be approved based on conformity with the policies of the Secondary Community Node and consistency with Provincial planning policies.

# Staff Report

## Proposal:

An application for rezoning has been submitted in order to permit a mixed-use development comprising nine (9) row dwelling units and a two-storey office building containing main floor office space, two (2) apartment units and an accessory equipment garage.

Site-specific relief is required for front and rear yard setbacks, a 3.0 metre-wide landscaped area abutting the street line on PINs 02127-0502 & 02127-0504, a planting strip along the westerly lot line abutting a low density residential zone, privacy yard depth, required court, building offset, parking located closer than 3.0 metres to a Residential zone, the width of the driveway aisle and the location of a refuse storage area.

## **Existing Zoning:** “R3-1”, Medium Density Residential

The existing zoning permits low density housing types (singles, semis, duplexes), row dwellings, street townhouses, multiple dwellings, shared housing, day care centre and Group Home Type 1.

## **Requested Zoning:** “C2 Special”, General Commercial Special

The proposed special zoning would add row dwellings and an equipment storage garage as permitted uses in the C2 zone, which includes office uses. A special zoning is required in order to address the site-specific relief required to accommodate development.

## **Location and Site Description:**

PINs 02127-0341, 02127-0502 & 02127-0504, Parcel 5808 S.E.S., in Lot 4, Concession 5, Township of McKim (1049, 1063 & 1069 Notre Dame Avenue, Sudbury)

The subject lands comprise three (3) lots located on the west side of Notre Dame Avenue opposite the Taxation Data Centre on GOVA Route 1 Main Line. The properties are being consolidated for mixed-use development. The area is fully serviced by municipal water and sewer. Notre Dame Avenue is fully urbanized at this location with sidewalks and bike lanes.

Total site area is approximately 0.27 ha, with 69 metres of frontage and a depth of approximately 40 metres. The lands are currently vacant. A single detached dwelling occupying southerly PIN 02127-0341 was demolished in 2020. There are currently two driveway entrances to the site. The property is relatively flat, with a significant rise in elevation on abutting lands to the west.

A single detached dwelling abuts the northerly limit of the lands (1077 Notre Dame Avenue) and a vacant lot zoned R3-1 abuts the southerly limit. Single detached dwellings on Gordon Avenue abut the westerly limit of the subject lands. The dwellings on Gordon Avenue are situated at a higher elevation compared to the subject site, approximately five to seven metres from base of slope.

## **Surrounding Land Uses:**

The area surrounding the site includes:

North: single detached dwelling

East: Taxation Data Centre

South: vacant residential lot zoned R3-1

West: single detached dwellings zoned R2-2

## **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on March 11, 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 June 10, 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.

The application indicates that the owner intends to issue letters to adjacent property owners.

As of the date of this report, one (1) phone call has been received seeking clarification.

## **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.

Section 1.1 of the Provincial Policy Statement identifies fully serviced settlement areas as the preferred location for new development, including a focus on residential intensification, the utilization of existing and planned services and transit-supportive development. The housing policies of Section 1.4.3 are also applicable. The PPS places an emphasis on addressing both market-based and affordable housing needs through the provision of a broad range of housing types.

## **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.

Under Section 4.3.3 of the Growth Plan, economic and service hubs in Northern Ontario shall maintain updated official plans and develop other supporting documents to achieve the following:

- develop a diverse mix of land uses, an appropriate range of housing types, and high quality public spaces; and providing easy access to stores, services and recreational opportunities;
- encourage a significant portion of future residential and employment development to locate in existing downtown areas, intensification corridors, brownfield sites, and strategic core areas.

The GPNO defines intensification corridors as areas along major roads, arterials or transit corridors that have the potential to provide a focus for higher density mixed-use development.

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

The subject lands are designated as Secondary Community Node in the Official Plan. The policies under Section 4.2.3 are applied as follows:

1. Secondary Community Nodes shall be located on primary transit corridors and shall be planned to promote a local identity and a sense of place unique to that node and its surrounding community.
2. Permitted uses in Secondary Community Nodes may include residential, retail, office, service, institutional, recreational, entertainment, parks and community-oriented activities.
3. The mixing of uses should be in the form of either mixed-use buildings with ground-oriented commercial and institutional uses and residential uses above the second storey, or a mix of uses and buildings on the same development site.
4. Secondary Community Nodes shall be planned to:
  - a. encourage a cycling and pedestrian-friendly built form by locating commercial and other active non-residential uses at grade;
  - b. be the focal point for expression of community heritage and character;
  - c. develop at transit-supportive densities;
  - d. provide residential development primarily in the form of medium and high density buildings, and discouraging single-detached dwellings;
  - e. provide for a mix of housing types, tenures and affordability;
  - f. include, where appropriate, open spaces that either parks and/or plazas accessible to the public;
  - g. be designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower-density neighbourhoods; and,
  - h. provide mobility choices and associated facilities to encourage alternative active transportation options.
5. Reductions in parking shall be considered in order to promote a greater mix of uses and a more compact, cycling and pedestrian-friendly built form. The City may require a traffic impact study and/or a transportation demand management plan in support of the reduction in parking.

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

Site-specific relief is required in order to accommodate the proposed development as follows:

- front yard setback of 13.7 metres where 15 metres is required on Primary Arterial Roads;
- rear yard setback of 4.21 metres where 7.5 metres is required;
- minimum privacy yard depth of 3.34 metres where 7.5 metres is required;
- no landscaping abutting the street line on PINs 02127-0502 & 02127-0504 where a minimum 3.0 metre-wide landscaped area is required;
- no planting strip along the westerly lot line abutting an "R2-2", Low Density Residential Two zone;
- parking that is located closer than 3.0 metres to a Residential zone;
- building separation of 2.7 metres where 3.0 metres is required;
- building offset of 0.95 metre where 1.5 metres are required; and,
- refuse storage area located in rear yard.

Further to the above, the first site plan submission indicates that additional relief is required. The required court is reduced to 2.59 metres and the width of the driveway aisle between the office building and parking space #17 is 5.7 metres where six (6) metres is required. It is recommended that this relief be included in the amending by-law. The owner is advised that any future changes to the design through the site plan process will require minor variances through Committee of Adjustment.

### **Site Plan Control:**

The owner has submitted an application for Site Plan Control concurrent with the rezoning.

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

Building Services have noted the range of site-specific relief required for the development.

Transportation & Innovation Services Section have indicated the following issues:

- only one (1) driveway entrance is permitted based on Official Plan policies applied to Primary Arterial Roads;
- parking spaces 20 and 21 are not functional nor would the snow storage area be accessible;
- access to the molok waste receptacles is constrained;
- five (5) metres of land are required for road widening improvements along southerly PIN 02127-0341 (land has already been acquired for northerly PINs 02127-0502 & 02127-0504); and,
- general concern related to the amount of on-site parking based on mix of uses.

### **Planning Analysis:**

#### **Land use compatibility**

There are no significant issues related to land use compatibility with adjacent uses. Planting strips will be provided along the northerly and southerly lot lines where the development will abut a single detached dwelling to the north and vacant residential land to the south. In terms of the interface with low density housing to the west on Gordon Avenue, the difference in elevation renders a planting strip ineffective as a screening device. It is therefore recommended that relief be granted for a planting strip along the westerly limit of the subject lands.

There are no conflicts envisioned with the mix of uses proposed on-site, which are viewed as being compatible with limited potential for nuisance factors. The equipment garage is an accessory use that will form a relatively small component of the site. The owner is advised that outdoor storage is not permitted in C2 zones; and further, that automotive repair is not permitted in a building containing dwelling units.

The proposed development aligns with the mixed-use character of the surrounding area and will enhance the residential component of the arterial corridor, which is desirable given the proximity to a major employment area. The availability of transit and the frequency of service support the development of office and residential uses at this location. The street has been fully urbanized, including a grade-separated bike lane.

#### **Suitability of lot**

##### **a) Density**

The residential density is calculated at 41 dwelling units per hectare (du/ha), which is less than the maximum density permitted under both the existing R3-1 zoning (90 du/ha) and the proposed C2 zoning (60 du/ha). The resultant density is tied to the proposed built form, which essentially limits the intensity of use on this site. A higher density may be achieved with a multiple dwelling format.

##### **b) Built form**

The applicant is proposing to construct three (3) buildings on the site: two (2) row dwellings containing a total of nine (9) two-bedroom units; and, a two-storey mixed-use building containing 145 m<sup>2</sup> of office space and a 61 m<sup>2</sup> equipment garage on the main floor, as well as two (2), two-bedroom apartment units on the second floor. The office and equipment garage are intended to be the base of operations for the owner/applicant.

A range of zoning relief is required, which highlights the difficulty of siting front-loaded row dwellings on a Primary Arterial Road. There is insufficient lot depth to reorient the dwellings so that the units do not face the street line, as was done with the Harvest Moon Co-op located to the south. The proposed development will not comply with the 4.5 metre build-to line recommended by the Lasalle Corridor Study, to be implemented as part of a forthcoming zoning amendment.

c) Parking

Special consideration is extended to the availability of on-site parking given that there are no opportunities for off-site parking, nor is on-street parking available in the vicinity. The parking requirements are calculated as follows:

row dwellings: 9 units x 1.5 spaces per unit = 13.5

apartments above office: 2 units x 1 space per unit = 2

offices: 115 m<sup>2</sup> net floor area / 1 space per 30 m<sup>2</sup> nfa = 3.8

equipment garage: 61.44 m<sup>2</sup> net floor area / 1 space per 90 m<sup>2</sup> nfa = 0.68

Total required parking spaces for all uses prior to rounding: 19.98

The recently adopted 10% reduction in parking for commercial uses on GOVA routes has no effect in this instance due to the small size of the office use. Required and provided parking are summarized as follows:

Total required parking: 20 parking spaces (23 provided)

Required accessible parking: 1 space (2 provided)

Given that there are three surplus parking spaces, it is recommended that parking spaces 20 and 21 be deleted, as these spaces are not functional and parked vehicles would restrict access to the snow storage area. It is further recommended that the refuse storage area be relocated to the westerly limit of the driveway to provide better access for waste removal trucks. Site-specific relief would be required to permit the refuse storage area in the rear yard with a minimum setback of 1.2 metres from the lot line.

d) Site-specific relief

The proposed development requires a range of zoning relief, which can be supported based on the following rationale:

- The reduced front yard setback along northerly PINs 02127-0502 & 02127-0504 is acceptable, as the 5-metre strip of land for road improvements has already been acquired. There remains sufficient room to provide a parking aisle, parking spaces and pedestrian access to the row dwelling units.
- The reduced rear yard setback is measured at its closest point, being Unit #9. The setback improves for the remaining units. There is sufficient distance between the dwelling units and the rear lot line to provide a privacy yard with a minimum depth of 4 metres for each unit. There is no negative impact on abutting low density housing to the west.
- The elimination of parking space 20 and the relocation of the refuse storage area will provide an improved amenity area (privacy yard) for Unit #1.
- Although a minimum 3 metre-wide landscaped area cannot be provided along the street line of PINs 02127-0502 & 02127-0504 due to the road widening, landscaping will be provided within the right-of-way and will be contiguous with the abutting southerly lot.
- A planting strip along the westerly limit of the land is not required due to the difference in



elevation, where the abutting single detached dwellings are situated a sufficient distance from the top of the slope.

- The reduced court between row dwelling buildings and the reduced parking setback to Residential zones are considered minor in nature based on the degree of relief.
- The reduced width of the driveway aisle based on the first site plan submission occurs only at one location between the office building and parking space #17. The remaining parking and driveway aisles appear to be in compliance (not dimensioned on site plan submission).

### Official Plan

As referenced earlier in this report, the lands were recently redesignated as Secondary Community Node under the Official Plan amendments associated with the Lasalle Corridor Study. The proposal presents general conformity with Official Plan policies applied to Secondary Community Nodes based on the following observations:

- The proposed uses conform to the permitted uses in Secondary Community Nodes, which include office and residential;
- The mixed-use building will contain a ground-oriented commercial use with residential units above;
- The residential component is defined as medium density residential and will contain a mix of dwelling types;
- The interface with low density housing is deemed to be compatible;
- Alternative active transportation options are available due to the full urbanization of the roadway including bike lanes.

### 2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The subject site is located in a fully serviced area within settlement area boundaries, consistent with Provincial policies that place an emphasis on residential intensification and the utilization of existing and planned services. The proposed development is transit-supportive given the location on the main public transit corridor in the City. The proposal also aligns with housing policies geared to diversification of the supply of new housing, including the provision of apartments and ground-oriented dwelling units such as row dwellings. The development is not located in a regulated area and there are no concerns related to hazard lands. The application is consistent with the 2020 Provincial Policy Statement.

The proposed development will further concentrate office and residential uses along an intensification corridor on a site offering close proximity to a major node of employment. Access to stores and services is facilitated by the availability of public transit. The application conforms to the 2011 Growth Plan for Northern Ontario.

### **Conclusion:**

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