

## 105 Notre Dame Street East, Azilda

Presented To:	Planning Committee
Meeting Date:	June 26, 2023
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/23-02

## Report Summary

This report provides a recommendation regarding a rezoning application to permit a 16-unit row dwelling development on a vacant commercial lot.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by 2538085 Ontario Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “C2”, General Commercial to “R3 Special”, Medium Density Residential Special on lands described as PIN 73346-1689, Lots 1 & 2, Part of Lots 10 & 11, Plan M-181 in Lot 4, Concession 1, Township of Rayside, as outlined in the report entitled “105 Notre Dame Street East, Azilda”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 26, 2023, subject to the following conditions:

- a) In addition to the uses permitted in the R3 zone, the following provisions shall apply to row dwellings:
  - (i) A minimum front yard setback of three (3) metres shall be permitted excluding the sight triangle;
  - (ii) A maximum lot coverage of 50% shall be permitted;
  - (iii) A minimum driveway and parking aisle width of three (3) metres shall be permitted;
  - (iv) A minimum of one (1) parking space per row dwelling unit shall be required;
  - (v) A minimum privacy yard depth of 4.5 metres shall be required; and,
  - (vi) A 1.5 metre-high opaque fence shall be required along the easterly street line excluding the sight triangle.

## 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 aligns with the Strategic Plan from a locational perspective, being a fully serviced urban area where residential intensification and housing diversification are encouraged. As a form of infill development within a Town Centre designation, the proposal aligns with the recommendations of the Community Energy & Emissions Plan in regards to complete, compact communities.

## Financial Implications

If approved, staff estimates approximately \$60,000 in taxation revenue, based on the assumption of 16 row dwelling units based on an estimated assessed value of \$275,000 per dwelling unit at the 2023 property tax rates.

If there is additional taxation revenue, it will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

The amount of development charges will be based on final review of the property by Building Services department.

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 (ie. roads, water/wastewater linear pipes, etc).

### Report Overview:

An application for rezoning has been submitted in order to permit a 16-unit row dwelling complex in the Town Centre designation of Azilda. Site-specific relief is required for the front yard setback, lot coverage, privacy yard depth, driveway aisle width and the number of required parking spaces. The applicant is proposing to split the vacant commercial lot to accommodate two (2) buildings with eight (8) row dwelling units in each building. A shared driveway access is proposed.

The proposal is supported as a form of residential intensification at an appropriate location, being a Collector Road that forms the main thoroughfare in Azilda. The associated zoning relief is also recommended, to include an opaque fence along the easterly street line to effectively screen the reduced privacy yards. A Record of Site Condition will be required at the building permit stage based on the historical commercial use. The application is deemed to conform to the Official Plan and the Growth Plan for Northern Ontario and is consistent with the applicable policies of the Provincial Policy Statement.

## Staff Report

### Proposal:

An application for rezoning has been submitted in order to permit two (2) row dwellings with eight (8) units in each building for a total of 16 units. The owner intends to sever the lot to accommodate eight (8) row dwellings on each lot with a shared driveway entrance.

Site-specific relief is required for the front yard setback, lot coverage, privacy yard depth, driveway aisle width and the number of required parking spaces (1 space per unit proposed where 1.5 spaces per unit are required).

### Existing Zoning: "C2", General Commercial

In addition to a broad range of commercial use, the existing C2 zoning permits multiple dwellings to a maximum density of 60 dwelling units per hectare and a maximum building height of 15 metres. It does not permit row dwellings.

**Requested Zoning:** “R3 Special”, Medium Density Residential Special

The proposed zoning would allow row dwellings, multiple dwellings and low density housing types. Site-specific relief would be applied to row dwellings to accommodate the site design and proposed built form, including front yard setback, lot coverage, privacy yard depth, driveway aisle width and the number of required parking spaces.

**Location and Site Description:**

PIN 73346-1689, Lots 1 & 2, Part of Lots 10 & 11, Plan M-181 in Lot 4, Concession 1, Township of Rayside (105 Notre Dame Street East, Azilda)

The subject property forms the vacant southwest corner lot at the intersection of Notre Dame Street East and St. Thomas Street in Azilda. The area is fully serviced by municipal sewer and water. Notre Dame Street East is designated as a Collector Road and is constructed to an urban standard. St. Thomas Street is a Local Road that is constructed to a rural standard. There are no sewer and water services on St. Thomas Street. Transit stops are located to the east and west on Notre Dame Street East, a walking distance ranging between 100 and 150 metres depending on the desired stop.

The subject land has a total area of 3,679 m<sup>2</sup>, with 55 metres of frontage on Notre Dame Street East and 67 metres of street line on St. Thomas Street, which forms the corner side lot line. The relatively flat site was formerly occupied by a tavern, which was demolished in 2021. There is a sidewalk along the Notre Dame Street East frontage. A driveway entrance comprises most of the street line along St. Thomas Street.

The surrounding area is predominantly low density residential in character, with single detached dwellings abutting to the south and west. A mixed-use commercial building is situated directly opposite the subject land on the north side of Notre Dame Street East. Most of the subject land falls within 300 metres of the CP rail corridor to the north, excluding a small southwesterly portion of the property. The lands are located outside the designated flood plain to the northeast as illustrated on the location map.

**Surrounding Land Uses:**

The area surrounding the site includes:

North: Mixed-use commercial building (convenience store and apartments)

East: Single detached dwellings

South: Single detached dwellings

West: Single detached dwellings

**Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on March 30, 2023. 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 June 8, 2023.

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 neighbourhood consultation will not be conducted unless there is significant public interest in the file.

As of the date of this report, no phone calls or written submissions 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:**

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 (5) categories: housing, settlement areas, residential intensification, land use compatibility and human-made hazards (brownfield sites).

#### 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. Land use compatibility

Section 1.2.6 addresses land use compatibility between sensitive land uses and major facilities, which includes rail corridors. Where avoidance is not possible, planning authorities shall ensure that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and,
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

### E. Human-made hazards

Section 3.2 addresses human-made hazards which may be present, particularly on brownfield sites. The applicable policies are set out in Sections 3.2.2 and 3.2.3:

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

3.2.3 Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

### **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 the GPNO, Greater Sudbury is designated as an Economic and Service Hub, where a diverse mix and range of land uses are promoted. More specifically, strategic core areas shall be identified in the Official Plan in support of the City's role as a regional centre. Strategic core areas are defined as delineated medium-to-high density areas within identified municipalities that are priority areas for long-term revitalization, intensification and investment. These areas may consist of downtown areas, and other key nodes and significant corridors.

Municipalities that contain strategic core areas are encouraged to plan for these areas to function as vibrant, walkable, mixed-use districts that can:

- a) attract employment uses and clusters, including office and retail;
- b) accommodate higher densities; and,
- c) provide a broad range of amenities accessible to residents and visitors including vibrant streetscapes, shopping, entertainment, transportation connections, lodging, and educational, health, social and cultural services.

Strategic core areas with a revitalization strategy in place and incorporated into an official plan should be the preferred location for major capital investments in:

- a) postsecondary education and training;
- b) regional hospitals and/or specialized health care;
- c) major redevelopment projects;
- d) research and innovation centres;
- e) major cultural institutions and entertainment facilities; and,
- f) integrated public transportation systems.

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

Strategic core areas include the Downtown, Town Centres, Regional Centres, and the major public institutions listed in Section 4.4 of the Official Plan. Policies related to strategic core areas are outlined in their respective sections.

#### a) Town Centres

In this case, the lands are designated as Town Centre and are subject to the following policies under Section 4.2.3:

1. Town Centres will be planned to include a diverse mix of land uses, an appropriate range of housing types, high quality public spaces and the provision of easy access to stores, services and recreational opportunities. Town centres will be planned as high quality areas that support active transportation and transit as outlined in Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.
2. Permitted uses in Town Centres may include retail, offices, institutional and other related community services and activities, with the exception of the Valley East Town Centre which is addressed in Section 21.3.2.
3. Medium density residential uses up to a maximum of 30 units per building may be permitted, provided that the net residential density does not exceed 60 units per hectare subject to servicing capacity.
4. When considering rezoning applications for new or expanded uses in Town Centres, the City will ensure that the proposed use preserves the character of the area and is harmonious with adjacent uses and their buildings. The City will also have regard to parking requirements if applicable, traffic impacts and road access. Sewer and water services must be adequate for the site.
5. Town Centres may also be appropriate locations for light industrial uses. Outside storage for the display and sale of goods is permitted. Proper landscaping and buffering must also be established for light industrial uses.
6. Parking requirements for new development in Town Centres may be reduced where off-street municipal or privately owned communal parking facilities already exist and can accommodate additional automobiles.

#### b) Residential intensification

1. All forms of intensification are encouraged in accordance with the policies of this Plan.
2. The City will aim to accommodate 20 percent of future residential growth and development through intensification within the Built Boundary.
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of this Plan.

4. Medium scale intensification and development is permitted in Town Centres, Secondary Community Nodes, Regional Corridors and Mixed Use Commercial corridors, in accordance with the policies of this Plan.
5. Intensification and development is permitted in established Living Area I lands, in accordance with the policies of this Plan.
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner.
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities.
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal.
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
  - a. the suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
  - b. the compatibility proposed development on 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 of surrounding natural features and areas and cultural heritage resources;
  - j. the relationship between the proposed development and any natural or manmade hazards; and,
  - k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7.
10. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

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

The following relief has been requested under the R3 zone standards in order to accommodate the proposal as follows:

- Front yard setback of three (3) metres where six (6) metres are required on a Collector Road;
- Lot coverage of 50% where a maximum of 40% is permitted;
- Driveway aisle width of three (3) metres where six (6) metres are required for two-way traffic;
- One (1) parking space per row dwelling unit where 1.5 spaces are required per unit (16 spaces provided where 24 are required); and,
- Privacy yard depth of 4.5 metres where a depth of 7.5 metres is required abutting the full length of at least one exterior wall.

## **Site Plan Control:**

Under the [Bill 23, More Homes Built Faster Act, 2022](#) amendments to the *Planning Act*, residential developments comprising ten (10) units or less are not subject to site plan control. In this case, each building will be sited on a separate lot subject to a future consent, thereby exempting the overall development from site plan control.

Notwithstanding the above, the Province recently introduced [Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023](#), which revisits some of the provisions enacted under Bill 23. The [regulations](#) being proposed would specifically permit the use of site plan for parcels of land:

- Any part of which is located within 120 metres of a shoreline; and,
- Any part of which is located within 300 metres of a railway line.

The changes are proposed to come into effect immediately on filing of the regulation. As of the date of this report, Bill 97 is in its second reading.

## **Department/Agency Review:**

Development Engineering confirmed that the development will be serviced from Notre Dame Street East and that upgrades may be required for the existing service for the westerly lot. New sewer and water connections will be required for the proposed easterly lot.

Building Services advised that a Record of Site Condition will be required prior to the issuance of the building permit based on the historical commercial use of the site.

Transportation and Innovation Support Services will require restoration of the road allowances as a condition of consent, to include the elimination of the existing driveway entrance on St. Thomas Street.

## **Planning Analysis:**

The subject land comprises a vacant commercial property within the Town Centre designation that represents an appropriate location for residential intensification on a main thoroughfare in the community of Azilda. The land use considerations are therefore largely related to the site design and built form, including the interface with existing uses and the municipal right-of-way. Technical matters related to the redevelopment of brownfield sites and proximity to major facilities (rail corridor) shall also be considered.

### **Land use compatibility**

The surrounding area is predominantly low density in character, with single detached dwellings comprising the predominant built form. Building heights in the vicinity do not exceed two (2) storeys. The proposed one-storey row dwellings therefore form a good fit with the existing physical character of the neighbourhood. Residential density remains fairly low at 44 dwelling units per hectare (du/ha), which is the result of the proposed built form. Planting strips will be utilized to provide sufficient screening and buffering along the southerly and westerly lot lines in order to ensure privacy and mitigate the visual impact on abutting single detached dwellings.

The owner is proposing rear-facing units along the St. Thomas street line, which renders the private amenity space for each unit as visible from the roadway. Given the proposed design, it is recommended that an exception be applied to improve the interface with the municipal right-of-way and to provide privacy for occupants. A 1.5 metre-high opaque fence is recommended along the easterly street line excluding the area encompassed by the sight triangle. The proposed fence, which would be installed just inside the property line, would not typically interfere with site drainage.



## Zoning relief

The zoning relief would only be applied to row dwellings and can be supported based on the following rationale:

- A reduced front yard setback is appropriate in a Town Centre setting and lands are not required for road widening purposes at this location. Furthermore, the sight triangle is not impacted based on the submitted concept plan.
- Row dwellings have a larger building envelope and the corresponding increase in lot coverage is acceptable.
- The relief for a three (3) metre-wide driveway aisle is a technical amendment due to the proposed lot split, where relief must be extended to each lot. The shared driveway will maintain a six (6) metre-wide driveway access for two-way traffic.
- Additional parking can be accommodated in front of each garage for every unit. Although shorter than the minimum required depth (5.44 m where 6 metres are required), the parking space is deep enough to accommodate a small vehicle. The driveways are appropriately paired for improved site design.
- A privacy yard with a depth of 4.5 metres provides a sufficiently-sized outdoor amenity area (31.8 m<sup>2</sup>). Screening is recommended along the St. Thomas street line.

## Other site development matters

Currently there is an extended driveway entrance that covers almost the full extent of the St. Thomas street line. As part of this redevelopment, Transportation & Innovation Support Services Section requires the reinstatement of the right-of-way to the appropriate City standard for a rural cross-section. The owner is further advised that the ditch will have to be tied into the existing storm drain at the northeast corner of the lot.

As indicated above, residential developments of ten (10) units or less are exempt from Site Plan Control under Bill 23. However, proposed regulations under Bill 97, which remains in process as of the date of this report, would restore site plan control for waterfront properties and lands within 300 metres of a railway.

If the property remains exempt from site plan control, Staff recommend that the owner pre-consult with Development Engineering on matters related to lot grading, servicing and stormwater management prior to the submission of a building permit application.

## Conformity with Planning policies

The application is in alignment with the policy framework established under the Official Plan, Provincial Policy Statement and the Growth Plan for Northern Ontario. The proposal benefits from a location within the Town Centre designation, where medium density residential infill is promoted. The development will further diversify the supply of new housing in Azilda, where active draft plan of subdivision approvals are predominantly geared to singles and semis. The site is also located in an area identified as a Strategic Core Area, where higher density residential uses with proximity to services are encouraged under the GPNO.

In regards to the proximity to the CP rail corridor, it is recommended that the owner review the guidelines and best practices established by the Railway Association of Canada and the Federation of Canadian Municipalities at the building permit stage in consultation with Building Services staff ([Guidelines for New Development in Proximity to Railway Operations](#), 2013). Specific CP requirements related to development with proximity to their principal main line are attached for the information of the owner.

Concerning PPS and OP policies applied to potential human-made hazards, the owner is advised that a Record of Site Condition will be required prior to the issuance of a building permit pursuant to [regulations](#)

under the [Environmental Protection Act](#). This is due to the introduction of a sensitive land use on a former commercial site.

## **Conclusion:**

Staff recommend that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.