

0 Poland Street, Copper Cliff

Presented To:	Planning Committee
Meeting Date:	February 6, 2023
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/22-17

Report Summary

This report provides a recommendation regarding an application for rezoning to “R1-5(S)” Low Density Residential Special, to permit a parking lot.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Robert Ivey to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One, to “R1-5(S)” Low Density Residential Special, on lands described as PIN 73599-0325, Parcel 40767, Lot 114, Plan M-1023, Lot 12, Concession 2, Township of McKim, as outlined in the report entitled “0 Poland Street, Copper Cliff”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 6, 2023, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) In addition to the uses permitted in the R1-5 Zone, a parking lot shall be permitted;
 - b) a reduced southerly planting strip width of 0.97 m shall be permitted, where 3.0 m is required;
 - c) a reduced parking aisle width of 5.5 m shall be permitted, where 6.0 m is required;
 - d) a reduced driveway width of 5.18 m shall be permitted, where a minimum driveway width of 6.0 m is required for two-way traffic; and
 - e) parking shall be permitted to encroach 1 m into the required front yard.
2. That prior to the enactment of the amending by-law, the owner shall enter into a site plan control agreement with the City.
3. That conditional approval shall lapse on February 7, 2025 unless Condition 2 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

There are no financial implications associated with this report.

Report Overview

An application for rezoning has been submitted to permit a parking lot. The subject land is designated as Living Area 1 in the Official Plan and zoned "R1-5", Low Density Residential One.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a parking lot.

The proposed parking lot is intended to supplement the parking available to the 15-unit multiple dwelling located at 4 Poland Street, which would appear to currently have enough parking for approximately 1 space per unit.

The applicant's development concept plan illustrates the proposed parking lot with 9 parking spaces, driveway extending from Poland Street, planting strips adjacent to the low density residential uses on either side, and a landscape area along the Poland Street right-of-way.

A parking lot has already been partially constructed at this location as shown in the site photos. The City has issued a notice of violation (By-law Services) and an order to acquire a site alteration permit (Building Services) given a parking lot is not a permitted use and grades have been altered on the site. Successfully completing the rezoning and site plan control agreement processes to permit the development of a parking lot is one way the owner could bring the site into compliance with the City's zoning by-law and site alteration by-law.

Existing Zoning: "R1-5", Low Density Residential One, Flood Plain Overlay 'Conditional Development Area D'

The R1-5 Zone permits a single detached dwelling, a home daycare, group home (type 1), and a bed and breakfast establishment.

Requested Zoning: R1-5(S), Low Density Residential Special, maintain Flood Plain Overlay 'Conditional Development Area D'

The applicant is requesting to change the zoning to “R1-5(S)”, Low Density Residential One Special, to additionally permit a parking lot with 9 parking spaces. The following site-specific relief has been requested:

- to provide a reduced southerly planting strip width of 0.97 m, where 3.0 m is required;
- to provide a reduced parking aisle width of 5.5 m, where 6.0 m is required;
- to provide a reduced driveway width of 5.18 m, where a minimum driveway width of 6.0 m is required for two-way traffic; and,
- to provide gravel surface in the parking area and drive aisles.

Location and Site Description:

The subject property is described as PIN 73599-0325, Parcel 40767, Lot 114, Plan M-1023, Lot 12, Concession 2, Township of McKim, 0 Poland Street, Copper Cliff. The subject lands are located on the northeast side of Poland Street. The lands to be rezoned have an area of approximately 771 square metres with approximately 16 m of frontage on Poland Street, which is a local roads in this location. The lands are to be rezoned are not currently serviced with municipal water and sanitary sewer though these services are available in the Poland Street road allowance.

Surrounding Land Uses:

The area surrounding the site mainly includes lands zoned R1-5, Low Density Residential One, being a low density residential neighbourhood. There is a drainage channel zoned OSC, Open Space – Conservation to the east of the subject lands.

North and South: single detached dwellings

East: vacant lands zoned OSC, Open Space – Conservation, and containing a drainage channel

West: Poland street, multiple dwelling containing 15 dwelling units, single detached dwellings

The existing zoning & location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses along Poland Street in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper along with a courtesy mail out to surrounding property owners and tenants within 122 m of the property on September 26, 2022. The statutory notice of the public hearing was provided by newspaper and courtesy mail out on Thursday, January 19, 2023. The owner 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. At the time of writing this report, the City had received seven (7) phone calls of support for the application. All but one of the calls were from residents of the multiple dwelling at 4 Poland Street, stating that they support and/or need the parking. One call was received from a neighbour that can view the proposed parking lot from their back yard and has no concerns. One letter of concern was received from the abutting neighbour to the north advising that they have contacted By-law Services raising concerns with drainage onto their property from this site and are also concerned that any additional lighting would shine into their windows.

Policy & Regulatory Framework:

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

- [2020 Provincial Policy Statement](#)

- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS). Several sections of the PPS are relevant to the application. Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

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 is satisfied that the application conforms to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments, make the most efficient use of existing infrastructure and public service facilities, protect our rural and agricultural assets and preserve our natural features and areas. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Policy 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- 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.

Section 20.7 includes policies pertaining to hazard lands, and states that development may only be permitted if approved by Conservation Sudbury or the Ministry of Natural Resources and Forestry (whomever is the appropriate authority). The subject lands are located in an area where there may be flooding and erosion hazards, specifically Conditional Development Area 'D' in the community of Copper Cliff. Within Area D, the replacement, expansion or alteration of existing buildings and infilling on existing vacant residential lots may be permitted. Development will not be permitted where there is an unacceptable risk to public health or

safety or of property damage.

Zoning By-law 2010-100Z:

The development standards for a parking lot require no parking in the minimum 6.0 m front yard. A planting strip is required to be provided where a non-residential lot abuts a residential lot. A 6.0 m-wide driveway is required to be provided for two-way traffic, with parking spaces 2.75 m x 6.0 m in size, and parking aisles of 6.0 m in width.

Development standards for a single detached dwelling require a minimum front yard of 6.0 m, rear yard of 7.5 m and interior side yard of 1.2 m for a 1-storey dwelling. The maximum lot coverage is 50%.

The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space.

Site Plan Control:

A site plan control agreement is required to be registered on title prior to the development of a parking lot. The applicant has completed pre-consultation with the City regarding site plan control, which is required prior to the applicant making a formal site plan control application.

The entire City is subject to site plan control, as outlined in the Site Plan Control By-Law 2010-220, excepting certain zoned areas and classes of development. However, there is a common misconception that development proposals can proceed because they have satisfied zoning requirements rather than being appropriately planned and designed in the context of site plan control. This is common for uses that do not require a building permit, such as parking lots. To address this issue, City staff recommend that a site plan control agreement be registered on title prior to a rezoning by-law being passed that would permit a parking lot.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies. No concerns or comments were raised by Transit.

Infrastructure Capital Planning (ICP) has concerns about the functionality of the proposed 5.18-meter driveway entrance width and the 5.5 meter wide drive aisle. Based on standard design vehicles, the proposed widths will not be able to freely accommodate two-way traffic and will likely be further reduced during the winter months unless snow removal is completed. For both proposed reduced widths, there appears there is sufficient room to construct the minimum required 6-meter width by making site alterations. ICP also notes that gravel parking surface is being proposed for the parking lot. The owner will be required to pave the driveway entrance starting from the near edge of the pavement on Poland St, to 15-meters easterly, in order to minimize the tracking of gravel onto Poland Street.

Advisory comments are provided as follows:

Development Engineering advises that the site is not currently serviced with municipal water or sanitary sewer, but it is available within the Poland Street road allowance. While service connections are not proposed at this time, all future connections and associated costs to upgrade the services would be borne entirely by the owner. This site will be subject to a Site Plan Control Agreement and detailed comments on the development will be provided at that time.

Building Services advises that parking spot #1 is located within the required front yard, as per City of Greater Sudbury Zoning By-law 2010-100Z, 5.2.4.3 Yards where Parking Areas are Permitted, parking within the front yard is not permitted. With respect to additional considerations related to this development, Building

Services reserves further comment until the time of Site Plan Agreement. A Site Alteration permit may be required for the subject property, and the owner may contact Building Services for further information.

Conservation Sudbury (CS) does not oppose Zoning By-law Amendment 751-6/22-17. The subject property is located within a floodplain regulated by CS. The floodplain elevation at this location is 259.5m above sea level (CGVD28 datum). However, parking lots are an acceptable use within a floodplain. CS will require a section 28 permit for this development. It is preferable to obtain the permit in tandem with the Site Plan Control Agreement review as it may impact final grades. CS will require a section 28 permit as a condition of the site plan control agreement if the permit has not been obtained beforehand. As part of the Section 28 permit review, CS will require additional details of stormwater management and a calculation that demonstrates no net fill will be added to the floodplain.

Strategic and Environmental Planning advises that this application does not pose an elevated risk to species protected by the Endangered Species Act (ESA) or to their habitat. The proposed development 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 as indicated on the relevant site plans. As such, specific environmental studies are not required beyond those that may have been requested previously. The applicant should note that compliance with the Endangered Species Act is solely the responsibility of the owner/developer.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and 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 in respect of the applicable policies, including issues raised through agency circulation.

Staff recommends that this application is consistent with and conforms to the PPS and Official Plan direction to direct development to fully serviced settlement areas. A parking lot is not an ideal use of a residential lot, however, the proposed zoning bylaw amendment does not restrict the future development of the lot for residential use in accordance with the provisions of the R1-5 zone. In the meantime, the development of a parking lot will supplement the parking available to residents of 4 Poland.

The site is rectangular in shape and is almost large enough in size to accommodate all the required landscaping and drainage features, though reductions in driveway and drive aisle widths have been requested. Roads staff has recommended that the proposed driveway and drive aisle widths will not freely accommodate two-way traffic and will likely be further reduced during the winter with snow accumulation. The applicant has illustrated turning movements on the concept plan showing how space #1 will be entered, how space #9 will be exited, and two-way movement of vehicles. Given the scale of the parking lot and resulting low frequency of two-way traffic, planning staff recommends that the proposed widths are appropriate. Overall, traffic is not expected to be impacted by this proposal.

Adequate landscaping is provided in the front yard, and site photos depict landscaping that has been installed in this area as well as along the easterly property line. The applicant's sketch indicates an enhanced grassed swale along the westerly property boundary to direct drainage of water on the site. The required planting strip along the westerly and easterly property boundaries is proposed to include a cedar hedge.

While the planting strip is proposed to be reduced to 0.97 m where 3.0 m is required along the easterly property line, it will still serve to promote compatibility with the adjacent residential use in light of the scale of the development, and staff would recommend the requested reduction in width is appropriate. Site lighting is addressed through site plan control. Should the proponent choose to provide additional lighting, a lighting plan will be required as part of the site plan control agreement which demonstrates that lighting levels are controlled such that are minimal off-site impacts (light cannot exceed 1 foot-candle at the property line).

Further to comments from Building Services, zoning relief is recommended to permit parking to encroach into the required front yard. This relief is required to enable flexibility in the development of the site, and while not specifically requested by the applicant, staff recommend that a 1 m encroachment would be sufficient. This approach aligns with the City's approach to permitting parking in a portion of the front yard for ground-oriented residential development.

The Official Plan requires consideration of the potential flooding hazards in this location. Conservation Sudbury has advised that the subject lands are located in a floodplain, and parking lots are an acceptable use within a floodplain. A permit will be required from Conservation Sudbury prior to the development, preferably in tandem with the site plan control agreement process. Conservation Sudbury will require additional information regarding stormwater management and a calculation that demonstrates no net fill will be added to the floodplain. Staff recommend that the proposed use conforms to the Official Plan policies pertaining to flooding hazards.

Staff do not recommend that the zoning provisions should permit the parking lot surface to be gravel as requested by the applicant. Paving will be required to stop gravel from tracking out onto Poland Street, and parking lots in residential areas with more than 6 spaces are required to be paved to prevent dust. The applicant was advised of the paving requirement during pre-consultation for the rezoning and site plan control applications.

Staff recommends that the application be approved subject to entering into a site plan control agreement with the City prior to the adoption of the amending by-law, to ensure that stormwater management, paving and other site design matters are implemented to mitigate the impacts of the development on adjacent properties.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

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

- To rezone the lands from R1-5 to R1-5(S) to permit a parking lot.

Staff has considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed parking lot will supplement the parking available to residents of 4 Poland Street and does not preclude the future development of the lot for residential use.
- The site is suitable for the proposed parking lot.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate landscaping can be provided.
- The impact on local streets will be minimal.

Staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.