

849 Howey Drive, Sudbury

Presented To:	Planning Committee
Meeting Date:	November 22, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-024

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3 Special”, Medium Density Residential Special, in order to recognize an existing three-unit multiple dwelling.

This report is presented by Mauro Manzon, Senior Planner.

- Letter(s) of concern from concerned citizen(s)

Resolution

THAT the City of Greater Sudbury approves the application by Matarazzo Group to amend Zoning By-law 2010-100Z by changing the zoning classification from “C1”, Local Commercial to “R3 Special”, Medium Density Residential Special on lands described as PIN 73582-0058, Parcel 11643 S.E.S., Part of Lot 129, Plan M-131 in Lot 3, Concession 3, Township of McKim, as outlined in the report entitled “849 Howey Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 22, 2021 subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall address the following conditions:
 - i) Submit a building permit application to the satisfaction of the Chief Building Official in order to address any construction conducted without benefit of a permit;
 - ii) Eliminate the driveway entrance on Howey Drive and install a barrier curb to the satisfaction of the General Manager of Growth and Infrastructure;
 - iii) Install landscaped open space within the sight triangle at the intersection of Howey Drive and Somerset Street to the satisfaction of the Director of Planning Services; and
 - iv) Delineate the three (3) required parking spaces with line painting as illustrated on the concept plan prepared by J.L. Richards & Associates and dated May 19, 2021 to the satisfaction of the Director of Planning Services.

- b) That the amending by-law includes the following site-specific provisions:
- i) A maximum of three (3) dwelling units within the existing building shall be permitted;
 - ii) The location of existing buildings and existing decks shall be permitted;
 - iii) A minimum of one (1) parking space per unit shall be provided for dwelling units within the existing building and shall be permitted within the required corner side yard;
 - iv) The minimum width of the parking space abutting the south building wall of the existing main building shall be 2.75 metres;
 - v) No parking shall be permitted in the front yard, the interior side yard, and the corner side yard extending from the front building line to the rear building line of the existing main building;
 - vi) A planting strip shall not be required along the southerly lot line; and
 - vii) A minimum 3.0 metre-wide landscaped area abutting the street lines shall not be required excluding the sight triangle.
- c) Conditional approval shall lapse on November 23, 2023 unless Condition a) 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 proposal addresses the supply of housing and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of residential intensification on a Secondary Arterial Road serviced by public transit, the proposal aligns with the recommendations of the Community Energy & Emissions Plan by contributing towards compact 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.

Report Overview

An application for rezoning has been submitted for the property municipally known as 849 Howey Drive, Sudbury in order to legalize two (2) dwelling units that were installed without benefit of a permit and rezoning approval. The proposal involves the conversion of a former convenience store with an accessory dwelling unit to a triplex dwelling. Site-specific relief is required for parking, building location, a deck encroachment and a planting strip.

Staff recommend that the application be approved and that the necessary relief be granted subject to appropriate conditions of approval.

Staff Report

Proposal:

An application for rezoning has been submitted in order to legalize a multiple dwelling with three (3) units. The building previously operated as a convenience store with one (1) accessory dwelling unit. Two (2) dwelling units have been installed without benefit of a building permit and zoning approval.

Site-specific relief is required for the location and number of parking spaces, the width of a required parking space, the location of the existing building and corner side yard deck, the requirement for a planting strip along the south limit of the lot, and a minimum 3.0 metre-wide landscaped area abutting the street lines.

Existing Zoning: "C1", Local Commercial

C1 zoning permits neighbourhood commercial uses and a maximum of two (2) dwelling units with or without a permitted non-residential use. Local commercial uses are limited to a maximum 150 m² of net floor area per lot.

Requested Zoning: "R3 Special", Medium Density Residential Special

R3 zoning permits a range of residential use including singles, semis, duplexes, street townhouses, row dwellings and multiple dwellings. For multiple dwellings, a minimum 110 m² of lot area is required per unit.

The owner is seeking an R3 Special zoning to legalize the two (2) dwelling units and obtain the associated relief for parking, building location, deck encroachment and planting strip.

Location and Site Description:

PIN 73582-0058, Parcel 11643 S.E.S., Part of Lot 129, Plan M-131 in Lot 3, Concession 3, Township of McKim (849 Howey Drive, Sudbury)

The subject property forms the southeast corner lot at the intersection of Howey Drive and Somerset Street in Sudbury. The area is fully serviced by municipal water and sanitary sewer. Both abutting streets are fully urbanized. Howey Drive is designated as a Secondary Arterial Road and has sidewalks and bicycle lanes on both sides of the roadway. Somerset Street is a Local Road with a sidewalk on the west side of the road. Public transit stops are directly adjacent to the site on Howey Drive.

The application indicates a total lot area of 519 m², with 23 metres of frontage on Howey Drive and 40 metres of flankage on Somerset Street. The irregular-shaped lot is occupied by a two-storey dwelling with three (3) units and accessory uses including attached decks and a shed in the rear yard. The perimeter of the lot surrounding the building is entirely paved within the front and corner side yards, conditions historically tied to the previous use as a convenience store.

Parking is provided within the required corner side yard just south of the main building. A site visit revealed a vehicle parked in the corner side yard encroaching into the right-of-way (Photo 2) and another vehicle parked in the interior side yard off Howey Drive (Photo 3). A curb cut extends across almost the entire frontage on Howey Drive. There are no barrier curbs along Somerset Street. Furthermore, an entrance was installed on the east side of the building, and a deck has been constructed within the corner side yard.

A triplex dwelling abuts to the south on a lot zoned R1-5, for which the non-conforming status is not known. A single detached dwelling abuts to the east on a lot zoned C1. Single detached dwellings are also located on the west side of Somerset Street opposite the subject land. The remainder of the area is essentially low density in character, although there are some small multiple dwellings in the vicinity.

The subject property is located in a vulnerable area under the Source Protection Plan being Ramsey Lake Intake Protection Zone (IPZ) 3.

Surrounding Land Uses:

The area surrounding the site includes:

North: duplex dwellings (836 & 844 Howey Drive)

East: single detached dwelling (853 Howey Drive)

South: triplex (156 Somerset Street)

West: single detached dwellings (819 Howey Drive and 141 Somerset Street)

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on September 1, 2021. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on November 4, 2021.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The owner's agent prepared an information bulletin with contact information that was distributed to households within the standard mailing radius.

As of the date of this report, one (1) phone call and one (1) written submission have been received.

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.

Under Section 1.1 of the PPS, Planning authorities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services. Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 2.2.1 addresses water resources, which is applicable in this instance given the location within Ramsey Lake Intake Protection Zone (IPZ) 3. Planning authorities shall protect, improve or restore the

quality and quantity of water by implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and,
2. protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive groundwater features, and their hydrologic functions.

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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario. Economic and service hubs shall maintain updated official plans and develop other supporting documents which include strategies for developing a diverse mix of land uses, an appropriate range of housing types, and high quality public spaces; and providing easy access to stores, services and recreational opportunities.

Official Plan for the City of Greater Sudbury:

Living Area 1

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing types. Medium and high density residential uses 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. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- 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.

Residential intensification

The application is a form of residential intensification given the increased density that is proposed. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with 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 on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,

- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

Sensitive Surface Water Features (Source Protection Plan)

The Official Plan contains various policies related to municipal drinking water sources, which are applicable to the subject lands given the location in a vulnerable area (Ramsey Lake Intake Protection Zone 3). The applicable policies are outlined under Section 8.3 of the Official Plan:

1. Development, certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan.
2. Severances of lots that would require the construction of new septic systems within the WHPA A and B or the IPZ 1 areas are prohibited. Existing registered lots may be developed with an on-site individual septic system and the expansion, maintenance or replacement of existing on-site individual septic systems is allowed.
3. In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by:
 - a. encouraging the implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls;
 - b. encouraging the implementation of innovative stormwater management measures;
 - c. considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; and,
 - d. supporting the continued implementation of source control programs, which are targeted to existing areas that lack adequate stormwater controls.

Zoning By-law 2010-100Z:

The proposal requires the following site-specific zoning relief:

- three (3) parking spaces where five (5) spaces are required for a three-unit dwelling;
- three (3) parking spaces located in the required exterior yard on Somerset Street;
- the width of the parking space abutting the building, which is 2.75 metres wide where 3 metres is required;
- the location of the existing building including a deck that encroaches into the required corner side yard;
- the requirement for a planting strip along the south limit of the lot that abuts a low density residential zone; and,
- a minimum 3.0 metre-wide landscaped area abutting the street lines.

Site Plan Control:

A triplex dwelling is not subject to site plan control.

Department/Agency Review:

The key comment from the departmental circulation concerns the dwelling units installed without benefit of a permit and other construction including the deck in the corner side yard. Building Services advised that a permit application to the satisfaction of the Chief Building Official is required prior to the adoption of the amending by-law. A Record of Site Condition is not required, as there is an exception for mixed-use buildings under the applicable regulations.

Planning Analysis:

Land use compatibility

a) Density

R3 zoning requires a minimum 110 m² of lot area per unit. In this case, 173 m² of lot area per unit is provided with the resultant density calculated at 58 dwelling units per hectare (du/ha). This defines the use as a medium density residential use, which is appropriate given the locational context and the existing mix of housing.

b) Built form

There are no major additions proposed to accommodate the three (3) units, as the proposal involves mainly interior renovations to address the illegal apartment units. However, there have been some modifications to the exterior based on a review of historical photography, including an entrance to the building that was installed on the easterly building wall and a deck that encroaches into the required corner side yard.

It is recommended that the legal non-complying building location be recognized in the site-specific zoning provisions. Relief should also be extended to the unpermitted deck in the corner side yard which is also in non-compliance. The owner's agent confirmed that the access in the interior side yard is a landing and does not require a variance.

In general, the built form is appropriate in relation to the existing physical character of the neighbourhood, which presents a mix of residential uses in low-rise buildings.

Parking and driveway access

The perimeter of the lot surrounding the building is entirely paved, a feature that is tied to the previous commercial use. Due to the curb cut on Howey Drive and the mountable curb on Somerset Street, vehicles could essentially park anywhere on the lot, resulting in encroachments onto the right-of-way including the sidewalk. This presents safety concerns for pedestrians and cyclists and also restricts sight lines on a busy arterial road. Sudbury Student Services Consortium confirmed there are school bus stops at this intersection.

Three (3) functional parking spaces can be provided where five (5) are required for a triplex. The three (3) proposed parking spaces are located in the required exterior yard on Somerset Street. Relief is therefore required for the number and location of parking spaces, as well as the width of the parking space directly abutting the south building wall, which should be at least 3 metres wide for accessibility.

Planning Services recommends that relief for parking be provided on the basis of one (1) parking space per unit. In order to improve overall site conditions including the parking situation, the following conditions of approval are recommended:

- That the owner install landscaped open space within the sight triangle at the intersection of Howey Drive and Somerset Street to better delineate the limits of the subject property and prevent the parking of vehicles;
- That the owner eliminate the driveway entrance on Howey Drive and install a barrier curb along the Howey Drive street line to prevent parking in the front yard and encroachments into the right-of-way including the sidewalk;
- That the three (3) required parking spaces be delineated with line painting as illustrated on the submitted rezoning sketch; and,

- That the site-specific zoning includes a provision indicating that no parking shall be permitted in the front yard, the interior side yard, and the corner side yard extending from the front building line to the rear building line of the existing main building.

Transportation & Innovation Section indicated support of the Staff recommendation to improve existing conditions in order to address parking, on-site circulation, sight lines and enhanced pedestrian safety.

Source Protection

The subject property is located within Ramsey Lake Intake Protection Zone (IPZ) 3. Given that the property is fully serviced, there are no significant drinking water threats that have been identified. The owner is advised that a Section 59 application under the Clean Water Act will be required at the building permit stage.

Official Plan conformity

The application demonstrates conformity with Official Plan policies applied to Living Areas based on the following considerations:

- The proposed use is acceptable provided the number of units is limited to three (3) dwelling units within the existing building based on existing site constraints;
- Physical compatibility with the surrounding neighbourhood is maintained given that the built form is not being expanded and the proposal mainly involves interior renovations;
- The proposed conversion of the former convenience store to a medium density residential use forms a good fit with the existing character of the area, which contains a mix of housing types in low-rise buildings;
- Staff are satisfied that three (3) parking spaces are sufficient given the location on a Secondary Arterial and the direct access to public transit and active transportation linkages such as sidewalks and bike lanes;
- The location is fully serviced by municipal water and sanitary sewer;
- There is no conflict with the Source Protection Plan;
- The proposal contributes towards intensification targets within the built boundary; and,
- Adaptive reuse of surplus commercial space is supported as a means of increasing the supply of housing.

2020 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

The subject property is located within settlement area boundaries in a fully serviced area designated for residential development and serviced by public transit. The proposal aligns with Provincial policies geared to housing including an emphasis on residential intensification and transit-supportive development within the built boundary of the City. Existing infrastructure is adequate to support development including sewer and water services. The property is fully serviced and does not represent a significant drinking water threat within a vulnerable area.

The proposal will increase the supply of rental market housing, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO.

The application is consistent with the 2020 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

Conclusion:

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