

## Falconbridge Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 12, 2022
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-011

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit a two-storey row dwelling with four (4) units on Falconbridge Road, Sudbury.

This report is presented by Mauro Manzon, Senior Planner.

Letter(s) of concern received from concerned citizen(s).

## Resolution

THAT the City of Greater Sudbury approves the application by Chris Lamarche & Ashley Urban to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One to “R3-Special”, Medium Density Residential Special on lands described as PIN 73569-0049, Parcel 34555 S.E.S., Parts 4 to 6, Plan 53R-14324 in Lot 10, Concession 5, Township of Neelon, as outlined in the report entitled “Falconbridge Road, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 12, 2022, subject to the following conditions:

1. That prior to the issuance of a building permit, the owner shall grant an environmental easement for operational noise and vibration emissions in favour of CN, to be registered on title to the satisfaction of the Director of Planning Services;
2. That the amending by-law includes the following site-specific provisions:
  - (i) The minimum front yard setback shall be 7.6 metres;
  - (ii) The minimum lot depth shall be 42 metres;
  - (iii) The minimum depth of a privacy yard shall be 4.5 metres;
  - (iv) A minimum of one (1) parking space per dwelling unit shall be required for row dwellings;
  - (v) The following provisions shall apply to required planting strips:
    - (a) All required planting strips shall contain a minimum 1.8 metre-high opaque fence in conjunction with the minimum required landscaped open space area;

- (b) Notwithstanding the above, the width of the required planting strip adjacent to the driveway access within an interior side yard may be reduced to 1.5 metres provided the planting strip is installed in conjunction with a minimum 1.8 metre-high opaque fence;
- (c) Required planting strips adjacent to the interior side lot lines shall extend from the front building line to the rear lot line; and,
- (d) Planting strips and privacy yards may include any required drainage swales.

## **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 will further diversify the supply of new housing on a fully serviced arterial road and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of infill development in a built-up urban area, the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

## **Financial Implications**

If approved, staff estimates approximately \$15,800 in taxation revenue, based on the assumption of four townhouse units at an estimated assessed value of \$275,000 per dwelling units at the 2022 property tax rates.

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.

The property will be subject to development charges, amount to be confirmed with building services at the time of permit application.

## **Report Overview**

An application for rezoning has been submitted in order to permit a four-unit row dwelling on a vacant lot located on the east side of Falconbridge Road south of Lasalle Boulevard. Staff support the proposal and the necessary relief to accommodate the row dwelling, as the application conforms to the applicable policies in the Official Plan, Provincial Policy Statement and the Growth Plan for Northern Ontario.

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to rezone the subject lands from "R1-5", Low Density Residential One to "R3-Special", Medium Density Residential Special in order to permit a two-storey row dwelling with four (4) units. Site-specific relief is requested for the front yard setback, privacy yard depth and reduced planting strips adjacent to the southwesterly interior side lot line and the rear lot line.

### **Existing Zoning:** "R1-5", Low Density Residential One

R1-5 zoning permits single detached dwellings and related accessory uses, including secondary dwelling units.

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

R3 zoning permits a range of residential uses, including low density housing types (singles, semis and duplexes), as well as medium density residential uses (multiple dwellings, row dwellings, street townhouses). Site-specific relief is requested for the front yard setback, privacy yard depth and reduced planting strips in order to accommodate the proposed dwelling.

### **Location and Site Description:**

PIN 73569-0049, Parcel 34555 S.E.S., Parts 4 to 6, Plan 53R-14324 in Lot 10, Concession 5, Township of Neelon)

The subject property comprises a vacant residential lot located on the east side of Falconbridge Road, south of Lasalle Boulevard. The area is fully serviced by municipal water and sanitary sewer. Falconbridge Road is designated as a Primary Arterial Road and is partially urbanized at this location with a sidewalk on the east side of the roadway. The closest public transit stop is approximately 140 metres to the south at the intersection of Hudson Street (Route 23 New Sudbury Local – service to New Sudbury transit hub only).

Total area of the subject lot is 1,040 m<sup>2</sup>, with 24.4 metres of frontage and 42.6 metres of depth based on the attached survey plan. The lands are relatively flat with no major change in elevation. The site is currently vacant with extensive vegetative overgrowth including some mature trees. The survey plan includes a three (3) metre-wide block across the full length of the rear lot line to accommodate future drainage.

The east side of Falconbridge Road comprises a low density residential neighbourhood with single detached dwellings as the predominant use. Single detached dwellings directly abut the property to the southwest and southeast (Meadowside Avenue). The west side of Falconbridge Road contains light industrial uses, including the property directly opposite the subject land. Vacant City-owned land abuts directly to the northeast. A CN rail corridor (principal branch line) is located further north and is within 75 metres of the subject land.

There is no regulated area on the subject property, nor does it fall within a vulnerable area under the Source Protection Plan.

### **Surrounding Land Uses:**

The area surrounding the site includes:

Northeast: Vacant land owned by the City of Greater Sudbury

North: CN rail corridor (principal branch line)

Southeast: Single detached dwellings (1029, 1035 & 1041 Meadowside Avenue)

Southwest: Single detached dwellings (1028 & 1034 Falconbridge Road)

West: Light industrial property (1021 Falconbridge Road)

### **Related Application:**

The subject lot was formed through a consent process in 1998 (File B0074/1998). The land comprises the remainder that resulted from the severance of Lot 33, Plan M-380.

### **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on June 27, 2022. 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 August 25, 2022.

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 application indicates that the owner will canvas adjacent properties.

As of the date of this report, one (1) written submission has 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 (PPS):**

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.

The applicable PPS policies can be grouped into three categories: housing, settlement areas and residential intensification.

#### **A. Housing**

Under Section 1.1.1, municipalities 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) to meet long-term needs. Section 1.4 provides further detailed policies supporting the diversification of the housing supply by promoting a mix of market-based and affordable housing, residential intensification, transit-supportive development, and the utilization of existing and planned infrastructure.

#### **B. Settlement areas**

Section 1.1.3 of the PPS states that fully serviced settlement areas shall be the focus of development and growth. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and,
- g) are freight-supportive.

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

### C. Residential intensification

Residential intensification is promoted as an important component of land use planning, including a requirement to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The criteria are set out in Section 1.1.3.3 as follows:

Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

### **Growth Plan for Northern Ontario (GPNO):**

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.

Under Section 4.3.3 of the GPNO, a general emphasis is placed on residential intensification in urban areas including existing downtown areas, intensification corridors, brownfield sites, and strategic core areas. The GPNO also speaks broadly to the provision of housing by supporting an appropriate range of housing types in Economic and Service Hubs such as Greater Sudbury.

### **Official Plan for the City of Greater Sudbury:**

The subject land is designated as Living Area 1 under the Official Plan. As a form of infill development that involves a rezoning to a higher use, the proposal is also subject to the criteria applied to residential intensification projects.

#### A. Living Area 1

##### 3.2: General policies applied to Living Areas

Low and medium density housing is permitted in all Living Area 1 designations where full municipal services are available. High density housing is permitted only in the community of Sudbury.

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 Bylaw.

##### 3.2.1: Rezoning criteria applied to Living Area 1

Low density housing is permitted in all Living Area designations. Low density development permits single detached dwellings, semi-detached dwellings, duplexes and townhouses to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the City.

In considering applications to rezone land in Living Area I, Council will ensure amongst other matters that:

- 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.

## B. Residential intensification

The application is a form of residential intensification given the increased density that is proposed based on existing zoning as well as the surrounding neighbourhood context. 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.

### **Zoning By-law 2010-100Z:**

Based on the zoning checklist on the concept plan, the following site-specific relief is being requested by the applicant:

- front yard setback of 7.6 metres where 15 metres is required on a Primary Arterial Road;
- privacy yard depth of 4.57 metres where 7.5 metres is required abutting the full length of an exterior wall;
- a reduced planting strip width of 1.5 metres in conjunction with a 1.8 metre-high opaque fence along the driveway access where a minimum of 1.8 metres of landscaped open space area is required; and,
- a reduced planting strip width of 1.0 metre in conjunction with a 1.8 metre-high opaque fence along the rear lot line where a minimum 1.8 metres of landscaped open space area is required.

Staff have identified additional relief as follows:

- lot depth of 42.6 metres where 45 metres is required on a Primary Arterial Road;
- parking relief based on the configuration of the rear yard parking area; and,
- drainage facilities including swales that may form part of the required planting strips and privacy yards depending on the final design lot grading plan.

### **Site Plan Control:**

A four-unit row dwelling is not subject to site plan control.

## **Department/Agency Review:**

Development Engineering Section has indicated that services are available within the Falconbridge Road allowance. All costs associated with servicing the site will be borne entirely by the owner. Staff also advised that an existing fire hydrant conflicts with the proposed driveway access.

CN has provided a list of recommended conditions of approval based on the proximity to a principal branch line.

## **Planning Analysis:**

The policy framework encourages medium density residential development along Primary Arterial Roads serviced by public transit, provided the proposal addresses the criteria applied to residential intensification, including the suitability of the site and compatibility with existing uses. In this case, a broad range of zoning relief is required to accommodate the proposed row dwelling.

The land use evaluation is focused on three main areas of concern:

- Suitability of the lot including any associated relief required to accommodate development;
- Land use compatibility and the interface with existing low density residential uses; and,
- Proximity of a sensitive land use to the CN rail corridor.

## **Suitability of the lot**

### a) Density

The residential density is calculated at 39 dwelling units per hectare (du/ha), which is less than the maximum density permitted on medium density sites under the Official Plan (90 du/ha). The size of the lot and the proposed built form essentially limit the intensity of use, as row dwellings typically require a larger footprint. The resultant density is considered appropriate based on the location in a low density residential area.

### b) Built form and site design

The owner is proposing a two-storey row dwelling containing four (4) ground-oriented dwelling units with exterior access to a privacy yard. The building configuration is limited by the site constraints, most notably the narrow lot. However, the dwelling units and accessory privacy yards will be oriented away from the street line, which is more desirable than having front-loaded units facing a busy arterial road.

The main issue related to the site design concerns an existing fire hydrant, which appears to be directly in the path of the proposed driveway entrance. Development Engineering Section has indicated that the driveway entrance will need to be relocated. As a result, the driveway may need to be relocated to the northeasterly interior side yard, with the building envelope reversed so that the privacy yards now abut the southwesterly interior side lot line. This may result in an improved site design, with the dwelling units oriented away from the rail corridor, as recommended by CN.

Relocating the driveway would also mitigate potential nuisance factors with the abutting single detached dwelling.

Since this development is not subject to Site Plan Control, the owner needs to verify the location of the fire hydrant and incorporate this feature onto the required plot plan for the building permit and driveway entrance permit applications. The final driveway configuration also needs to be included on the design lot grading plan.

### c) Parking

A four-unit row dwelling requires a total of six (6) parking spaces. In this case, each unit will have an attached garage, thereby providing four (4) spaces. Two (2) additional spaces are proposed in the rear yard. The parking area in the rear yard is problematic based on the following:

- The parking space adjacent to the building must have a minimum width of three (3) metres as per the Zoning By-law standard;
- The parking area reduces the width of the required planting strip to only one (1) metre to accommodate vehicle-turning movements;
- The parking area encroaches onto Part 6, Plan 53R-14324, which is typically utilized as a three (3) metre-wide drainage easement along the rear lot line.

Off-site parking is not available at this location. As a result, this proposal requires parking relief in order to proceed. It is therefore recommended that a minimum of one (1) parking space per unit be required for row dwellings only. Depending on the final design lot grading plan, it may be possible to accommodate at least one (1) visitor parking space in the rear yard without compromising the future planting strip and drainage easement.

Alternatively, Planning Committee could restrict the number of units to three (3) row dwelling units to alleviate any concerns related to the adequacy of on-site parking and potential off-site parking impacts.

### Land use compatibility

#### a) Traffic impact

The subject site is located on a Primary Arterial Road with an average annual daily traffic (AADT) volume of 21,905 vehicles per day (2014 data). There is no significant traffic impact based on the small number of units. ICPS have indicated no concerns, including the reduced front yard setback.

#### b) Interface with abutting properties

The applicant is requesting relief for planting strips where the property abuts existing single detached dwellings along the southwesterly interior lot line and the rear lot line, as well as reduced privacy yards for each unit.

##### i) Driveway access adjacent to southwesterly interior side lot line

The concept plan illustrates a reduced planting strip of 1.5 metres where 1.8 metres of landscaped open space area is required in conjunction with a minimum 1.5 metre-high opaque fence. The reduction in landscaped area is minor and can be supported on the condition that a minimum 1.8 metre-high opaque fence is provided from the front building line to the rear lot line. A slightly higher fence is recommended in order to provide better screening of the driveway access.

Notwithstanding the above, the driveway may have to be relocated based on a fire hydrant at the front lot line. Please see comments above related to the built form and site design.

##### ii) Rear yard

A reduced planting strip adjacent to the rear lot line is not supported based on lot grading requirements and the desire to provide proper screening and buffering for the low density housing on Meadows Avenue, where the rear yards will directly abut the proposed development. Similar to the interior side lot lines, a minimum 1.8 metre-high opaque fence is recommended. This necessitates parking relief as reviewed in the parking section above.

A refuse storage area is permitted in any interior yard including a rear yard provided it meets the setback for accessory buildings and structures in the applicable zone and does not encroach into any required landscaped area or landscaped buffer (planting strip). Relief is not required based on the concept plan, which shows a refuse storage area against the rear building wall.

iii) Reduced privacy yards

The reduced privacy yard of 4.57 metres is considered acceptable, as it would provide a sufficient private outdoor amenity area for each unit. For clarity, it is recommended that an exception be granted for any drainage swales that may have to be located within the privacy yard and/or planting strips. This relief is granted in advance of a final design lot grading plan and is a tacit acknowledgment of the site constraints.

### CN rail corridor

The proposed dwelling will be sited within 75 metres of a rail corridor being the CN principal branch line located to the north. Accordingly, the application was circulated to CN for review. Their recommended conditions of approval are included in the appendix to this report and are summarized as follows:

- A warning clause to be inserted into all applicable agreements related to development of the site;
- An environmental easement for operational noise and vibration emissions in favour of CN; and,
- Recommended mitigation measures in the design of the dwelling to be implemented at building permit stage (the development is not subject to Site Plan Control).

It is therefore recommended that the requested environmental easement be required as a condition of approval prior to the issuance of a building permit. The easement will address CN concerns related to railway proximity and also allow the amending by-law to be brought forward in a timely manner. Mitigation measures related to the design and construction of the dwelling will be addressed at building permit stage.

Building Services has been provided a copy of CN's submission for their file. The owner is also encouraged to consult with CN at the pre-construction phase if this application is approved.

### Official Plan conformity

The proposal conforms to Official Plan policies related to residential intensification as follows:

- The density and scale of development are appropriate based on the setting;
- The interface with abutting low density housing can be adequately addressed through the provision of planting strips as recommended;
- The subject lot is located on a Primary Arterial Road serviced by public transit;
- There is close proximity to services, including a commercial node located approximately 250 metres to the northeast;
- Sewer and water services including fire flows are adequate;
- The traffic impact is negligible based on the small number of units;
- On-site parking is sufficient subject to the necessary relief;
- Proximity to the rail corridor can be addressed through the granting of an environmental easement and the implementation of mitigation measures at building permit stage; and,
- The proposal will contribute towards residential intensification targets within a designated growth area.

## 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 aimed at increasing the range of housing options within the community. As infill development, the project will contribute towards residential intensification targets within built-up areas required under the PPS. Furthermore, existing infrastructure is adequate to support development including sewer and water services.

The proposal will contribute towards the diversification of the housing supply, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO. It also aligns with GPNO policies that encourage development along intensification corridors.

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.