

1258 Southview Drive, Sudbury

Presented To:	Planning Committee
Meeting Date:	May 29, 2023
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-002

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3(S)” Medium Density Residential Special, to permit the existing dwelling to be converted into a multiple dwelling containing four residential units.

This report is presented by Wendy Kaufman, Senior Planner

Resolution

THAT the City of Greater Sudbury approves the application by Rushil Patel, Jayant Patel & Hiralben Patel to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One, to “R3(S)” Medium Density Residential Special, on lands described as PIN 73589-0423, Parcel 14728, Lot 19, Plan M-215, Lot 7, Concession 2, Township of McKim, as outlined in the report entitled “1258 Southview Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 29, 2023, subject to the following conditions:

1. That the amending zoning by-law include the following site-specific provisions:
 - a) That a maximum of five (5) parking spaces shall be permitted in the required front yard.
 - b) Planting strips shall not be required adjacent to the low density residential zones to the north, west and south.

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 by adding to the range and mix of housing available in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact, complete communities.

Financial Implications

If approved, staff are unable to estimate taxation revenue at this time as the assessed value of conversion of single residential building to a multiple dwelling with four units would be determined by Municipal Property Assessment Corporation (MPAC).

The additional taxation revenue 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.

Report Overview:

An application for rezoning has been submitted to permit the existing dwelling to be converted into a multiple dwelling containing four residential units. 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 the existing dwelling to be converted into a multiple dwelling containing four residential units.

The applicant's concept plan illustrates the existing multiple dwelling, parking spaces, and driveway. The application also includes floor plans, a flood elevation survey, and a floodproofing verification & lot grading certificate. There is a shed located in northeast corner of the rear yard.

Existing Zoning: "R1-5", Low Density Residential One, Floodplain Overlay on the easterly portion

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

Within the Floodplain Overlay buildings or structures shall be erected or used in accordance with and regulations of and subject to the approval of Conservation Sudbury.

Requested Zoning: R3(S), Medium Density Residential Special

The R3 zone permits all the uses in the R1-5 zone, as well as a duplex dwelling, semi-detached dwelling, multiple dwelling, row dwelling, and street townhouse.

Site specific relief has been requested to permit parking in the required front yard and to eliminate the requirement for planting strips to be provided along the boundary of the adjacent low density residential lands to the north, west and south.

Location and Site Description:

The subject property is described as PIN 73589-0423, Parcel 14728, Lot 19, Plan M-215, Lot 7, Concession 2, Township of McKim, 1258 Southview Drive, Sudbury. The subject lands are located on the east side of Southview Drive approximately 375 m south of Martindale Road. The lands to be rezoned have an area of approximately 1423 square metres with approximately 27 m of frontage on Southview Drive. Southview Drive is a collector road in this location, and the lands are serviced with municipal water and sanitary sewer. The lands are located on a transit route with a stop located approximately 85 m to the north.

Surrounding Land Uses:

The area surrounding the site includes low density residential uses.

North: low density residential use zoned "R2-2", Low Density Residential Two.

East: Lily Creek, low density residential use zoned "R1-5", Low Density Residential One

South, west: low density residential use zoned "R1-5", Low Density Residential One

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 Southview Drive 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 March 23, 2023. The statutory notice of the public hearing was provided by newspaper on May 13, 2023, and courtesy mail-out on May 11, 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, no phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

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.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification and compact form, and policy 1.4.3(f) directs the establishment of development standards for residential intensification which minimize the cost of housing and facility compact form while maintaining appropriate levels of public health and safety.

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.

Section 3.1.1(b) states that development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

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.

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Policies 3.2(3) and 3.2.1(5) state that sites should be of a suitable size to provide adequate landscaping and amenity features, and that 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 By-law.

Policies 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 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Section 10.2 Flooding and Erosion Hazards states that 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. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury. Policy 10.2.1 states that those buildings and structures existing within the Flood Plain on the date of the adoption of this Plan may be recognized as permitted uses in the implementing Zoning By-law. The improvement, expansion, alteration and replacement of existing structures lying in a Flood Plain may be permitted by site-specific amendment to the Zoning By-law provided that existing hazards are not aggravated. Appropriate flood protection measures will meet the approval of Conservation Sudbury or MNRF.

Zoning By-law 2010-100Z:

The development standards for the requested zone require a maximum height of 11 m. The minimum required front yard is 6.0 m, rear yard is 7.5 m and interior side yard is 1.8 m (two-storey). The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 30% of the lot area to be maintained as landscaped open space. Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit, or 6 spaces with a 10% reduction or 1 space due to being located on a GOVA transit route, for a total of 5 spaces. Required parking is not permitted in the required front yard. A planting strip is required to be provided along the westerly and southerly lot lines adjacent to the "R1-5", Low Density Residential One, and along the northerly lot line adjacent to the "R2-2" Low Density Residential Two zone. A 3 m landscape area is required to be provided along the right-of-way. Accessory structures less than 2.5 m in height are required to be located no closer than 0.6 m from the rear or side lot line.

Within the Floodplain Overlay buildings or structures shall be erected or used in accordance with and regulations of and subject to the approval of Conservation Sudbury.

Site Plan Control:

A Site Plan Control Application is not required for this application.

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 were raised by Transit, Infrastructure Capital Planning Services, or Strategic and Environmental Planning.

Development Engineering advises that if any upgrading of the existing services is required, all associated costs would be borne entirely by the owner.

Building Services advises of the following:

1. A search of our records indicates a building permit which is not completed. Owner shall contact Building Services to discuss outstanding items. Building permit #09-1893 relating to an addition.
2. A change of use, building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official, is required for the conversion of the existing single family dwelling to a multiple dwelling, containing 4 residential units.

Conservation Sudbury does not oppose the rezoning from “R1-5” to “R3(S)”. Conservation Sudbury is in receipt of the floodproofing certificate for the building and it currently meets the floodproofing requirements for the current regulatory flood data. However, they are in the finalizing steps of a new floodplain study for the Junction Creek watershed and the flood elevation may change at this location. Floodproofing verification may be required at the building permit stage if the flood elevation changes as per the new study. Agreement to this rezoning does not imply that permission will be granted at the building permit stage. The building permit, which itself would effectively increase intensification of the subject property, must still meet the floodproofing requirements of the approved regulatory flood data at the time of application.

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.

The application proposes to permit the existing dwelling to be converted into a multiple dwelling containing four residential units with certain site specific relief. 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, and to enable densities 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. The Official Plan encourages all forms of intensification and approval of this application will help to achieve the City's 20% intensification target.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure. The proposal represents an opportunity to provide additional rental units, and staff recommends that this proposal is consistent with and conforms to these policies.

The Official Plan requires consideration of infrastructure, services, and amenities that are available to future residents. There are full municipal services with adequate capacity available in the Southview Drive road allowance. While Southview is not an Arterial Road, it is a Collector Road served by public transit with a stop located 85 m to the north. Employment opportunities, commercial areas, and community services are available along Bouchard Street to the south and Regent Street to the east. The Marcel Tot Lot located approximately 140 m to the south provides an open space area. Traffic is not expected to be impacted by this proposal. Staff recommends the subject property is an appropriate location for the proposed row dwelling building.

The proposed four units would result in a net density of approximately 28 units per hectare, which is below the threshold for low density development (<36 units per ha). The rezoning will enable the proposed multiple dwelling built form, which is not permitted in the R1-5 zone, and represents small-scale intensification. The Official Plan requires consideration of the compatibility of the proposal with the surrounding residential neighbourhood. The maximum height permitted in the requested R3 zone is the same as the current R1-5 zone, being 11 m, and no exterior alterations are proposed at this time.

Given the mix of uses in the area and the existing physical character, staff is of the opinion that the existing building's scale, massing, height, siting and setbacks of the are similar to and compatible with the surrounding neighbourhood. Staff have not recommended restricting building height nor built form through the site-specific zoning, which will enable future flexibility in the development of the site.

The PPS states that development standards to promote intensification are to be encouraged. The Official Plan establishes criteria for intensification and for rezoning lands within the Living Area 1 designation, including site suitability. In terms of the suitability of the site to accommodate the additional density and built form, the applicant's concept plan demonstrates compliance with the majority of the development standards applicable to multiple dwellings, while requesting parking to be permitted in the required front yard and to eliminate the requirement to provide planting strips. The proposed lot is rectangular in shape and meets the minimum lot area and dimensions required by the zoning by-law. The parking location, while requiring zoning relief, would still be setback from roadway approximately 1.5 m for the southerly spaces, and could be located outside of the front yard for the most northerly space. Providing some flexibility for the location of parking will enable the intensification of this lot while still protecting the character of the streetscape, though it is recommended to restrict the number of spaces to five to align with the minimum number of spaces required. With respect to planting strips, staff observed that the existing natural buffer along Lily Creek meets this requirement along the rear lot line, and addition of a continuous row of vegetation or opaque fence would interfere with parking or may be difficult considering the existing landscaping and topography. Generally there is little fencing in this neighbourhood and requiring planting strips would not align with the overall character of this area. It is noted that a large landscaped area in the front yard is proposed to be maintained, and overall landscaping and amenity areas in the rear yard are adequate for the development. Staff recommends the site is suitable and can accommodate the proposed four dwelling units, and also recommends approval of the requested relief to permit parking in the required front yard up to a maximum of 5 parking spaces, and to eliminate the requirement to provide planting strips.

The Official Plan section 10.2 regarding flood and erosion hazards states that development will not be permitted where there is an unacceptable risk to public health or safety or of property damage. Development on lands adjacent to the shoreline or a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury. Conservation Sudbury has commented that they do not oppose the rezoning and are in receipt of the floodproofing certificate for the building and it currently meets the floodproofing requirements for the current regulatory flood data. Staff recommend that the proposed development conforms to the flood and erosion hazards in the Official Plan. However, the owner is advised that Conservation Sudbury is finalizing a new floodplain study for the Junction Creek watershed and the flood elevation may change, and further floodproofing verification may be required at the building permit stage.

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 R3(S) to permit the existing dwelling to be converted into a multiple dwelling containing four residential units.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. 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 multiple dwellings will contribute to the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.
- The sewer and water services are adequate for the site.

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.