

4045 Elmview Drive, Hanmer

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-5

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing four dwelling units on the subject lands.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Blanchette Hardware Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “C1(24)”, Local Commercial Special to “R3(S)”, Medium Density Residential Special on those lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, as outlined in the report entitled “4045 Elmview Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021 subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
 - a) The owner shall apply for all required building permits to the satisfaction of the Chief Building Official;
 - b) The owner shall relocate the existing refuse storage area situated in the front yard to a location in compliance with the City’s Zoning By-law to the satisfaction of the Director of Planning Services; and,
 - c) The owner shall remove the existing accessory structures in the westerly interior side yard and restore the planting strip in this location to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
 - a) That the only permitted use on the subject lands be a multiple dwelling containing a maximum of four residential dwelling units;
 - b) That a minimum rear yard of 7.5 metres be required; and,
 - c) That a planting strip along the northerly lot line having a minimum width of 0 metres together with an opaque fence having a minimum height of 1.5 metres be required.

3. That the existing site plan control agreement applicable to the lands shall be discharged from title once the amending zoning by-law is enacted and is final and binding to the satisfaction of the City Solicitor and the Director of Planning Services; and,
4. That conditional approval shall lapse on October 26, 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 City's Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The development proposal will further diversify the supply of new housing options in this part of the City and is therefore consistent with the goals and objectives of the Strategic Plan.

As a form of residential intensification in an existing built-up urban area in Hanmer, the development proposal aligns with the recommendations of the CEEP.

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.

Report Overview

This report reviews a re-application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing four dwelling units on the subject lands. Site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed. The owner has also requested that the existing site plan control agreement that is applicable to the lands be discharged from title.

Staff is satisfied that the development proposal would generally conform with the City's Official Plan. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff is therefore generally supportive of the development proposal and have noted that three conditions of approval should be satisfied prior to the enactment of an amending zoning by-law. Staff has also identified site-specific relief that would be required in an amending zoning by-law in order to properly facilitate and permit the development proposal on the subject lands. Staff also have no concerns with respect to discharging the existing site plan control agreement provided that the amending zoning by-law is in full force and effect.

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

Staff Report

PROPOSAL:

This application for Zoning By-law Amendment seeks to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing four dwelling units on the subject lands. Site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed. In order to accommodate the proposed multiple dwelling containing four residential dwelling units as permitted use on the lands, the proposed rezoning would change the zoning classification of the subject lands from “C1(24)”, Local Commercial Special to “R3(S)”, Medium Density Residential Special. The owner has also requested that the existing site plan control agreement that was registered on November 16, 1994 be discharged as there would no longer be any permitted commercial uses on the lands and multiple dwellings containing four or less residential dwelling units are generally exempt from site plan control under [By-law 2010-220](#) being the Site Plan Control Area By-law for the City of Greater Sudbury.

The owner’s agent confirmed with staff on May 4, 2021 that no application for pre-consultation would be required as the proposed rezoning of the subject lands amounted to a re-application. The request was considered by staff and it was determined that the current development proposal did not materially depart from the previous conditional rezoning approval and therefore the re-application did not need to be considered by the Sudbury Planning Application Review Team (SPART) ahead of submitting a formal re-application to rezone the lands.

The re-application for Zoning By-law Amendment was subsequently then submitted by the owner’s agent to the City on June 1, 2021, and deemed to be complete on June 17, 2021. The re-application included the submission of a Concept Plan in support of the request to rezone the subject lands. Details with respect to the owner’s public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Previous Rezoning Approval:

As background, it should be noted that the current application for rezoning is generally seeking the same planning approval that was formerly approved by the City’s Planning Committee on September 12, 2016 ([PL2016-137](#)), which was then ratified by Council on October 18, 2016 (File # 751-7/16-12). There were two conditions of approval on the above noted first rezoning application that were not satisfied and said previous rezoning approval has since lapsed. The first condition required the submission of a satisfactory building permit application to the satisfaction of the Chief Building Official. The second condition required that the owner apply for and receive final approval for an amended site plan control agreement that is to be registered on title to the satisfaction of the Director of Planning Services.

The application was then brought back for reconsideration to the City’s Planning Committee on June 12, 2017, and the condition to enter into an amended site plan control agreement was removed as the owner expressed an intention to only seek approval for a multiple dwelling containing four residential dwelling units as opposed to five residential dwelling units ([PL2017-96](#)). The updated conditional approval also added two conditions requiring that, firstly, the existing driveway entrance onto Dominion Drive be removed entirely and, secondly, that a refuse storage area be re-located in compliance with the City’s Zoning By-law. As a result of these changes, the existing site plan control agreement applicable to the lands was to be removed once the amending zoning by-law had been enacted and was final and binding. Site-specific relief was granted in order to only permit a multiple dwelling having four residential dwelling units on the lands, to recognize the

existing rear yard setback to the existing building and to allow for a minimum of 22% landscaped open space on the lands. The changes to the conditional rezoning approval were then subsequently ratified by Council on June 13, 2017.

The revised conditions of approval were not cleared and therefore said previous conditional rezoning approval lapsed on October 18, 2018. It is on this basis that no amending zoning by-law was therefore enacted by Council. A copy of both [staff reports](#) and both resolutions (ie. PL2016-137 & PL2017-96) that had the effect of conditionally approving the former rezoning application are attached to this report for reference purposes.

Staff notes in particular that the City's Official Plan has been since been amended to broaden and strengthen intensification policies through the now complete first phase of the City's Official Plan Review. In particular, the strengthened intensification policies revolve around a general theme that facilitating intensification is essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and ensuring the efficient movement of goods.

Staff would therefore emphasize that the current rezoning application before the Planning Committee has been reviewed against the currently applicable policy and regulatory framework that is in place today and not against the formerly applicable policy and regulatory environment that existed at the time of the first and now lapsed rezoning application.

Existing Zoning: "C1(24)", Local Commercial Special

The "C1(24)" Zone permits retail stores, bake shops, restaurants and residential dwelling units above permitted non-residential uses in addition to the full range of land uses permitted in the standard "C1" Zone. The standard "C1" Zone permits a convenience store, day care centre, medical office, personal service shop, pet grooming establishment, and a pharmacy up to a maximum net floor area of 150 m² (1,614.59 ft²) per lot. Permitted residential uses in the parent "C1" Zone include any dwelling containing not more than two residential dwelling units, a group home type 1 within a single-detached dwelling having a maximum of ten beds, and a private home daycare. Those development standards associated with the "C1(24)" Zone are outlined under Section 7.3, Table 7.3 – Standards for Commercial Zones.

Requested Zoning: "R3(S)", Medium Density Residential Special

The proposed rezoning to "R3(S)" is intended to permit a multiple dwelling containing four residential dwelling units. The rezoning of the lands is also proposed to include site-specific relief in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. Those development standards associated with the "R3" Zone are outlined under Section 6.3, Table 6.5 – Standards for Medium Density Residential (R3 and R3-1) Zones. Staff would note that in order to implement the requested site-specific relief the lands would need to be rezoned to "R3(S)" as the standard "R3" Zone does not provide for relief being requested.

Location and Site Description:

The subject lands are located at the north-west corner of Dominion Drive and Elmview Drive in the community of Hanmer. The lands have a total lot area of approximately 1,461 m² (15,737 ft²) with approximately 32 m (104.99 ft) of lot frontage on Dominion Drive. The lands form a corner lot and also have an exterior side line of approximately 45 m (150 ft) along Elmview Drive.

The lands contain an existing building which is to contain a multiple dwelling containing four residential dwelling units. The lands are now exclusively accessed via an existing driveway from Elmview Drive. It is noted that formerly there was a second driveway access onto Dominion Drive that has now been removed. The proposed rezoning would recognize and permit uses that have already been established on the lands within the existing building.

Surrounding Land Uses:

North:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings.
East:	Howard Armstrong Recreation Centre, Howard's Nature Trail, and low density urban residential land uses along Frost Avenue with the pre-dominant built-form being single-detached dwellings.
South:	Rural residential land uses and several vacant rural lots.
West:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and a large tract of vacant land zoned for future development.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the existing building at the corner of Elmview Drive and Dominion Drive along with a parking area in the front and corner side yards that is accessed via an existing driveway onto Elmview Drive. Photos of the immediately surrounding area also generally illustrate the lower density urban and rural residential built-forms having frontages on both Elmview Drive and Dominion Drive.

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 June 17, 2021. The statutory Notice of Public Hearing dated September 23, 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 were 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 application 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. Staff would also note here that the proposed rezoning also amounts to a re-application.

At the time of writing this report, no phone calls, emails or letter submissions with respect to the development proposal have been received by the Planning Services Division.

POLICY AND REGULATORY FRAMEWORK:

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

- [2020 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 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions; and,
7. With respect to Housing Policies, Section 1.4.3 outlines that municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - a) Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, as well as all types of residential intensification, including additional residential units, and redevelopment;
 - b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed;
 - d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
 - e) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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 for Zoning By-law Amendment 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 Mixed Use Commercial in the Official Plan for the City of Greater Sudbury. The Mixed Use Commercial land use designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General industrial land uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on a mixed use corridor. Heavy industrial uses are not permitted. Those land uses permitted in the Mixed Use Commercial land use designation are intended to provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

New development within a Mixed Use Commercial designation may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads are to be permitted where reasonable alternate access exists;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for new development will be provided by the owner;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The development proposal satisfies applicable transit-supportive, accessibility and urban design policies set out under Sections 11.3.2, 11.8 and 14.0 of the City's Official Plan.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to 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. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;
5. Intensification and development is permitted in established Living Area 1 lands, in accordance with

the policies of the Official Plan;

6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal; and,
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
 - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
 - b. The compatibility proposed development on the existing and planned character of the area;
 - c. The provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
 - d. The availability of existing and planned infrastructure and public service facilities;
 - e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
 - f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
 - g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
 - h. The level of sun -shadowing and wind impact on the surrounding public realm;
 - i. Impacts of the proposed development of surrounding natural features and areas and cultural heritage resources;
 - j. The relationship between the proposed development and any natural or man-made hazards;
 - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
 - l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 17.2 of the City's Official Plan generally encourages diversity in housing types and forms, including the provision of affordable housing. Specifically, Section 17.2.1 encourages a greater mix of housing types and tenure through applicable housing policies. Specifically, it is the policy of the City's Official Plan:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- b. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households;
- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. To discourage downzoning to support increased diversity of housing options; and,
- e. To support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of

all ages and abilities, and meet the daily and lifetime needs of all residents.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing four dwelling units on the subject lands. As was mentioned previously in this report, site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed.

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 inform and identify appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Fire Services, Operations, Roads, Transportation and Innovation, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services notes that they have no concerns with the site-specific relief that is being requested. The owner is advised that a building permit and building permit documents will be required to the satisfaction of the Chief Building Official. Building Services has also indicated that their research indicates there will be a conversion of commercial space to residential use and for this reason drawings for the building permit application must be prepared by a qualified designer and shall include all required fire separations, exits, interior floor plans including all rooms and windows, heating and ventilation systems, and plumbing layouts. It is noted that the existing refuse storage area is situated in the required front yard. In this regard, the owner is advised that refuse storage areas shall be located in an interior yard only. The owner is required to relocate the refuse storage area to an interior side yard unless site-specific relief is granted allowing the existing refuse storage area to remain in its current location.

Conservation Sudbury advises that it would appear that a permit pursuant to Section 28 of the [Conservation Authorities Act](#) is not required as the subject lands do not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features. The owner is advised however that Conservation Sudbury regulates the hazards associated with natural features and uses mapping as a tool to identify said hazards. It is noted then that while Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on the subject lands that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the owner must halt works immediately and contact Conservation Sudbury directly. For the owner's information, regulated natural hazards include floodplains, watercourses, shorelines, wetlands and valley slopes.

The City's Drainage Section notes that the submitted sketch does not clearly illustrate ditching that exists along both the Elmview Drive and Dominion Drive street-lines. The owner is cautioned that the existing ditching is to be maintained.

Development Engineering advises that the lands are serviced with municipal water and sanitary sewer infrastructure. It is noted that all costs associated with any upgrades to the existing water and sanitary sewer infrastructure that is deemed to be necessary in order to properly service the lands will be borne entirely by the owner. It is further noted that the driveway entrance onto Dominion Drive has now been removed and should be replaced with landscaped open space.

PLANNING ANALYSIS:

The 2020 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 the applicable policies, including issues raised through agency and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Hanmer is an identified settlement area in the City's Official Plan. The development proposal involving the recognition of an existing multiple dwelling containing a total of four residential dwelling units within the existing building should be generally promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of residential densities and land uses that would be permitted in this particular area along Elmview Drive and at the corner of Dominion Drive which is designated in the City's Official Plan as a Collector Road within the community of Hanmer. Staff notes that the lands are serviced with municipal water and sanitary sewer from Dominion Drive. Access to the GOVA public transportation network is available along both Elmview Drive and Dominion Drive (ie. Route 105 – Valley) giving direct routing access to the Downtown Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of Elmview Drive providing a pedestrian connection to the larger surrounding area. There are also a number of public open spaces (eg. playgrounds, soccer fields, Howard's Nature Trail, etc.) and community facilities (eg. Centre Pivot du Triangle Magique Daycare, Howard Armstrong Recreation Centre, Valley East Public Library, etc.) in close proximity to the subject lands across Elmview Drive that can be accessed through the active transportation infrastructure that exists in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;
3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased and available housing opportunities on the housing continuum (ie. affordable rental housing) via the promotion of the intensification of an existing residential building that is located within the Hanmer settlement area and built boundary;
4. Staff is generally supportive of this opportunity for residential intensification and notes that the subject lands are immediately abutting two roads (ie. Elmview Drive and Dominion Drive) that are presently serviced by existing GOVA public transit routes. The proposed residential intensification in this instance would facilitate an additional two residential dwelling units within the existing building whereas at present only two residential dwelling units are permitted. The addition of two residential dwelling units would result in the lands being permitted a multiple dwelling having a total of four residential dwelling units and would therefore contribute positively toward improving the supply and range of housing options made available through intensification and redevelopment in the area. Staff is further satisfied that the proposed multiple dwelling having a total of four residential dwelling units within the existing building can be reasonably accommodated on the lands with minimal disruption to abutting residential land uses provided certain development standards are utilized in an amending zoning by-law. Suitable municipal infrastructure is also generally available within the Dominion Drive road allowance and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good intensification and compact built-form in this particular location, while at the same time avoiding or mitigating risks to public health and safety. Those development standards that would be appropriate in order to properly accommodate the proposed multiple dwelling containing four dwelling units on the subject lands are discussed in more detail later in this report;
6. Staff notes that the subject lands are within an existing and identified settlement area being that of the Hanmer community. It is further noted that the lands are also within the City's existing built-boundary. Staff is therefore of the opinion that the proposed rezoning would facilitate and encourage the possibility of additional residential development proceeding in this area that has a more compact built-form by permitting a multiple dwelling having four residential dwelling units within the existing building

and at an overall site density that will utilize the subject lands efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively toward minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan; and,

7. With respect to housing policies in the PPS, staff would highlight and note the following:
 - a) The proposed residential dwelling units that are proposed within the existing building would in general provide for an expanded range and potential mix of housing options and densities in the community of Hanmer. With the proper use of development standards as noted later in this report, staff is satisfied that no negative impacts would be generated should the rezoning to permit residential intensification in this location be approved from a social, health, economic and well-being perspective in terms of current and future residents living in the local community;
 - b) Staff is satisfied through their review and circulation of the rezoning application that the proposed new housing option being that of a multiple dwelling containing four residential dwelling units within the existing building can and should be appropriately directed to the subject lands as appropriate levels of infrastructure (eg. active transportation, municipal sanitary sewer and water infrastructure, public transportation, etc.) are presently available in this particular location at the corner of Elmview Drive and Dominion Drive in Hanmer;
 - c) Staff is of the opinion that the development proposal would generally result in the more efficient use of the subject lands, the existing building, and available municipal infrastructure in this location. The lands are also presently underutilized from a local commercial perspective. It is further noted that the resulting improved housing options in this area would also positively contribute to and encourage the use of public transportation in the immediate area;
 - d) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal in general being that of a multiple dwelling containing four residential dwelling units within the existing building on the subject lands would not negatively impact other intensification opportunities that may exist in the area; and,
 - e) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development and residential intensification of the subject lands without negatively impacting the cost of housing and the existing character of the area. In particular, the proposed rezoning would facilitate the addition of two residential dwelling units beyond the two residential dwelling units that are already permitted in this location and staff is satisfied that doing so would not be excessive or unreasonable in nature. Staff notes that the resulting multiple dwelling containing four residential dwelling units can be reasonably expected to provide additional affordable rental dwelling units in the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

With respect to the City's Official Plan, staff in general have no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would recognize and permit a multiple dwelling containing four residential dwelling units within the existing building are discussed below.

With respect to general policies under the Mixed Use Commercial land use designation in the Official Plan, staff notes that a multiple dwelling containing four residential dwelling units is a permitted use provided that it is compatible with surrounding land uses. Staff also do not anticipate any negative impacts from a visual perspective on the Mixed Use Commercial corridor and would note that the proposed multiple dwelling would be entirely contained within the existing building that is situated on the lands. The residential density on the lands would amount to 28 residential dwelling units per hectare, which is at a density and concentration lower than what would generally be expected on lands designated Regional Corridor.

With respect to new development that is proposed within the Mixed Use Commercial land use designation, staff have the following comments:

1. Development Engineering has reviewed the application and has not indicated that there are any

concerns with respect to municipal water and sanitary sewer infrastructure capacities in this location. Staff would also note that the existing building is already connected to the existing municipal water and sanitary sewer infrastructure that is available along Dominion Drive;

2. Roads, Transportation and Innovation have reviewed the application and have not indicated that there are any concerns with respect to parking areas on the subject lands. Staff is satisfied that parking can be adequately provided on the lands and will discuss the existing parking layout in more detail later in this report. Roads, Transportation and Innovation have also not identified the need or requirement for any traffic improvements in order to accommodate the proposed multiple dwelling containing four residential dwelling units;
3. Staff would note that no new access onto an Arterial Road is required in order to accommodate the development proposal and it is further noted that Dominion Drive is identified as being a Collector Road in the City's Official Plan. It is on the same basis that staff would advise that there are no concerns with respect to negatively impacting the traffic carrying capacity of an Arterial Road should the rezoning be approved;
4. It is noted that the previous rezoning sought approval to permit five residential dwelling units whereas the current development proposal would reduce the residential dwelling unit count below the threshold (ie. four units or less) for imposing site plan control on the lands. As such, staff will need to address on-site landscaped open space via the amending zoning by-law as opposed to the site planning process. The amount of landscaped open space on the lands and opportunities to improve upon the availability of outdoor amenity space is discussed in detail later in this report. Staff would also note however that the development proposal would not result in non-residential land uses abutting residential land uses, however, there would be a transition between low and medium density residential development should the rezoning be approved; and,
5. Staff have no concerns with respect to the overall development proposal conflicting with or not being in conformity with those applicable transit-supportive, accessibility and urban design policies contained in the City's Official Plan. It is noted from the above perspective that the proposed land use would be contained within the existing building and appropriate development standards will be utilized to ensure the proposed use is best integrated with the surrounding area.

With respect to Section 2.3.2 of the Official Plan, staff notes that the subject lands are identified as being located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that the proposed rezoning that would recognize a multiple dwelling containing four residential dwelling units within the existing building on the lands represents an opportunity to make efficient use of the existing urban land supply, municipal infrastructure and other services that are already provided for within the City's Settlement Area and Built Boundary. Staff is also satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for the subject lands. Those development standards that would be appropriate in this setting are discussed in detail later in this report and are included in the Resolution section of this report.

With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff has the following comments:

1. Staff notes that in general all forms of residential intensification are encouraged in the City's Official Plan. Staff further notes in this instance that the subject lands contain an existing and underutilized mixed-use building that now only includes residential uses and as such the development proposal represents an opportunity to increase the mix and range of available housing options in a residential neighbourhood that at present contains mostly lower residential densities and built-forms. Provided that appropriate development standards are applied to the lands, staff is of the opinion that this form of residential intensification can be reasonably accommodated on the subject lands without negatively impacting the existing and planned character of the general area;
2. Staff advises that the portion of the development proposal involving the recognition of a multiple dwelling containing a total of four residential dwelling units that are all within the existing building on the lands would contribute positively to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary;

3. Staff advise that the development proposal does not amount to large or medium scale intensification that would be otherwise directed to strategic core areas, such as the Downtown or Town Centre land use designations. Staff notes that the Mixed Use Commercial land use designation does not include any specific references to permitted residential densities, however, the resulting residential density of approximately 28 residential dwelling units per hectare would not generally be considered to be large of medium scale intensification within the context of the community of Hanmer;
4. It is noted that intensification is permitted within the Mixed Use Commercial land use designation in accordance with the policies of the City's Official Plan. Staff notes that this section of the report provides a land use planning analysis that includes a review of the applicable residential intensification policies set against the Mixed Use Commercial land use designation policies. Staff can advise that from a Mixed Use Commercial land use designation perspective, no concerns with respect to conformity in relation to the overall development proposal were identified during the review of the rezoning application;
5. Staff notes that the proposed intensification would involve the redevelopment of a local commercial site that is in a general sense no longer viable for said local commercial purposes. This form of residential intensification does however represent a good opportunity to maintain the existing footprint of the building on the lands, while at the same time facilitating additional residential use permissions (ie. two additional residential dwelling units) and without negatively impacting the overall use of the lands or abutting residential properties. The additional two residential dwelling units are also to be accommodated in a manner that requires no additions to the existing building. Staff are satisfied that the proposed residential intensification is therefore being added in a manner that is complimentary to both the existing building as well as the surrounding residential area;
6. Staff notes that the rezoning application was circulated to Development Engineering and in their review there were no issues identified with respect to utilizing existing municipal water and sanitary sewer infrastructure that exists along Dominion Drive. Staff would further note that the existing building is already connected to said municipal infrastructure;
7. Staff notes that the existing building and how it is situated on the lands in terms of size and shape of the lot, as well as the siting, coverage, massing, height, servicing, and available outdoor amenity areas would remain largely unchanged. Staff in general have no concerns with the above matters from a land use compatibility perspective apart from noting that there would appear to be an opportunity to improve upon the amount of outdoor amenity space that is presently available on the lands to tenants living in the proposed multiple dwelling containing four residential dwelling units. In this regard, it is recommended that the amending zoning by-law not provide for any site-specific relief with respect to a reduced amount of landscaped open space on the lands. Staff would also encourage the owner to introduce a more appropriate level of landscaped open space on the lands given that the residential use of the lands would now extend throughout the entirety of the existing building. Staff in particular have identified in their review of the application that opportunities to add outdoor amenity areas in the form of landscaped open space appears to exist to both the north and the south of the existing building; and,
8. In particular, with respect to applicable criteria set out in Section 2.3.3 of the City's Official Plan that are to be considered when evaluating applications that propose intensification, staff has the following comments:
 - a) Staff are of the general opinion that the subject lands are of sufficient size and shape to accommodate a multiple dwelling containing four residential dwelling units all within the existing building. Staff notes that the rezoning application was circulated to appropriate agencies and departments and can advise that no concerns with respect to soil conditions and topography were identified. The City's Drainage Section was circulated the rezoning application and in their review did not identify any concerns with respect to drainage;
 - b) Staff have noted in this report that the subject lands are generally surrounded by lower density urban and rural residential land uses of which the predominant residential built-form is that of single-detached dwellings. Staff have no concerns with respect to the compatibility of the development proposal given that the existing building on the lands has existed in this location since original construction approximately three decades ago (ie. 1991) and the proposed

additional residential dwelling units would be contained entirely within the existing building and would therefore not involve any building additions. The appearance of the existing building from both Elmview Drive and Dominion Drive would be unchanged with the only discernable difference being the absence of ground-floor commercial uses;

- c) Staff is satisfied that the lands are generally capable of providing adequate on-site landscaping, fencing, planting and other measures that can reasonably be expected to have the effect of lessening any impacts that the development proposal would have on abutting residential properties, or the existing urban residential character that exists along Elmview Drive and Dominion Drive. It is also noted that landscaped open space not only provides privacy and buffering to abutting uses, but it also provides tenants living within the proposed multiple dwelling with outdoor amenity space. Staff would note however that multiple dwellings containing four or less residential dwelling units are generally exempt from site plan control. While staff are not recommending that site plan control be imposed here on a site-specific basis, it is being recommended by staff that additional landscaped open space and outdoor amenity areas be provided on the lands and that no site-specific relief be provided;
- d) Development Engineering was circulated the rezoning application and have noted that the lands are serviced with municipal water and sanitary sewer infrastructure. It is noted also that the lands are presently already connected to both municipal water and sanitary sewer infrastructure available along Dominion Drive;
- e) Staff notes that no new driveway entrances are necessary in order to facilitate access to the lands as the site contains an existing driveway entrance onto Elmview Drive. Staff further notes that there used to be a second driveway access onto Dominion Drive, which has since been removed. It is noted that Roads had noted in their review of the previous rezoning application that only one driveway access to the lands would be permitted and that one of the two driveway entrances would be required to be closed. The sketch that was submitted in support of the proposed rezoning depicts six parking spaces to the east of the existing building, which demonstrates compliance with respect to minimum require number of parking spaces for a multiple dwelling containing four residential dwelling units. There is also no requirement for a loading space as the proposed residential built-form does not amount to a multiple dwelling containing 50 or more residential dwelling units. Staff also have no concerns at this time with respect to safe and convenient vehicular circulation on the lands provided that the residential use of the lands is limited to that of a multiple dwelling containing a maximum of four residential dwelling units within the existing building;
- f) Roads, Transportation and Innovation have reviewed the rezoning application and did not express any concerns with respect to any negative impacts related to the traffic that would be generated by the development proposal on the local road network and surrounding land uses;
- g) As was noted previously in this report, the lands are well accessed by public transportation to the east on Burton Avenue (ie. Route 105 – Valley), which provides direct routing access to the Downtown Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of Elmview Drive providing a pedestrian connection to the larger surrounding area;
- h) Staff notes that no additions to the existing building are proposed and therefore no negative sun-shadowing and/or wind impacts would be introduced or generated by recognizing the existing multiple dwelling having a maximum of four residential dwelling units on the subject lands. Staff also notes that the medium density residential built-form (ie. a two-storey multiple dwelling within an existing building) itself in this case did not generate the need for any sun-shadowing and/or wind impact studies as part of a complete rezoning application;
- i) Staff in their review of the application did not identify any areas of concern with respect to negative impacts of the development proposal on surrounding natural features and areas and cultural heritage resources;
- j) Staff have no concerns with respect to the relationship between the proposed development and any nearby identified natural or man-made hazards;

- k) There are no facilities, services or other matters associated with the development proposal that are subject to Section 37 of the Planning Act; and,
- l) It is on the above basis that staff generally concludes and would advise that the proposed residential intensification balances the concerns of the local community with the identified need for providing opportunities for residential intensification.

With respect to housing policies established under Section 17.0 of the Official Plan, staff would note that in general the development proposal would contribute positively to the range of housing types, tenures and built-forms that would be made available to meet the needs of both current and future residents of Hanmer. Further to this, staff would note the following with respect to applicable housing policies in the City's Official Plan:

- 1. The proposed multiple dwelling containing four residential dwelling units represents an opportunity to introduce smaller (ie. one and two bedroom) residential dwelling units into this part of Hanmer that can reasonably be expected to provide for an attractive housing option for the growing number of smaller household sizes;
- 2. The proposed multiple dwelling containing four residential dwelling units represents an opportunity to provide for additional housing types and options for senior citizens living in the community of Hanmer. It is noted in particular that no other multiple dwellings existing in terms of housing options within the immediately surrounding area;
- 3. Staff notes that the proposed rezoning does not amount to a residential downzoning and in fact the rezoning would contribute positively to the notion of improving upon the diversity of available housing options in the general area; and,
 - a. Staff is of the opinion that the development proposal will contribute positively to the notion of creating complete communities designed to have a mix of land uses, that are supportive of public transit, that ensures the provision of a full range of housing, including affordable housing, that is inclusive of all ages and abilities, and it represents a housing opportunity that can be expected to meet the daily and lifetime needs of all residents living in the community of Hanmer.

Staff is therefore of the opinion that the proposed rezoning to permit a multiple dwelling containing four residential dwelling units within the existing building on the lands conforms to the Official Plan for the City of Greater Sudbury.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and have the following comments:

- 1. It is recommended that the amending zoning by-law permit a residential use that is limited to that of only a multiple dwelling having a total of four residential dwelling units within the existing building on the lands. Staff is of the opinion that the above will act to ensure that the proposed residential intensification of the lands occurs in a well-defined, clear and contextually sensitive manner;
- 2. Staff notes that the residential parking space requirement for a multiple dwelling in this location is to be calculated at 1.5 parking spaces per residential dwelling unit. It is noted then that the overall development proposal would be required to provide six parking spaces based on the proposed multiple dwelling having four residential dwelling units. Based on the submitted sketch, no site-specific relief is required in this regard as there would be six parking spaces provided to the east of the existing building on the lands. Staff would also note that the submitted sketch demonstrates compliance with respect to minimum parking space dimensions, minimum parking aisle widths and minimum driveway access widths. It is further noted that none of the required parking spaces would be situated within the required front yard. No accessible parking spaces or bicycle parking spaces are required based on the residential use that is being proposed;
- 3. Staff notes that a planting strip having a width of 3 m (9.84 ft) adjacent to the full length of a lot line is required where a lot zoned for medium density residential use (ie. "R3") abuts a lot zoned for low

density residential use (ie. "R1-5"). The above noted planting strip may be reduced to a width of 1.8 m (5.91 ft) where said planting strip contains an opaque fence having a height of 1.5 m (4.92 ft) or more. Staff further notes that the same planting strip requirements apply where a non-residential lot abuts a residential lot. Staff notes then in this regard that there is an existing low density residential lot zoned "R1-5" to the immediate north of the subject lands. The owner has requested that site-specific relief be provided in the northerly interior side yard to permit a planting strip

having a width of 0 m (0 ft) along with the existing fence having a height of 1.5 m (4.92 ft). Staff does acknowledge that this is largely an existing situation, but would recommend that the northerly interior side yard be explored further as a possible location for additional outdoor amenity space. If sufficient outdoor amenity space is provided elsewhere on the lands then staff would have no concerns recognizing this existing situation. The lands to the immediate west are zoned "C1", Local Commercial and are considered to be a non-residential lot and would also therefore the proposed rezoning to "R3" would trigger the need to provide for a planting strip and/or opaque fence along this interior side yard. Staff would note that the submitted sketch depicts a westerly interior side yard setback of 4.4 m (14.44 ft) and further that this area is landscaped open space. Staff confirmed during a site visit that there are accessory structures in this interior side yard and there is also a fence present along the westerly lot line. Section 4.15.6 c) requires that a planting strip be uninterrupted landscaped open space, which is not the case in the westerly interior side yard due to the presence of the accessory structures. Staff are unable to support any site-specific relief in the westerly interior side yard and would recommend that the accessory structures be removed prior to the passing of an amending zoning by-law. It is also noted that the submitted sketch depicts this area as being landscaped open space and said accessory structures are not depicted. The removal of said accessory structures will also positively contribute to an improved amount of landscaped open space on the lands;

4. It is further noted that the owner is requesting site-specific relief that would result in the lot providing for a minimum of 25% landscaped open space whereas the standard "R3" Zone requires that a minimum of 30% landscaped open space be provided. Staff noted during a site visit that very little outdoor amenity space for tenants living in the building exists presently on the lands. Staff are therefore recommending that landscaped open space be added in the front yard and/or rear yard and that no site-specific relief be provided. Staff would also encourage the owner to consider exceeding the minimum 30% landscaped open space requirement in order to provide for higher quality outdoor amenity spaces on the lands;
5. It is noted that the existing refuse storage area is located within the front yard. It is further noted that refuse storage areas are permitted only within interior side yards. Staff are not recommending that any site-specific relief be provided for in this regard and further to this the owner is advised that an alternative location demonstrating compliance with Section 4.2.9 of the City's Zoning By-law must be provided for accordingly. The refuse storage area should also be relocated prior to the enactment of an amending zoning by-law;
6. There are also no additions proposed to the existing building and therefore existing yard setbacks as they relate to the existing building will remain as they are at present. Staff have no concerns then with the request to recognize an existing rear yard setback of 7.15 m (23.46 ft) whereas a minimum rear yard setback of 7.5 m (24.61 ft) is required in the standard "R3" Zone;
7. Staff notes that apart from the above comments the submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking provisions and the standard "R3" Zone; and,
8. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer.

With respect to the request to discharge the existing site plan control agreement that is presently registered on title, staff have no concerns with the request provided that the site plan control agreement is only discharged after the amending zoning by-law has been enacted and is final and binding without appeal. Staff would note that this approach is prudent given that commercial uses will continue to be permitted on the

lands under the currently applicable “C1(24)” Zone until such time as the amending zoning by-law is final and binding, which would have the effect of removing commercial land use permissions from the lands. This approach is consistent with and would align with the City’s approach to site planning whereby multiple dwelling having four or less residential dwelling units are exempted from site plan control.

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 the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

1. That a residential use being that of a multiple dwelling containing a maximum of four residential dwelling units within the existing building be the only permitted uses on the lands;
2. That the existing rear yard setback of 7.15 m (23.46 ft) be permitted; and,
3. That a planting strip along the northerly lot line having a minimum width of 0 metres together with an opaque fence having a minimum height of 1.5 metres be required.

Staff is however recommending three conditions of approval that should be satisfied prior to the enactment of an amending zoning by-law. Specifically, the following conditions of approval are recommended:

1. That the owner be required to apply for all required building permits to the satisfaction of the Chief Building Official;
2. That the owner shall relocate the existing refuse storage area situated in the front yard to a location in compliance with the City’s Zoning By-law to the satisfaction of the Director of Planning Services; and,
3. That the owner shall remove the existing accessory structures in the westerly interior side yard and restore the planting strip in this location to the satisfaction of the Director of Planning Services.

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.