

5887 Highway 69 North, Hanmer

Presented To:	Planning Committee
Meeting Date:	October 3, 2022
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/22-008

Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit a four-unit row dwelling on Municipal Road 80, Hanmer.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by 749459 Ontario Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One to “R3”, Medium Density Residential on lands described as Part of PIN 73503-1217, Part of Parcel 20955 S.E.S., in Lot 2, Concession 2, Township of Hanmer, as outlined in the report entitled “5887 Highway 69 North, Hanmer” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 3, 2022 subject to the following conditions:

1. That prior to the enactment of the amending by-law, the owner shall address the following conditions:
 - (i) Submit a revised parking plan to the satisfaction of the Director of Planning Services;
 - (ii) Enter into a paving agreement with the City to the satisfaction of the General Manager of Growth and Infrastructure;
 - (iii) Submit an application for consent in order to sever the westerly lands subject to the rezoning; and,
 - (iv) Provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law.

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 \$14,000 in taxation revenue, based on the assumption of four multiple dwellings at an estimated assessed value of \$275,000 per dwelling unit 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.

In addition, this development would result in total development charges of approximately \$51,000 based on the assumption of four multiple dwelling units based on the rates in effect as of this report.

Report Overview

An application for rezoning has been submitted in order to permit a four-unit row dwelling on the vacant portion of a residential lot located on the south side of Municipal Road 80 in Hanmer. Staff support the rezoning based on the suitability of the site and the location on a serviced Primary Arterial Road in a built-up urban area. As a form of residential intensification, 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”, Medium Density Residential in order to permit a row dwelling with four (4) units on Municipal Road 80.

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”, Medium Density Residential

R3 zoning permits a range of residential use, including low density housing types (singles, semis and duplexes), as well as medium density residential uses (multiple dwellings, row dwellings, street townhouses).

Location and Site Description:

Part of PIN 73503-1217, Part of Parcel 20955 S.E.S., in Lot 2, Concession 2, Township of Hanmer (5887 Highway 69 North, Hanmer)

The subject property comprises the westerly vacant portion of a residential lot located on the south side of Highway 69 North (Municipal Road 80), east of Centennial Drive in Hanmer. The area is fully serviced by municipal water and sanitary sewer. Municipal Road 80 is designated as a Primary Arterial Road and is partially urbanized at this location with a sidewalk on the south side of the roadway. The closest public transit stop is approximately 223 metres to the east on the south side of MR80 (Route 105 Valley East – easterly service to Capreol). A transit stop providing service in a westerly direction to the Downtown Transit Hub is located approximately 625 metres to the west.

The existing lot is occupied by a single detached dwelling with a secondary dwelling unit located on the easterly portion of the property. Based on the concept plan, the total area of the vacant westerly portion to be severed and rezoned is 2,091 m², with 34.31 metres of frontage and 61 metres of depth. Site alteration has occurred and the land has been cleared of vegetation. An existing 12 metre-wide curb cut provides access to the site as illustrated on the concept plan.

The surrounding area forms a mix of residential and commercial uses. A commercial strip mall is located on lands to the east (5931 Highway 69 North, Hanmer). A City-owned water booster station is located on the abutting corner lot at the intersection of MR80 and Centennial Drive. A single detached dwelling abuts the remaining portion of the westerly lot line (4550 Centennial Drive). Single detached dwellings are located to the south on Lapointe Street (274-284-294 Lapointe Street). A row dwelling complex is situated on the opposite side of MR 80.

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:

North: 16-unit row dwelling complex (285 Martha Street)

South: Single detached dwellings (274-284-294 Lapointe Street)

East: Single detached dwelling with secondary dwelling unit on the easterly portion of lot and a commercial strip mall located further to the east

West: City-owned water booster station and a single detached dwelling fronting onto Centennial Drive

Related Applications:

The owner submitted applications for consent in 2019 in order to create three (3) lots for low density residential use (Files B0023/2019, B0024/2019 & B0025/2019). The applications were denied on the basis that the proposal did not conform with Official Plan policies applied to Primary Arterial Roads. The owner filed an appeal with the Local Planning Appeal Tribunal (LPAT), which subsequently dismissed the appeal and ordered that provisional consent not be granted (File PL190418).

Concurrent with the above, the owner submitted a building permit application in 2019 under the existing R1-5 zoning in order to construct a single detached dwelling with a secondary dwelling unit on the easterly portion of the lot. The dwelling has been completed and is now occupied.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on July 19, 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 September 15, 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, no written submissions or phone calls have been received by Planning Services.

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.

C. Site and building design

In addition to the criteria set out under Section 2.3.3, residential intensification projects are also subject to the urban design guidelines set out under Section 14.4. The policies applied to parking areas under Policy #2 are particularly relevant.

Development and intensification will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and the public realm by:

- a. minimizing the number of curb cuts and driveways that cross the public sidewalk;
- b. limiting surface parking between the front face of the building and the public street and sidewalk;
- c. locating servicing and utilities towards the sides or rear of the building and screening the servicing from views from adjacent streets;
- d. integrating servicing and utility functions within the building, where possible; and,
- e. providing adequate landscaping and buffering between adjacent properties.

Zoning By-law 2010-100Z:

The owner has not requested zoning relief. However, the concept plan has several non-complying features as follows:

- Parking spaces 1 to 3 partially encroach into the required front yard and parking spaces 4 to 6 are entirely within the required front yard, where parking is not permitted in required exterior yards in R3 zones (15 metres on a Primary Arterial Road);
- The parking aisle between the building and parking space 4 is 3.8 metres, where a width of 6 metres is required to accommodate vehicle turning movements; and,
- The interior width of the private garage is 5.18 metres, where each parking space shall have a width of not less than 2.75 metres and shall be unobstructed by any component of any structure.

Site Plan Control:

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

Department/Agency Review:

Development Engineering advises the owner that any costs related to the upgrading of services are the responsibility of the owner.

Building Services is requesting that the owner submit a consent application prior to the enactment of the amending by-law for the purposes of the issuance of a building permit and also to avoid split zoning on the parent parcel.

ICPS: Traffic and Innovation have concerns related to the extent of the front yard parking area and on-site circulation. Staff do not support a gravel surface treatment and at minimum require that the driveway entrance be paved to prevent the dispersal of gravel onto a Primary Arterial Road. In lieu of site plan control, a paving agreement is recommended as a condition of approval.

Planning Analysis:

Primary Arterial Roads within urbanized areas are identified as preferred locations for medium density residential uses. Residential intensification is therefore encouraged along fully serviced arterial corridors provided the proposal can address the applicable policies set out under the Official Plan, including the suitability of the site to accommodate the proposed built form. In this case, the proposed lot exceeds 2,000 m² of lot area and has ample land to address minimum zone standards without requiring zoning relief.

Suitability of the lot

a) Density

The residential density is calculated at 20 dwelling units per hectare (du/ha), which remains fairly low due to the large lot. A cap on residential density is not recommended in this instance due to the site-specific characteristics, including the preferred location on a Primary Arterial Road, the size of the property, the availability of public transit, the proximity to community services and the ability to adequately address land use compatibility with adjacent uses.

b) Built form and site design

The application indicates a one-storey row dwelling containing four (4) ground-oriented dwelling units with attached garages and exterior access to a privacy yard. The owner is proposing front-loaded dwelling units, where the front elevation of each row dwelling unit will face the street line. Accordingly, the building envelope is set back 18.63 metres from the front lot line where a minimum of 15 metres is required on a Primary Arterial Road.

It is generally preferable to have the row dwelling units oriented away from the street to provide privacy and mitigate traffic noise, as well as to limit surface parking between the front face of the building and the public right-of-way. In this case, the width of the lot is adequate to accommodate an east-west orientation of the built form. The increased setback will allow a sizeable privacy yard

for each unit and there is adequate area to provide planting strips. The building orientation is acceptable provided concerns related to the front yard parking area are addressed.

c) Parking

A four-unit row dwelling requires a total of six (6) parking spaces based on a standard of 1.5 spaces per unit. Parking areas in R3 zones are not permitted within required exterior yards. In this case, each unit will have an attached garage, thereby providing four (4) spaces. Six (6) additional parking spaces are proposed in the front yard parking area, for a total of ten (10) parking spaces. The proposed surface treatment of the entire front yard parking area is gravel.

The parking configuration is problematic based on the following observations:

- Parking spaces 1 to 3 partially encroach into the required front yard and parking spaces 4 to 6 are entirely within the required front yard;
- Parking spaces 2 and 3 impede access to the private garages for Units 3 and 4;
- The parking aisle between the building and parking space 4 is approximately 3.8 metres wide based on the scaled concept plan where 6 metres is required to accommodate vehicle turning movements;
- The interior width of the private garage is 5.18 metres where each parking space shall have a width of not less than 2.75 metres and shall be unobstructed by any component of any structure; and,
- The front yard parking area is unnecessarily large and treated with gravel, which will result in the dispersal of gravel onto a busy arterial corridor. As currently configured, the parking area conflicts with the policies of Section 14.4 of the Official Plan.

In lieu of implementing site plan control, the following conditions of approval are therefore recommended prior to the enactment of the amending by-law:

- Submit a revised parking plan to the satisfaction of the Director of Planning Services; and,
- Enter into a paving agreement with the City to the satisfaction of the General Manager of Infrastructure Services.

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 10,614 vehicles per day (2014 data). There is no significant traffic impact based on the small number of units. A centre-turn lane at this location facilitates vehicle turning movements. Roads Section advised that the City requires a three (3) metre-wide strip of land along the street line to accommodate future road improvements, which the owner has incorporated onto the concept plan.

b) Interface with abutting properties

The concept plan indicates three (3) metre-wide planting strips around the perimeter of the site, which are required when a medium density residential use abuts a low density residential zone. The owner is advised that the required planting strips must contain a screening device as per Section 4.15.5 of the Zoning By-law.

Official Plan conformity

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

- Primary Arterial Roads in fully serviced urban areas are appropriate locations for medium density residential uses;
- Compatibility with abutting low density housing can be adequately addressed through the provision of planting strips;
- There is close proximity to services, including commercial nodes located to the east and west;
- Sewer and water services including fire flows are adequate;
- The traffic impact is negligible based on the small number of units;

- The front yard parking area can be improved through a revised parking plan; 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.