

1390 Main Street, Val Caron

Presented To:	Planning Committee
Meeting Date:	September 27, 2021
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-06

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3”, Medium Density Residential, in order to permit an existing three (3) unit multiple dwelling.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Rene Ranger to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One to “R3”, Medium Density Residential on lands described as PIN 73502-0436, Parcel 23053, Lot 25, Plan M-486, Lot 6, Concession 6, Township of Blezard, as outlined in the report entitled “1390 Main Street, Val Caron”, from the General Manager of Growth and Infrastructure presented at the Planning Committee meeting on September 27, 2021, subject to the following conditions:

1. That prior to the enactment of the amending zoning by-law:
 - a. The owner shall submit to the City a building permit application and plans to the satisfaction of the Chief Building Official; and,
 - b. That the Nickel District Conservation Authority shall issue a permit pursuant to Section 28 of the Conservation Authorities Act.
2. That the amending zoning by-law include the following site-specific provisions:
 - a. Any necessary site-specific relief identified in the review of the required building permit application related to required landscaping and parking provisions of the City's Zoning By-law be provided for accordingly.
3. That conditional approval shall lapse on September 28, 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. 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 compact, creating complete communities.

Financial Implications

If the rezoning application is approved, staff is unable to estimate the taxation revenue as changes in assessed value for this existing building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it 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, Development Charges may be applicable and will be determined at the building permit stage.

Report Overview

An application for rezoning has been submitted in order to permit the existing three (3) unit multiple dwelling. Relief is requested to eliminate the requirement to provide any new planting strips. The subject land is designated as Living Area 1 in the Official Plan and zoned R1-5, Low Density Residential One.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit the existing three (3) unit multiple dwelling. Relief is requested to eliminate the requirement to provide any new planting strips.

This is a re-submission of a previously conditionally approved rezoning application, [File Number 751-7/16-14](#), which has since expired. The previous application was supported by staff subject to the owner submitting a building permit application and plans to the satisfaction of the Chief Building Official.

The property is occupied by a three unit single storey structure that was constructed in 1957 with an addition to the rear constructed in 1990; the existing building has an area of approximately 125.6 m² (1,352 sq. ft.). The application does not indicate when the additional units were developed within the building. A small storage shed is located to the rear of the building.

Existing Zoning: R1-5, Low Density Residential One

The R1-5 Zone permits a limited range of low density residential uses including single detached dwellings, a home daycare, group home (type 1), and a bed and breakfast establishment. A portion of the lands are located within the Flood Plain Overlay, which restricts development unless approved by Conservation Sudbury.

Requested Zoning: R3, Medium Density Residential

The proposed R3 Zone would permit an additional range of residential uses beyond those permitted in the R1-5 Zone, including semi-detached, duplex, row dwellings and multiple dwellings. Specific relief has been requested to provide no new planting strips along the boundary of the adjacent low density residential properties.

Location and Site Description:

The subject property is described as PIN 73502-0436, Parcel 23053, Lot 25, Plan M-486, Lot 6, Concession 6, Township of Blezard, 1390 Main Street, Val Caron. The subject lands are located on the north side of Main Street, west of River Road in Val Caron. The lands have an area of approximately 1394.89 m² (15, 015 sq. ft.) with approximately 23.47 m (77 ft.) of frontage on Main Street, which is a collector road in this location. The lands are currently serviced with municipal water and sanitary sewer, and the closest transit stops are located along Municipal Road 80 approximately 700 m to the west.

Surrounding Land Uses:

The area surrounding the site includes:

North, East:	Residential use (single detached dwelling)
South:	Main Street, draft approved plan of subdivision zoned “R2-2”, Low Density Residential Two
West:	Residential use (single detached dwelling), École élémentaire publique de la Découverte

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses along Main Street in this area.

Public Consultation:

Notice of a complete application was circulated to the public and surrounding property owners on July 23, 2021. Statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to public property owners and tenants within a minimum of 120 m of the property on September 9, 2021. The owner 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. At the time of writing this report, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

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 (PPS).

Several sections of the PPS are relevant to the application. Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

Policy 3.1.1(b) of the PPS states that “Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards”. The definition of ‘Development’ is “the creation of a new lot, a change in land use, or the construction of buildings and structures”. The proposed change in land use is considered as development as defined in the PPS (2020).

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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Policies 3.2(2), 3.2.1(4) and 3.2.1(5) provide direction regarding the location of medium density housing. Medium density housing is permitted where full municipal services with adequate capacity are available, and should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.

Policies 3.2(3) and 3.2.1(5) state that sites should be of a suitable size to provide adequate landscaping and amenity features, and that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Policies 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

The subject lands are located within a floodplain. Section 20.7 includes policies pertaining to hazard lands including floodplains, and states that development may only be permitted if approved by Conservation Sudbury or the Ministry of Natural Resources and Forestry (whomever is the appropriate authority). Development shall not be permitted where there is an unacceptable risk to public health or safety or of property damage.

Zoning By-law 2010-100Z:

The development standards for the requested zone permit a maximum height of 11 m. The minimum required front yard is 6 m, the minimum required rear yard is 7.5 m, and the minimum required interior side yard is 1.2 m. The maximum lot coverage is 40%.

Parking is not permitted in the front yard. Parking for a multiple dwelling is required to be provided at a rate of 1.5 spaces per unit, or 5 spaces in this case. The minimum driveway width is 3 m.

The minimum landscaped open space requirement is 30%. A 3.0 m wide planting strip with a screening device is required adjacent to the full length of the lot line abutting the north, west, and east R1-5 zones. The planting strip width may be reduced to 1.8 m where an opaque fence 1.5 m in height is provided.

Site Plan Control:

A Site Plan Control Application is not required for multiple dwellings with four or less units.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards, and are included as Appendix 1. Comments have been addressed to the satisfaction of reviewing department and agencies. No concerns were raised by Development Engineering, Infrastructure Capital Planning Services, Transit, or Leisure Services.

Building Services has advised that the proposed parallel parking along the side of the building must be 3 m x 6.9 m in size, and must not encroach on the required front yard setback. A 6 m wide access drive adjacent to

the parking is required. As per the Order to Comply issued on April 13, 2016, the applicant is required to obtain a building permit for the additional dwelling units. Building Services has requested that prior to the passing of the zoning by-law amendment, a building permit will be required to the satisfaction of the Chief Building Official.

Development Engineering advises that the site is serviced with municipal water and sanitary sewer.

Conservation Sudbury has advised that given the presence of the floodplain a permit under s. 28 of the Conservation Authorities Act is required prior to development. Given the location of the rear addition and proximity to the floodplain, they have recommended that the proponent demonstrate that the existing structure is not at risk of flooding prior to passing of the by-law.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and 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 circulation.

The application to permit a multiple dwelling building on the subject lands is consistent with both the PPS and Official Plan direction to direct development to fully serviced settlement areas, to make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal to construct a multiple dwelling in this location represents an opportunity to provide an alternative form of housing.

The subject property is an appropriate location for intensification to medium density. There are full municipal services with adequate capacity available. Main Street, while not being an arterial road, is located in close proximity to Municipal Road 80 (700 m) which is an arterial road that is served by public transit. Employment opportunities, commercial areas, and community services are available within relatively close proximity along Municipal Road 80.

The proposed density and building form is compatible with adjacent lands, which are zoned R1-5 and consist of single-detached dwellings. The proposed three units would represent a net density of approximately 22 units per hectare, which is still within the range for low density development (max 36 du/ha). The proposal is compatible with the adjacent residential uses in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. Traffic is not expected to be impacted by this proposal.

The site itself is relatively large and has sufficient area to accommodate a three-unit multiple dwelling. A lot area of 465 m² per unit is proposed, where a minimum of 110 m² is required. The sketch provided by the applicant demonstrates that the existing building complies with the minimum front, side and rear yard setbacks.

In terms of parking spaces, further to comments received from Building Services, parking space #1 proposed on the applicant's sketch is not permitted in the required 6 m wide front yard as shown. The drive aisle beside the parallel spaces must be 4 m and would appear to be able to be accommodated on site. The parking areas require revision to remove the space proposed in the required front yard and dimensions added to ensure adequate maneuvering space exists for the balance of the spaces proposed. This will need to be demonstrated in the plans provided as part of a building permit application. Adequate room exists to the rear of the building to accommodate all the required five (5) parking spaces if needed.

In terms of the required planting strip for R3 development adjacent to the R1-5 Zones, the applicant has requested relief to provide no new planting strips. The results of the site visit would indicate that there are existing opaque fences and mature shrubs/trees that provide the required screening device.

There is also enough space to provide the appropriate planting strip widths (1.8 m adjacent to a fence and 3 m where shrubs/trees provide the screening). Staff is of the opinion that the planting strip requirements are met by the existing site features, and no zoning relief is required. The planting strips will need to be demonstrated in the plans provided as part of a building permit application.

At the time of writing of this report, the applicant had submitted building plans to Building Services and had been advised of deficiencies in the submission. It is recommended that the application be approved subject to a building permit application being provided to the satisfaction of the Chief Building Official prior to the adoption of the amending by-law in order to ensure that all life safety requirements are addressed.

It is recommended that the resolution include the ability to provide minor site-specific relief related to the required landscaping and parking layout to be demonstrated in the plans provided as part of a building permit application.

It is also recommended that the application be approved subject to a permit under s. 28 of the Conservation Authorities Act being issued, and which will require the proponent to demonstrate that the existing structure is not at risk of flooding.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

The following are the principles of the proposed site specific zoning by-law:

- To rezone the lands from R1-5 to R3, with any site-specific relief identified in the review of the required building permit application related to required landscaping and parking provisions.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed multiple dwelling will contribute to the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.
- The sewer and water services are adequate for the site.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.