

11 Elm Street, Coniston

Presented To:	Planning Committee
Meeting Date:	September 27, 2021
Type:	Routine Management Reports
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-3/21-02

Report Summary

This report provides a recommendation regarding an application for rezoning to remove a holding provision to permit the development of a 55 unit apartment building, 11 Elm Street, Coniston – Sheena Sharp.

Resolution

THAT the City of Greater Sudbury approves the application by Coniston Non-Profit Seniors Housing Corporation to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “H44R3-1(27)”, Holding – Medium Density Residential Special to “R3-1(27)”, Medium Density Residential Special on those lands described as PIN 73560-1293, Parts 3-8, Plan 53R-20805, Part of Lot 4, Concessions 3 & 4, Township of Neelon, Coniston, City of Greater Sudbury, as outlined in the report entitled “11 Elm Street, Coniston”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 27, 2021.

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 application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by adding to the range and mix of housing available in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

If the application to remove the "H44" holding provision is approved, staff estimates approximately \$189,000 in taxation revenue in the supplemental tax year only, based on the assumption of 55 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 \$600,000 based on the assumption of 55 dwelling units based on the rates in effect as of this report.

In addition, Council approved a cost sharing agreement with the Coniston Non Profit Seniors Housing for watermain upgrades in the amount of \$363,325.50 (City's share of estimated costs) and will be funded from existing Water cost sharing capital account.

Report Overview

This report reviews an application for Zoning By-law Amendment intended to remove a holding provision that requires the owner to enter into a servicing agreement with the City respecting the municipal water supply system in order to permit the development of a 55 unit apartment building. Development Engineering staff has confirmed that the owner has entered into the required servicing agreement. It is on this basis that the Planning Services Division is recommending that the application be approved.

Staff Report

Proposal:

The application for the 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 of the subject lands from "H44R3-1(27)", Holding – Medium Density Residential Special to "R3-1(27)", Medium Density Residential Special. Removal of the holding provision, which is related to the municipal water supply system, would permit the development of a 55 unit apartment building.

Existing Zoning: "H44R3-1(27)", Holding – Medium Density Residential Special

The existing zoning was established through a previously-approved rezoning application (CGS File No. 751-3/14-2). The R3-1 (27) zone permits a range of low and medium density residential uses including the proposed multiple dwelling. Site specific provisions prohibit main buildings or structures on a portion of the property (Parts 6, 7 and 8, Plan 53R-20805) to promote the preservation of undeveloped portions of the property that will remain in the floodplain.

The "H44" holding provision under Part 13 – Holding Provisions of the Zoning By-law restricts the permitted uses to those permitted in the FD, Future Development Zone until removed by Council. The holding provision may be removed subject to the following condition:

1. That the owner shall have entered into a servicing agreement with the City of Greater Sudbury respecting improvements to the municipal water supply system to provide adequate flows of domestic water and fire protection to the subject lands to the satisfaction of the General Manager of Growth & Infrastructure.

Requested Zoning: "R3-1(27)", Medium Density Residential Special

The application is intended to remove a holding provision (H44) from the lands in order to permit the development of a 55 unit apartment building.

Location and Site Description:

The subject property is located at the west end of Elm Street in Coniston and is currently vacant. A significant portion of the lands are located within the Floodplain Overlay zone. The total area of the subject lands is approximately 6.47 ha (15.99 acres), with approximately 20.1 m (66 ft.) of frontage on Elm Street.

Surrounding Land Uses:

North and West: vacant lands owned by the City of Greater Sudbury

East: low density residential use, telecommunications tower

South: Coniston Cemetery

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned through the removal of the holding provision, as well as the applicable zoning in the immediate area.

Public Consultation:

There is no statutory public notice or public hearing requirements for the removal of a holding provision under Section 36 of the [Planning Act, R.S.O. 1990, c.P.13](#).

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. Holding provisions are a form of land use planning control permitted under Section 36 of the Planning Act, which permits a municipality to restrict the use of lands, buildings and/or structures until such time as certain conditions are met for the further development of a property.

2014 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 2014 Provincial Policy Statement (PPS). Policy 1.1.3.2(b) is applicable to this application for rezoning, which directs land use patterns within settlement areas to be based on densities and a mix of land uses which are appropriate for, and efficiently use, infrastructure which is planned or available, and avoid the need for unjustified and /or uneconomical expansion.

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 by removing a holding provision 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 designated both Living Area 1 and Parks & Open Space in the Official Plan for the City of Greater Sudbury. The Living Area 1 designation includes urbanized communities that are fully serviced and are to be the primary focus of residential development in the City, and permits the full range of residential dwelling types and densities in accordance with application requirements. With respect to the Parks & Open Space designation, site specific zoning provisions prohibit main buildings or structures on a portion of the property (Parts 6, 7 and 8, Plan 53R-20805) to promote the preservation of undeveloped portions of the property and areas that will remain in the floodplain.

The City's Official Plan also includes policies under Section 19.5.4 with respect to the use of holding provisions. Specifically, the City may utilize holding provisions to specify the use to which lands, buildings, or structures may be put to in the future provided that, in this case, the holding provision is used when certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreements with the City. Holding provisions may specify the interim land uses to be permitted, the conditions for removing a holding provision and any regulations or restrictions applying to the lands during the time in which the holding provision is in place. When a holding provision is to be removed from lands, an amending zoning by-law is to be adopted by Council when all conditions set out in the holding provision have been satisfied.

Zoning By-law 2010-100Z:

The owner is requesting that the "H44" holding provision applicable to the subject lands be removed in order to in order to permit the development of a 55 unit apartment building. The development standards for the "R3-1 (27)" Zone will continue to apply.

Department/Agency Review:

Development Engineering staff has indicated that the owner has entered into a servicing agreement with the City respecting the municipal water supply system in order to permit the development of a 55 unit apartment building. It is on this basis that the Planning Services Division is recommending that the application be approved.

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 in respect of the applicable policies, including issues raised through agency and department circulation.

The review of the previous rezoning application made in 2014 to permit the development of a 55 unit apartment building included completion of a water model capacity analysis using the City's theoretical water model. The model indicated a lack of available water flows at this location, and that watermain upgrades are required to be completed by the owner to enable the development. The existing zoning, which included a holding provision, was established through Planning Committee Recommendation PL2016-032, which was ratified by Council on August 9, 2016 and implemented through By-law 2017-67Z. The owner has now entered into a servicing agreement with the City respecting the municipal water supply system as required by the holding provision. The applicant has made a separate request to the City for cost sharing, which was originally approved by the Planning Committee on September 12, 2016 and modifications approved on January 25, 2021. Staff in general has no concerns with respect to the proposed removal of the "H44" holding provision conforming to the applicable policies in the Official Plan for the City of Greater Sudbury.

The Development Approvals Section is therefore satisfied that the condition for lifting the holding provision on the "H44R3-1(27)", Holding - Medium Density Residential Special zone has been cleared. It would therefore

be appropriate for Council to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to remove the holding symbol from the subject lands. This removal will allow for the development of a 55 unit apartment building.