

## Sixth Avenue, Lively

Presented To:	Planning Committee
Meeting Date:	August 16, 2021
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-8/06-01

## Report Summary

This report provides a recommendation regarding an application for an extension to the conditional zoning approval for the subject lands (File #751-8/06-1) in the community of Lively for a period of two years until June 28, 2023.

## Resolution

THAT the City of Greater Sudbury approves the application by 1257620 Ontario Limited to extend the conditional approval of rezoning application File # 751-8/06-1 on lands described as Parcel 22159 SWS, Lot 7 Concession 6, Waters Township, for a period of two (2) years to June 28, 2023, as outlined in the report entitled "Sixth Avenue, Lively", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 16, 2021, and be amended as follows:

1. Deleting Condition a) (ii) and replacing it with the following:  
  
(ii) The applicant provide the Development Services Section with a registered survey plan of the lands to be rezoned to R1-5 Special and R3 Special, and which demonstrates that no development is proposed within the extent of the regulatory flood elevation to the satisfaction of Conservation Sudbury.
2. That in accordance with Section 34(17) of the Planning Act, no further notice is required to be provided for changes to the amending zoning by-law as provided for in this resolution.

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

The request for extension to conditional approval is an operational matter under the Planning Act to which the City is responding.

## **Financial Implications**

If the application to extend the conditional approval of rezoning is approved, staff estimates approximately \$370,000 in taxation revenue in the supplemental tax year only, based on the assumption of 5 single detached dwelling units, 32 semi-detached dwelling units and 66 townhome/apartment dwelling units at an estimated assessed value of \$400,000, \$300,000 and \$275,000 per respective 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 \$1,301,000 based on the assumption of 5 single detached dwelling units, 32 semi-detached dwelling units and 66 townhome/apartment 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 (ie. roads, water/wastewater linear pipes, etc).

## **Report Overview:**

The owner has requested an extension to the conditional zoning approval of File # 751-8/06-1, Sixth Avenue, Lively for a period of two (2) years to June 28, 2023. Planning staff are recommending approval of the request with modification to the conditions based on comments received from Conservation Sudbury.

## **Staff Report**

### **Applicant:**

1257620 Ontario Limited

### **Location:**

Parcel 22159 SWS, Lot 7 Concession 6, Waters Township, Sixth Avenue, Lively

### **Application:**

Request to extend conditional approval of rezoning File # 751-8/06-1, Sixth Avenue, Lively for a period of two (2) years to June 28, 2021.

### **Proposal:**

The proponents are requesting a two-year extension to the conditional zoning approval of File # 751-8/06-1, Sixth Avenue, Lively. Once the condition of approval has been addressed, these lands will be rezoned to "R3(S)", Medium Density Residential Special.

### **Background:**

On June 28, 2006 Council ratified the Planning Committee recommendation #2006-126 to approve applications by 1257620 Ontario Ltd. to amend the official plan and zoning by-law to permit a 119 unit residential development consisting of a mix of single, semi-detached, townhouse and apartment style units on part of the Sixth Avenue Golf Course. A copy of the resolution is attached to this report. Official Plan Amendment # 260 was adopted by Council on November 29, 2006 and has since been incorporated into the City's Official Plan. The applicant has requested to extend this zoning approval in 2008, 2009, 2011 (conditions amended), 2013, 2014, 2017, and 2019. The owner has requested an additional two year extension to the zoning approval.

The applicant has fulfilled the conditions of approval for the portion of the subject property adjacent to Twelfth Avenue, the vacant land condominium project, and those lands have been rezoned from "OSR", Open Space Recreational to "R1-5", Low Density Residential One. The extension is only required for that portion of the lands adjacent to Sixth Avenue.

The rezoning application was approved in 2006 on the condition that prior to the enactment of the zoning by-law, the applicant submit a geotechnical report addressing the slope of the Meatbird Creek valley to the satisfaction of the Nickel District Conservation Authority, the submission of a registered survey for the lands to be rezoned, and requiring the a holding zone to restrict development until water and sanitary services can be provided and other required planning approvals are in place.

Departmental and agency comments are included as Appendix 1.

Development Engineering has commented that their original comments are still valid, and the holding zone with respect to the provision of water and sanitary sewer is still required.

Conservation Sudbury has commented that Meatbird Creek and its associated floodplain form part of the proposed development, and as such, portions of the subject lands are within an area regulated by Ontario Regulation 156/06. Policy 3.1.2d) of the Provincial Policy Statement, 2020 (PPS) states that "Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding".

Meatbird Creek has an associated floodplain with a regulatory flood elevation between 285.60 m to the west to 279.60 m at the eastern extent of the parcel. As such, Conservation Sudbury has requested that the following conditions be added:

- The applicant submit a plan prepared by an Ontario Land Surveyor that demonstrates that no development is proposed within the extent of the floodplain to the satisfaction of the Nickel District Conservation Authority; and,
- That the limits of the hazards on-site be zoned restrictively.

Planning staff recommend that it would be appropriate to grant a two year extension with modification to the conditions to require the survey to show the extent of the floodplain. It is not recommended that the limits of the hazard need to be zoned restrictively, since the related planning approvals can be used to control the location of development.

Conservation Sudbury advises the proponent of the following:

- The proponent is advised that works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the *Conservation Authorities Act*. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed. Please contact our office at [ndca@conservationsudbury.ca](mailto:ndca@conservationsudbury.ca) to determine the need for a permit.
- The proponent is advised that as part of the site plan control process Conservation Sudbury will have additional comments and technical requirements, and may include stormwater management and erosion and sediment control.

### **Summary:**

Planning Services Division recommends that the request for a two-year extension to June 28, 2023 be granted with the modification noted in the Resolution. In accordance with Sections 34(17) of the Planning Act no further notice of change to this application is required.