

2726 Whippoorwill Avenue, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 26, 2022
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-1

Report Summary

This report provides a recommendation regarding an application to rezone the subject lands to “H46C7(8)”, Holding – Resort Commercial Special in order to facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units and to recognize the existing location of a refuse storage area in the westerly corner side yard. The application would also extend the “H46C7(8)” Zone onto lands to the immediate south in order to prevent a split-zoning from occurring. The holding provision (ie. “H46”) applicable to the lands is not proposed to be removed.

This report is presented by Glen Ferguson, Senior Planner.

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

Resolutions

Resolution 1:

THAT the City of Greater Sudbury approves the application by Armand Charbonneau & Stephanie Malik to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from “H46C7(8)”, Holding – Resort Commercial Special and “RU(19)”, Rural Special to an amended “H46C7(8)”, Holding – Resort Commercial Special on those lands described as PINs 73479-0540 & 73479-0550, Part 1, Plan 53R-20262, Parts 1 & 2, Plan 53R-10088, Lot 10, Concession 5, Township of Dill, as outlined in the report entitled “2726 Whippoorwill Avenue, Sudbury” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 26, 2022, subject to the following condition:

That prior to the enactment of an amending zoning by-law the owner shall apply for a revision to their active building permit application to the satisfaction of the Chief Building Official;

Resolution 2:

1. That the amending zoning by-law contain the following site-specific provisions:
 - a) That a multiple dwelling containing a maximum of four residential dwelling units be added as a permitted land use within the existing building situated on the lands;
 - b) That a refuse storage area be permitted in the westerly corner side yard abutting Whippoorwill Avenue; and,

- c) That the existing “H46” holding provision be amended to permit a multiple dwelling containing four residential dwelling units on the lands prior to the removal of the holding provision.

Resolution 3:

1. That conditional approval shall lapse on October 4, 2024 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 and expand upon the availability of affordable and attainable housing options in this part of the City and is therefore consistent with *Goal #5 - Housing* of the City’s Strategic Plan.

As a form of residential intensification situated within an existing building that amounts to the adaptive reuse of a former municipal building (ie. tourist information centre) in the community of Sudbury, the development proposal aligns with the recommendations of the CEEP.

Financial Implications

If approved, any change in taxation is unknown at this time as the change in zoning may increase the assessment value. There would be development charges on the existing building when the building permit is issued but staff is unable to calculate the amount of development charges based on the information available.

Report Overview

This report reviews an application for Zoning By-law Amendment that is intended to facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units. Site-specific relief is also requested in order to permit a refuse storage area to be located in the westerly corner side yard (ie. Whippoorwill Avenue). The application further proposes to extend the “H46C7(8)” Zone onto those lands to the immediate south zoned “RU(19)” in order to prevent a split-zoning from occurring on the lands. The holding provision (ie. “H46”) applicable to the lands is not proposed to be removed at this time.

Staff is generally supportive of the development proposal and have noted that a condition of approval requiring the owner to update their active building permit to the satisfaction of the Chief Building Official prior to an amending zoning by-law being forwarded to Council for enactment. 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 is satisfied that the development proposal would generally conform 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 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 is intended to facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units. Site-specific relief is also requested in order to permit a refuse storage area to be located in the westerly corner side yard (ie. Whippoorwill Avenue). The application further proposes to extend the “H46C7(8)” Zone onto those lands to the immediate south zoned “RU(19)” in order to prevent a split-zoning from occurring on the lands. The holding provision (i.e., “H46”) applicable to the lands is not proposed to be removed at this time.

The owner’s agent submitted an application for pre-consultation on October 31, 2019, that was considered by the Sudbury Planning Application Review Team (SPART) on November 13, 2019 (File # PC2019-077). The owner’s agent was then provided with a Pre-Consultation Understanding Agreement (PCUA) from staff on November 27, 2019, following the SPART Meeting and have since returned their PCUA to the Planning Services Division. The owner’s agent has subsequently now submitted a Zoning By-law Amendment application for consideration by the City’s Planning Committee.

The current rezoning application was submitted to the City on January 13, 2022, and initially deemed to be incomplete on February 1, 2022. The application was later deemed complete on June 17, 2022, following the submission of additional information that was identified as being required in the PCUA that was issued following SPART’s consideration of the development proposal. The complete rezoning application included the submission of a Concept Plan along with supporting documentation related to the requirement for a Record of Site Condition (RSC) and proof that potable water is available on the 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, the lands were most recently the subject of an approved rezoning application (File # 751-6/16-14) to permit a camping ground having a maximum of 32 camp sites along with an accessory building containing four guest suites (ie. hostel/chalet). The rezoning approval placed a holding provision on the lands that permits a maximum of 12 camp sites until conditions related to servicing the lands with a private septic system are satisfied. The City’s Planning Committee approved the previous rezoning application on January 23, 2017 ([PL2017-14](#) – refer to Pages 1-5), which was later ratified by Council on February 28, 2017. A copy of the resolution that approved the previous rezoning application and informed the amending zoning by-law that was later enacted on the lands by Council is attached to this report for reference purposes.

Existing Zoning: “H46C7(8)”, Holding – Resort Commercial Special and “RU(19)”, Rural Special

The “H46C7(8)” Zone permits only a camping ground with a total of 32 camp sites and an accessory building containing four guest suites. Site-specific development standards require each camp site to have a minimum area of 360 m² (3,875.01 ft²), a chain link fence with a minimum height of 1.8 m (5.91 ft) is required along the entire length of the northerly lot line, and a minimum 20 m (65.62 ft) wide landscaped open space area is required to be maintained abutting Whippoorwill Avenue excluding the existing driveway and parking area.

The “H46” holding provision permits a maximum of 12 camp sites until such time as the owner has demonstrated how a new or expanded septic system can be accommodated while maintaining the required 20 m (65.62 ft) wide landscaped open space area abutting Whippoorwill Avenue and approval has been obtained from the permitting authority (ie. Sudbury & District Health Unit) for the expanded or

new private sewage system. The lands currently zoned “RU(19)” permit a tourist information and rest stop facility, tourist promotion offices and other municipal uses but not including a municipal works yard.

The “RU(19)” Zone is an obsolete zone and the lands to be rezoned to “H46C7(8)” were recently added from a now closed portion of Highway #69 South to the subject lands.

Requested Zoning: “H46C7(8)”, Holding – Resort Commercial Special

The proposed rezoning to “H46C7(8)” is intended to permit a multiple dwelling containing four residential dwelling units. Site-specific relief is also requested in order to permit a refuse storage area to be located in the westerly corner side yard (ie. Whippoorwill Avenue). The application further proposes to extend the “H46C7(8)” Zone onto those lands to the immediate south zoned “RU(19)” in order to prevent a split-zoning from occurring on the lands. The holding provision (ie. “H46”) applicable to the lands will remain in place at this time.

Location and Site Description:

The subject lands are located on the east side of Whippoorwill Avenue and to the north of Highway #69 South in the community of Sudbury. The lands have a total lot area of approximately 2.80 ha (6.93 acres) with approximately 142.51 m (467.55 ft) of lot frontage along Highway #69 South and an exterior lot line measuring approximately 198 m (649.61 ft) along Whippoorwill Avenue. The lands presently contain an existing hostel/chalet building which contains four guestrooms. The existing building was formerly used as a tourist information centre and rest stop facility that was owned by the municipality until said building was deemed surplus land and transferred to the present owner on June 30, 2015. The lands are accessed via a driveway entrance from Whippoorwill Avenue. There is an existing refuse storage area on a westerly portion of the lands. The proposed rezoning would recognize and permit a residential land use (ie. multiple dwelling) along with a refuse storage area that have each already been established on the lands.

Surrounding Land Uses:

- North: Municipally owned tract of well-vegetated parkland, Richard Lake and single-detached dwellings having frontage on Desloges Road.
- East: Camping grounds (ie. Carol Campsite & RV Park, Mine Mill 598 Public Campground), several large and vacant rural parcels of land, and institutional lands (ie. Villa Maria Camp).
- South: Highway #69 South, a motel (ie. Richard Lake Motel), several large vacant and well vegetated rural parcels of land, and a roofing contractor (ie. Semple Gooder) on Crown Ridge Road.
- West: Single-detached dwellings having frontage on Whippoorwill Avenue and Sunset Avenue, several large vacant and well-vegetated rural parcels of land, and Pioneer Road.

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. The previous [staff report](#) is also attached to this report for reference purposes and includes site photos depicting the existing hostel/chalet building with parking area along with an existing camping ground, single-detached dwellings and a hotel situated in close proximity to the subject lands. For reference purposes, updated aerial photography (ie. 2021) of the lands depicting the existing hostel/chalet building and refuse storage area in the westerly corner side yard has been included as an attachment to the current planning report.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on June 17, 2022. The statutory Notice of Public Hearing dated September 8, 2022 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

The owners 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 have spoken with nearby residents and

have signatures of support from eight residents. The owner's agent also indicated that the owners have approached nearby residents on a door-to-door basis to discuss the development proposal prior to the statutory public meeting held before the City's Planning Committee.

At the time of writing this report, one phone call along with several emails with respect to the development proposal have been received by the Planning Services Division. The phone call and emails were informal in nature and sought clarification around the current development proposal and how it differs from the previous rezoning approval that was granted by the City's Planning Committee and Council. There was one letter submission received from a nearby resident expressing concern that the former tourist information centre was never used as a hostel/chalet and that they have been accused of trespassing on the lands.

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 Rural Lands policies, Sections 1.1.5.2 outlines that residential development that is locally appropriate is permitted. Section 1.1.5.4 further outlines that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. Section 1.1.5.5 also outlines that development shall be appropriate to the infrastructure which is planned or available and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure; and,
2. 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) 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; and,
 - c) 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 Rural in the Official Plan for the City of Greater Sudbury.

Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural land use designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Section 19.5.8 of the City's Official Plan includes policies that permit the use of an existing building or structure for a use that does not conform with a land use designation where an existing building or structure and use are discontinued and cannot economically, practically or reasonably be converted or adapted to a use in conformity with its land use designation.

In particular, when a rezoning application is submitted that involves the conversion of an existing building the following criteria are to be considered in order to safeguard the wider interests of the public:

1. That the surplus building is suitable for the proposed use with respect to the [Ontario Building Code \(OBC\)](#);
2. That off-street parking is adequate;
3. That the proposed use is compatible with surrounding land uses with regard to noise, fumes, smoke, odours, traffic, hours of operation, signs and other undesirable features;
4. That the neighbouring conforming land uses are protected where necessary by the provision of landscaping, buffering or screening;
5. That parking areas, driveways and loading areas are improved, relocated and buffered as warranted;
6. That wherever possible the aesthetic appearance of the building and property is improved and maintained;
7. That sewer and water capacities are adequate to serve the new land use;
8. That for conversion to residential uses the proposed density is appropriate for the area and amenities are adequate; and,
9. That a site plan control agreement may be required prior to the enactment of an amending zoning by-law.

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.

Section 17.2.4 of the City's Official Plan is supportive of innovation in housing design and development that minimizes costs in the production of affordable housing.

- a. To permit alternative development standards where appropriate;
- b. To encourage innovative forms of multiple housing and converted dwellings in order to achieve cost efficiencies in the provision of housing; and,
- c. To encourage innovation in housing tenure and financing.

Section 17.2.7 c) of the City's Official Plan outlines that in order to address homelessness in the City, it is the policy of the City's Official Plan to support the expansion of the supply of permanent affordable housing that ultimately provides a suitable and affordable living environment for individuals experiencing homelessness or at risk of homelessness.

Zoning By-law 2010-100Z:

The owners are requesting that the subject lands be rezoned to "H46C7(8)", Holding – Resort Commercial Special in order to facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units. Staff notes that by definition the proposed residential land use amounts to that of a multiple dwelling in the City's Zoning By-law. Site-specific relief is also requested in order to permit a refuse storage area to be located in a corner side yard. The application would also extend the "H46C7(8)" Zone onto those lands to the immediate south zoned "RU(19)" in order to prevent a split-zoning from occurring on the lands. The holding provision (ie. "H46") would remain applicable across the entirety of the lands.

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, the City's Drainage Section, Operations, Roads, and Transportation and Innovation have each advised that they have no concerns from their respective areas of interest. The Ministry of Transportation was circulated the application and have not provided any comments with respect to their area of interest along Highway #69 South.

Building Services notes there is an issued building permit (ie. change of use) that is intended to facilitate the necessary construction for the former tourist information centre building to be converted to a hostel/chalet having four guestrooms. This change of use permit remains active and has not been completed despite the issuance of an Order To Comply (OTC). The OTC was issued after it was discovered that the hostel/chalet building containing four guestrooms has been occupied without the required inspection approvals. It is noted that the active building permit must be revised to permit a multiple dwelling having four residential dwelling units and all deficiencies must be rectified in order to obtain approval for occupancy of the building. Building

Services also acknowledges that an application for RSC has been filed with the Ministry of the Environment, Conservation and Parks (MECP) however verification that the RSC has been filed in the Environmental Site Registry is required prior to occupancy of the building. Building Services otherwise has no concerns with the requested site-specific relief or the zone classification that would be applied to the entirety of the subject lands.

Development Engineering advises that the lands are not serviced with municipal water and sanitary sewer infrastructure.

Environmental Planning Initiatives has advised that the development proposal does not pose an elevated risk to species protected by the [Endangered Species Act](#) or to their habitat. It is noted that the development proposal is anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are to be adequately mitigated or addressed through existing development requirements.

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. With respect to Rural Lands policies, staff notes that the development proposal in this particular instance can be viewed as being locally appropriate as the multiple dwelling would be accommodated within an existing building that was recently converted from a municipal use (ie. tourist information centre and rest facility) to a short-term residential use (ie. hostel/chalet). The proposed multiple dwelling containing four residential dwelling units is not excessive in nature and can be viewed as being compatible with the rural character that exists in the general area as no additions are proposed to the existing building;
2. Staff also notes the development proposal does not require the unjustified and/or uneconomical expansion of any municipal water or sanitary sewer infrastructure as the multiple dwelling and camping ground would continue to be serviced by private servicing infrastructure (ie. communal well and communal septic system);
3. With respect to housing policies in the PPS, staff would highlight and note the following:
 - a) The proposed multiple dwelling containing four residential dwelling units within the existing building on the lands would in general provide for an expanded range and mix of housing options and densities for both current and future residents in the community of Sudbury. With the proper use of development standards as noted later in this report, staff is satisfied that no negative land use planning impacts would be generated should the rezoning to permit a multiple dwelling in this location be approved from a social, health, economic and well-being perspective;
 - b) Staff is of the opinion the proposed multiple dwelling having four residential dwelling units is at a residential density (ie. 1.43 units/hectare) that would allow for the appropriate and efficient use of the lands, resources, infrastructure and public service facilities that exist in the general area; and,
 - c) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed residential use of the subject lands without negatively impacting the cost of housing and the existing character of the area. Staff notes that overall development proposal being that of a multiple dwelling having four residential dwelling units can be reasonably expected to provide for additional affordable rental dwelling units in the area. It is further noted that no negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the City's Official Plan. Those policies relevant to the development proposal that would facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units and permit a refuse storage area to be located in the westerly corner side yard along Whippoorwill Avenue are discussed below.

With respect to general Rural policies in the Official Plan that are applicable to the subject lands, staff have no concerns with the proposed residential use on the basis that the development proposal to again convert a former municipal building (ie. tourist information centre) relies upon the policy direction established under Section 19.5.8 of the City's Official Plan. The existing hostel/chalet land use that is permitted within the existing building on the lands relied upon the same policy direction when the previous rezoning was approved by the City's Planning Committee and then subsequently ratified by Council.

With respect to conversion of existing buildings policies under Section 19.5.8 of the City's Official Plan, staff note the following with respect to the criteria established in order to safeguard the wider interests of the public:

1. Staff notes that a building permit (ie. change of use) is required in order to properly and safely convert the existing building to a multiple dwelling containing four residential dwelling units. The rezoning application was circulated to Building Services and it was noted that there is an active and issued building permit to convert the former tourist information centre building to a hostel/chalet containing four guest rooms. There is also an active OTC associated with the existing building as the owner has allowed occupancy of the building to occur prior to the closing out of the active building permit. Staff notes that the existing building permit application will need to be amended to reflect the owner's intention to convert the building to a multiple dwelling having four residential dwelling units instead of a hostel/chalet having four guest rooms. Staff is therefore recommending as a condition of approval that prior to enacting an amending zoning by-law the owner be required to amend their existing and active building permit application to the satisfaction of the Chief Building Official;
2. Staff have no concerns with respect to the lands ability to provide six parking spaces for the proposed multiple dwelling having four residential dwelling units. It is noted in particular that the submitted Concept Plan depicts a total of 12 parking spaces which includes one accessible parking space. Staff notes that the above noted existing parking spaces are located within an existing asphalt surfaced parking area and they appear sufficient for the purposes of providing adequate parking for the proposed multiple dwelling;
3. Staff have no concerns with respect to the proposed multiple dwelling generating any negative land use planning impact on abutting properties. In particular, staff have reviewed the development proposal and have no concerns with respect to noise, fumes, smoke, odours, traffic, hours of operation, signs and/or other undesirable features should the rezoning application be approved. It is also noted that there were no nuisance issues raised by circulated agencies and departments;
4. Staff have no land use compatibility concerns given that the land have formerly been used as a tourist information and rest facility and the site layout would remain largely unchanged should the existing building be permitted to be used as a multiple dwelling containing four residential dwelling units. Staff would advise that the adaptive reuse of a former municipal building deemed to be surplus and transferred to a private landowner represents good land use planning from a compatibility perspective;
5. Staff notes that the previous rezoning application established a vegetative buffer requirement between the lands and abutting residential uses along Whippoorwill Avenue. The currently applicable "C7(8)" Zone requires that, "... A minimum 20 metre wide landscaped open space area shall be maintained abutting Whippoorwill Avenue, excluding the existing driveway and parking area." The owner's agent has not indicated that this development standard would be changed should the proposed multiple dwelling containing four residential dwelling units be permitted on the lands within the existing building. Staff remains satisfied in this regard that the conversion and reuse of the former

tourist information centre building would be appropriately landscaped, buffered and screening from nearby residential uses;

6. Staff notes that the application was circulation to Roads and to Transportation and Innovation and no concerns were identified with respect to the existing driveway entrance to the lands or the parking area and associated parking spaces on the lands;
7. Staff notes that the lands are subject to site plan control and there is an active site plan control application (File # S.P.C.A. 2017-013A) which would facilitate the conversion of the existing building to a multiple dwelling having four residential dwelling units should the rezoning application be approved. It is anticipated that the site planning process will address matters related to the aesthetic appearance of the building and that the lands are improved where required in order to properly support a multiple dwelling on the lands;
8. Development Engineering was circulated the rezoning application and there were no sewer and water capacity concerns raised given that the lands are serviced by private infrastructure;
9. Staff is satisfied that the resulting residential density is appropriate. The proposed multiple dwelling containing four residential dwelling units would yield a residential density of 1.43 residential dwelling units per hectare. Staff notes the residential density is not excessive and is reasonable within this particular context where lands designated Rural immediately abut lands designated Living Area 2 to the west and Institutional further to the east. Staff also note that no additions are proposed to the existing building that would result in more residential density on the lands. The conversion and adaptive reuse of a former tourist information centre building is not at a scale that would be expected to introduce land use planning conflicts to the general area. Staff are also satisfied that the lands are sufficiently large enough to provide adequate amenity areas for residents living within the proposed multiple dwelling; and,
10. Staff have previously noted that the lands are subject to site plan control. There is an existing site plan control agreement that resulted from the previous rezoning approval which was registered on December 14, 2017. Staff notes again that there is an active site plan control application to amend the existing site plan control application in order to implement the development proposal that is the subject of this rezoning application.

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 both current and future residents of Sudbury. Staff has also confirmed with the owner's agent that the residential dwelling units within the proposed multiple dwelling will each generally contain two or less bedrooms, which serves as an attractive housing option for the growing number of smaller households. Staff would further acknowledge that the ground-oriented nature of the existing building on a relatively flat lot may also serve as an attractive housing option that meets the functional housing needs of senior citizens. It is further noted that the rezoning does not amount to a down-zoning, but rather would provide for an increased range of housing options available on the lands. To conclude, staff is generally supportive of the rezoning from a housing perspective on the basis that it would contribute positively to the notion of creating complete communities designed to have a mix of land uses that offer the opportunity for providing affordable housing to people of all ages and abilities.

With respect to innovative housing design and development policies under Section 17.2.4 of the City's Official Plan, staff are of the opinion that alternative development standards with respect to permitting a multiple dwelling containing a maximum of four residential dwelling unit within the existing building on the lands can be utilized in this instance to help minimize the costs associated with the production of affordable housing in this part of Sudbury. In particular, it is noted that the amending zoning by-law would therefore need to utilize site-specific development standards to facilitate the innovative use of a converted building that was formerly used for shorter term rental accommodation (ie. hostel/chalet) and prior to this a tourist information centre and rest facility owned by the municipality. It is also noted that the development proposal would not involve any physical additions to the existing building in order to accommodate a multiple dwelling

having a maximum of four residential units, which may lead to the achievement of cost-efficiencies in terms of providing new housing opportunities in this part of Sudbury.

With respect to homelessness policies under Section 17.2.7 c) of the City's Official Plan, the proposed rezoning would establish a permanent and affordable housing-friendly residential land use (ie. multiple dwelling) on the lands providing an affordable living environment for individuals experiencing homelessness or at risk of homelessness.

Staff is therefore of the opinion that the proposed rezoning to facilitate the conversion of the existing hostel/chalet containing four guest suites to a multiple dwelling containing four residential dwelling units and to permit a refuse storage area to be located in the westerly corner side yard conforms to the Official Plan for the City of Greater Sudbury. Staff also have no concerns from a conformity perspective with respect to extending the "H46C7(8)" Zone onto those lands to the immediate south zoned "RU(19)" in order to prevent a split-zoning from occurring on the lands. Staff would again note the holding provision (ie. "H46") applicable to the lands is not proposed to be removed at this time.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and would recommend that the amending zoning by-law add a multiple dwelling containing a maximum of four residential dwellings units as a permitted use on the lands provided said use is accommodated within the existing building that is situated on the lands. Staff also have no land use planning concerns with respect to permitting a refuse storage area in the corner side yard along Whippoorwill Avenue. Staff advise that the lands are subject to site plan control and the location, functionality and design treatment of the refuse storage area will be further refined through the site planning process. Staff would also recommend that the existing land use permission allowing for the existing building to be used as an accessory use (ie. hostel/chalet) to the camping ground remain as this will ensure that longer term flexibility exists on the lands in terms of allowing for the continued reasonable use of the former tourist information centre building. Staff would recommend however that the amending zoning by-law be structured in a manner that allows for only the existing building to be utilized for the purposes of hostel/chalet or a multiple dwelling containing four residential dwelling units.

With respect to the existing holding provision (ie. "H46") that is applicable on the lands, staff notes that the amending zoning by-law will need to add a multiple dwelling containing four residential dwelling units as a permitted land use that can be accommodated on the lands prior to the removal of the holding provision. Staff further notes in this regard that the existing hostel/chalet use containing four guest rooms is permitted on the lands without needing to remove the holding provision. Staff advises that there are no land use planning concerns around permitting a multiple dwelling containing four residential dwelling units on the lands at this point in time provided that said use is accommodated within the existing building situated on the lands.

Staff also further 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 PINs 73479-0540 & 73479-0550, Part 1, Plan 53R-20262, Parts 1 & 2, Plan 53R-10088, Lot 10, Concession 5, Township of Dill. It is also noted that the owner's agent has recently advised that the above noted PINs have been consolidated under new PIN 73479-0559.

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 multiple dwelling containing a maximum of four residential dwelling units be added as a permitted residential use within the existing building on the lands;

2. That a refuse storage area be permitted in the corner side yard along Whippoorwill Avenue; and,
3. That the existing “H46” holding provision be amended to permit a multiple dwelling containing four residential dwelling units on the lands prior to the removal of the holding provision.

Staff is however recommending a condition of approval be imposed that prior to the enactment of an amending zoning by-law the owner shall apply for a revision to their active building permit application to the satisfaction of the Chief Building Official.

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.