

Errington Avenue, Chelmsford

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:	751-5/22-001 and 780- 5/12005

Report Summary

This report provides recommendations regarding a request to rezone and amend a draft plan of subdivision on lands located west of Errington Avenue and south of Highway 144 in Chelmsford.

This report is prepared by Mauro Manzon, Senior Planner.

Resolutions

Resolution 1:

Resolution regarding Zoning By-law Amendment:

THAT the City of Greater Sudbury approves the application by Vytis Lands (Kagawong) Ltd. & Ronald Jacques Chevrier to amend Zoning By-law 2010-100Z by changing the zoning classification from “FD”, Future Development to “R2-2”, Low Density Residential Two and “R3”, Medium Density Residential on lands described as Part of PINs 73348-0734 & 73348-0005, Parts 1, 2 & 3, Plan 53R-20417 in Lot 2, Concession 2, Township of Balfour, as outlined in the report entitled “Errington Avenue, Chelmsford” 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 the owner provides the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;
2. That the draft plan of subdivision be rezoned as follows:
 - i) Lots 1 to 6, 18 to 21, 92, 93, 164 to 168 and 192 to 194 and Block C be zoned as “R3”, Medium Density Residential;
 - ii) Lots 7 to 17, 22 to 91, 94 to 163 and 169 to 191 and Blocks B and D be zoned as “R2-2”, Low Density Residential Two; and,
 - iii) Block A be zoned as “P”, Park;

3. Conditional approval shall lapse on September 27, 2024 unless Condition 1 above has been met or an extension has been granted by Council.

Resolution 2:

Resolution regarding Draft Plan of Subdivision Amendment:

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Part of PINs 73348-0734 & 73348-0005, Parts 1, 2 & 3, Plan 53R-20417 in Lot 2, Concession 2, Township of Balfour, City of Greater Sudbury, File 780-5/12005, as outlined in the report entitled "Errington Avenue, Chelmsford" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 12, 2022, as follows:

- a) That Condition #1 be deleted and replaced with the following:

"1. That this draft approval applies to the draft plan of subdivision of Part of PINs 73348-0005, 73348-0432 & 73348-0579 in Lots 2 & 3, Concession 2, Township of Balfour as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated November 28, 2012, as amended by a plan prepared by Terry Del Bosco, O.L.S., and dated July 6, 2022."

- b) By deleting Condition #10 and replacing it with the following:

"10. That this draft approval shall lapse on December 12, 2025."

- c) By deleting Condition #12 and replacing it with the following:

"12. The owner shall be required to upgrade Errington Avenue from Street 'F' to Mainville Street, to an urban collector standard complete with a sidewalk along the west side. The owner shall contribute towards the improvement on a per lot basis, with the total amount paid prior to half of the subdivision (100 lots) being completed. The contribution per lot will be determined at the time of registration of each phase and it will be adjusted annually based on the CanaData Construction Cost Index."

- d) That Clauses b), c) and d) of Condition #14 be deleted;

- e) That the following be added to Condition #15:

"The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19."

- f) That the following be added to Condition #17:

"The lot grading plan shall demonstrate that no fill has been added to the flood plain. A note to the lot grading plan must be added that lots containing flood plain cannot develop within the flood plain."

- g) By changing "Union Gas" to "Enbridge" in Condition #22;

- h) By deleting Condition #25 and replacing it with the following:

"25. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. The report must address the following requirements:

- The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the

subject site and any external tributary areas using the City's 2-year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2-year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;

- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100-year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100-year design storm or Regional storm event, whichever is greater;
- "Enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks;
- Stormwater management must follow the recommendations of the Whitson River Subwatershed Study;
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan;
- The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure;
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties; and,
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development."

i) By deleting Condition #26 and replacing it with the following:

"26. Proposed development adjacent to natural watercourses, and within 15 metres of the watercourse, must be reviewed and approved to the satisfaction of the Conservation Sudbury. A Section 28 application to Conservation Sudbury may be required."

j) By deleting Condition #27 and replacing it with the following:

"27. Development on Lots 22-36, adjacent to the realigned Whitson River - Tributary III, must be reviewed and approved by Conservation Sudbury. A Flood Plain Study will be required to the satisfaction of Conservation Sudbury in order to assess the impact of the realigned watercourse on the proposed lots, which may include adjusting the rear lot lines of Lots 22-36 to the satisfaction of Conservation Sudbury and the Director of Planning Services. Furthermore, the owner is required to design and construct a realigned channel to the satisfaction of Conservation Sudbury and the Director of Planning Services and in agreement with the findings of the Flood Plain Study."

k) By deleting the reference to Block C in Condition #28;

l) By deleting Condition #29;

m) By deleting Condition #30;

n) By adding the following to Condition #31:

“31. Canada Post will provide mail delivery service to the townhouse portion (19 units) of the subdivision through centralized Community Mail-Boxes (CMBs). Given the number and the layout of the lots in the subdivision, 10 CMB(s) locations will be necessary as follows:

- a. Side of Lot 27
- b. Side of Lot 37
- c. Side of Lot 53
- d. Side of Lot 105
- e. Side of Lot 186
- f. Side of Lot 181
- g. Side of Lot 65
- h. Side of Lot 163
- i. Side of Lot 128
- j. Side of Lot 119

o) That the reference to Condition #29 be deleted in Condition #32;

p) That the lot references to Drain “A” and Drain “C” be deleted in Condition #35;

q) By deleting Condition #36;

r) By deleting the reference to Street B in Condition #37;

s) By adding the following as new Condition #40:

“40. The owner must identify the limits of the wetlands on site through wetland mapping by a qualified professional (certified under the Ontario Wetland Evaluation System or otherwise approved by Conservation Sudbury). All development must be directed outside of the wetland. Any development within 30 metres of the wetland, including lot grading and work approved through the subdivision process, will require a direct application to Conservation Sudbury under Section 28 of the Conservation Authorities Act and will be subject to Conservation Sudbury’s Wetland Guidelines and will need to demonstrate that development does not interfere with the hydrology of the wetland.”

t) By adding the following as new Condition #41:

“41. The erosion hazard associated with watercourses that are not designated as municipal drains must be determined using the scientific principles and methods prescribed in the Technical Guide to River and Stream Systems: Erosion Hazard Limit (MNR, 2002). The hazard limit must be shown on the plans. A direct application to Conservation Sudbury under Section 28 of the Conservation Authorities Act is required for any development proposed within 15 metres of the erosion hazard.”

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

The request to amend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding.

The proposal is consistent with the goals and objectives of the Strategic Plan by expanding and diversifying the supply of new housing in a fully serviced settlement area, where the provision of municipal services is deemed to be efficient and cost-effective.

The subject site is located within a designated growth area that is serviced by municipal sewer and water and offers proximity to community services. The proposed development is adjacent to a built-up urban area and represents the rounding out of existing development within settlement area boundaries. The proposed housing mix will lead to increased density in an urban setting. The application is therefore deemed to be consistent with the goal to create compact, complete communities under the Community Energy & Emissions Plan.

Financial Implications

If approved, staff estimates approximately \$1.6 million in taxation revenue, based on the assumption of 348 semi-detached family dwelling units and 73 townhouse dwelling units at an estimated assessed value of \$300,000 and \$275,000 per respective 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 \$7,100,000 based on the assumption of 348 semi-detached dwelling units and 73 townhouse dwelling units based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (i.e., Roads, water/wastewater linear pipes, etc).

Report Overview

The owners of the subject lands have submitted a request to amend the draft plan and zoning approvals for a proposed plan of subdivision located west of Errington Avenue and south of Highway 144 in the community of Chelmsford (File 780-5/12005). The draft plan received initial approval in 2013 and was subsequently amended in 2014 and 2018. No phases have been registered to date.

The requested amendments include changing the use from 283 lots for single detached dwellings to 174 lots for semi-detached dwellings and 20 lots for street townhouse dwellings (freehold townhomes) for a total of 421 units. The lot configuration and road layout have been modified accordingly. The proposed parkland dedication is an approximate 1.98 ha block located on the southerly portion of the property, which will also be utilized for stormwater management.

Planning Services recommends that the applications be approved, as the proposal demonstrates conformity with the Official Plan, the 2020 Provincial Policy Statement, and the 2011 Growth Plan for Northern Ontario.

Staff Report

Proposal:

Applications for rezoning and draft plan of subdivision amendment have been submitted in order to permit 174 lots for semi-detached dwellings (348 units) and 20 lots for street townhouse dwellings (73 units) on lands subject to a draft plan of subdivision approved in 2013. Total number of dwelling units is 421 units.

The owner is proposing to redefine the limits of the existing draft plan approval to exclude lands located to the north and west.

Block A is proposed for stormwater management and a linear trail (parkland). Blocks B and C will be utilized for servicing and drainage respectively. Block D will provide a pedestrian linkage between Streets B and C.

Existing Zoning: “FD”, Future Development

The subject land is currently zoned “FD”, Future Development, which is typically applied to lands within settlement areas that are earmarked for future development in conformity with the underlying land use designation in the Official Plan. A single detached dwelling is permitted as an interim use on a legal existing lot zoned FD.

Requested Zoning: “R2-2”, Low Density Residential Two and “R3”, Medium Density Residential

The proposed zoning would permit a mix of single detached dwellings, duplex dwellings, semi-detached dwellings and street townhouse dwellings. The existing draft plan of subdivision is configured for single residential use, and therefore requires a concurrent draft plan amendment to accommodate the proposed semi-detached and street townhouse dwellings.

Location and Site Description:

Part of PINs 73348-0734 & 73348-0005, Parts 1, 2 & 3, Plan 53R-20417 in Lot 2, Concession 2, Township of Balfour (Errington Avenue, Chelmsford)

The subject property comprises two (2) land holdings under separate ownership located west of Errington Avenue and south of Highway 144 in the community of Chelmsford. The lands are located within the designated settlement area for Chelmsford.

Total site area is 29.5 ha based on the amended draft plan. The topography is essentially flat, with no significant changes in elevation. Most of the land has been cleared of vegetation.

Whitson River Tributary III crosses a northerly portion of the site, draining in a southwesterly direction. Lands adjacent to the watercourse form a designated flood plain, which is illustrated on the location map. It should be noted that a section of the creek has been realigned to the rear of several properties on Laurette Street (Lots 18 – 21, Plan M-415), a change which is not reflected on the City’s mapping.

Low density residential housing is located to the north on Laurette Street and east on Errington Avenue. The predominant housing type is a single detached dwelling. The surrounding road network is not constructed to an urban standard. Vacant lands designated as Living Area 1 abut the westerly limit of the site. A golf course and other rural lands abut to the south. The southerly limit of the draft plan forms the settlement area boundary.

As part of the initial approval of the plan of subdivision, it was determined that the lands are not viewed as potential habitat for Species at Risk (SAR).

Surrounding Land Uses:

The area surrounding the site includes:

North: vacant residential land owned by the applicant (Blocks A & B on current draft plan); commercial uses on south side of Highway 144; low density residential uses on Laurette Street and Isidore Street (single detached dwellings);

East: low density residential uses (single detached dwellings) on Errington Avenue;

South: vacant rural land;

West: vacant residential land zoned FD.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on April 26, 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 form indicates that the applicant will conduct an in-person or virtual meeting for the purposes of neighbourhood consultation.

As of the date of this report, no written submissions have been received by Planning Services. Two (2) inquiries were made seeking clarification on the proposal.

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.

The applicable PPS policies can be grouped into five categories: housing, settlement areas, residential intensification, stormwater management and hazard lands.

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.

D. Stormwater management

Under Section 1.6.6.7, planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and,
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

E. Natural hazards

Under Section 3.1 of the PPS related to Natural Hazards, development shall generally be directed to areas outside of hazardous sites, which are defined as lands that could be unsafe for development and site alteration due to naturally occurring hazards, such as flooding, erosion and unstable soils.

Notwithstanding the above, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration are carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and,
- d) no adverse environmental impacts will result.

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.

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:

Most of the subject land is designated as Living Area 1. A small northwesterly portion adjacent to the Whitson River tributary is designated as Parks and Open Space, which essentially aligns with the flood plain boundary indicated on the amended draft plan.

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.

3.2.2: Phasing policies

Due to the location in a designated growth area, the phasing policies of Section 3.2.2 are also applicable as follows:

1. New development in Living Area I will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
2. Where expansion onto vacant undeveloped lands is proposed, the following phasing policies will be considered at the time of application review:
 - a) the intensification target identified in Section 2.3.3 is being achieved;
 - b) the proposed development represents a contiguous expansion within the Living Area I designation;
 - c) the proposed development represents a logical utilization of existing infrastructure and public service facilities;
 - d) the proposed development completes or rounds out existing neighbourhood plans with respect to infrastructure matters such as road connections and waterline looping, and public service facilities such as schools and recreation facilities; and,
 - e) the area is experiencing growth pressure as evidenced by adjoining development, and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium.

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. Flooding and erosion hazards

Due to the flood plain associated with Tributary III of the Whitson River, policies applied to flooding and erosion hazards under Section 10.2 shall be considered:

1. Because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury or MNRF. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury or MNRF.
2. Notwithstanding the above, development and site alteration is not permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Development and site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of a hazard, unless it has been demonstrated that the site has safe access appropriate to the nature of development and hazard.

3. For purposes of clarity, institutional uses such as hospitals, long-term care facilities, retirement homes, pre-schools, elementary schools and secondary schools; essential emergency services and industrial uses involving the disposal, manufacture, treatment or storage of hazardous substances are not permitted on lands subject to flooding or erosion hazards.
4. Uses that by their nature must locate within the Flood Plain including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows are permitted.
5. Any alterations to the terrain within the Flood Plain which may have an effect on drainage and the erection of any structures must first receive the approval of Conservation Sudbury or MNRF.

Zoning By-law 2010-100Z:

Site-specific zoning relief is not required for the proposed semis and street townhouse dwellings.

Site Plan Control:

Site plan control is not applied to semi-detached and street townhouse dwelling units.

Department/Agency Review:

Commenting departments and agencies have updated their conditions of draft approval based on the reconfigured draft plan and the proposed change in use.

Planning Analysis:

The draft plan of subdivision received initial approval on December 12, 2013 (Recommendation PL2013-193). In May 2014, the draft plan was amended through a minor boundary adjustment that resulted in 11 fewer lots. The amended plan comprised 359 lots for single residential use and one (1) block for R3-1 medium density use, with the remaining blocks allocated for parkland and stormwater management.

In September 2018, the owner submitted a revised draft plan which increased the size of the lots, resulting in a total of 283 lots for single residential use and one block for medium density residential use (Block A). No phases were registered and the rezoning was never finalized. The current draft plan dated August 15, 2018 and the most recent conditions of draft plan approval dated November 2019 are attached for review.

The current proposal involves rezoning the lands to R2-2 and R3 to accommodate a total of 421 units. The 2018 draft plan of subdivision would be further amended by:

- Reducing the extent of lands subject to the draft plan approval by eliminating lands to the north abutting Highway 144 (Blocks A & B on existing draft plan) and undeveloped lands to the west including Block C;
- Changing the use from single residential to semi-detached dwellings and street townhouse dwellings;
- Modifying the lot fabric and road layout to accommodate the change in residential use; and,
- Proposing a new parkland dedication being Block A on the amended draft plan dated July 6, 2022, which will also be utilized for stormwater management.

Reducing extent of lands subject to draft approval

The elimination of the northerly and westerly lands comprising part of the 2018 plan does not impact the functionality of the redesigned subdivision, nor does it compromise future development on the lands to be removed from the existing draft plan approval. Blocks A and B on the existing draft plan will retain access via the easterly limit of Laurette Street and could potentially be developed for a range of residential use including medium density. Road connections have been incorporated into the amended plan to facilitate future development on the westerly abutting lands, which are owned by the co-applicant.

Given that the westerly limit of the subject land has been pulled back significantly, it is recommended that Condition #30 concerning the requirement for a noise study be deleted.

Change in residential use

The owners are now proposing semi-detached and street townhouse dwellings, which represent a substantial increase in the total number of dwelling units from 283 to 421 units. The proposal to diversify the mix of housing and increase the intensity of use aligns with Official Plan and PPS policies applied to residential intensification within designated growth areas.

Staff have no concerns related to the increased density and built form. Both dwelling types are considered low density housing forms under the Official Plan, which is appropriate for the setting based on the existing character of the surrounding area. The proposed street townhouse dwellings are appropriately configured on a block and part-block basis, which is desirable from an urban design perspective.

ICPS staff have indicated no concerns related to this proposal including separate driveway entrances for each street townhouse unit. It is noted that the lot frontages for the proposed freehold townhomes exceed the minimum six (6) metres required under the Zoning By-law, which may be a mitigating factor related to the impact of multiple driveway entrances along the applicable street lines. The applicant has provided a sketch illustrating the configuration of the proposed driveway entrances, which are restricted to a maximum 3.3 metres in width under Section 5.4.3.1 of the Zoning By-law.

Revisions to the lot and road fabric including the parkland dedication

The change in use necessitates revisions to the lot fabric and minor changes to the road layout. The overall configuration generally remains the same including connections to the existing local road network at Isidore Street, Mainville Street and the southerly connection to Errington Avenue. Pedestrian pathways will be incorporated into the design to accommodate active transportation linkages. Street F will serve as the main collector road with bike lanes and on-street parking restrictions.

The main change related to the lot fabric concerns the proposed parkland dedication, being Block A along the southerly limit of the lands, which will also accommodate a stormwater management facility. The owner is proposing a linear trail that would end at the westerly limit of the proposed subdivision. Conceivably the trail could be extended when lands to the west are developed in the future. Under the existing draft approval, the parkland dedication is extensive, covering Blocks B and C, which are essentially aligned with the flood plain associated with Tributary III of the Whitson River.

At pre-consultation stage, Leisure Services did not object to the proposed linear trail but required more information as to the design and function. A key concern relates to the interface with future abutting dwellings on Street E. The proponents subsequently provided a cross-section illustrating Block A, which shows a stormwater pond, a two (2) metre-wide pathway, and a buffer with future residential uses. In lieu of specific comments from Leisure Services as part of this report, it is recommended that the standard condition of draft approval related to a minimum 5% parkland dedication be carried forward in the updated draft plan conditions.

Flood and erosion hazards

A small portion of the subject land comprises a designated flood plain associated with Tributary III of the Whitson River. A plan has been provided to illustrate a potential building envelope on proposed Lot 25, which presents the greatest encroachment into the flood plain.

Conservation Sudbury (NDCA) has reviewed the amended draft plan and have revised their conditions accordingly, including updating the references to the lots potentially impacted by natural hazards. Two (2) new conditions are also proposed, including a wetland delineation and an analysis of erosion hazards.

Remaining conditions of draft approval

Most of the recommended revisions to the draft plan conditions are updates to reflect the new lot fabric and road layout, including the lot references in Conditions 12, 26, 27 and 35 and the road layout references in Conditions 36 and 37. In addition, the owners are seeking a three-year extension to the lapsing date to December 12, 2025. The remaining amendments relate to the following:

- Delete Clauses b), c) and d) of Condition #14 concerning MTO requirements, which are no longer applicable given that Blocks A and B have been removed from the draft approval;
- Add a clause concerning the regulation of excess soils in Condition #15;
- Replace Condition #25 with an updated stormwater condition from Drainage Section;
- Delete Condition #30 related to the noise study, as the subject lands no longer have proximity to westerly lands zoned FD(1) for a sawmill operation;
- Update Condition #31 related to Canada Post requirements by identifying preferred locations for community mailboxes; and,
- Add new Conditions #40 and 41 concerning NDCA requirements related to wetland delineation and erosion hazards.

Conformity with Official Plan and Provincial policies

The application demonstrates conformity with applicable policies set out under the City of Greater Sudbury Official Plan, the 2020 Provincial Policy Statement and the 2011 Growth Plan for Northern Ontario.

The proposed development is located within the settlement boundaries of Chelmsford in an area intended to accommodate future residential use. The proposal represents the logical extension of municipal services within a designated growth area. The plan of subdivision will be integrated into the local road network and the necessary road upgrades have been incorporated into the draft plan conditions. The proposal is therefore consistent with the phasing policies of the Provincial Policy Statement, which states that development shall be adjacent to an existing built-up urban area.

The increased density is aligned with policies intended to support residential intensification in fully serviced settlement areas. Most notably, the proposal will diversify the supply of new housing by introducing street townhouse dwellings as an option for home ownership.

The extent of natural hazards is limited to the northerly area adjacent to Tributary III of the Whitson River. The subject lands are extensive and only a small portion of the proposed subdivision is impacted by the flood plain associated with the watercourse. Conservation Sudbury has revised their conditions to reflect the amended plan and there is no conflict with Provincial policies applied to hazard lands.

Conclusion:

Planning Services recommends that the applications for rezoning and draft plan amendment including extension of the lapsing date be approved subject to the conditions outlined in the Resolution section of this report.