

Royal Oaks/Nickeldale Subdivision, Sudbury

Presented To:	Planning Committee
Meeting Date:	March 18, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-19 & 780- 6/89023

Report Summary

This report provides a recommendation regarding an application for rezoning and an application to redraft the existing draft approved Royal Oaks/Nickeldale plan of subdivision and update where necessary those conditions that together form the draft approval that is applicable to subject lands.

This report is presented by Wendy Kaufman, Senior Planner.

- Letter(s) of concern from concerned citizen(s).

Resolutions

Resolution 1:

Resolution Regarding the Rezoning:

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from “R1-5”, Low Density Residential One and “R3-1.D38”, Medium Density Residential to “R2-2”, Low Density Residential Two, on lands described as PIN 73602-0540, Lot 101, 143, 196-198 & Block D, Plan M-1044, Part of Lot 2, Concession 6, Township of McKim, as outlined in the report entitled “Royal Oaks/Nickeldale Subdivision, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 18, 2024, subject to the following conditions:

1. That the owner provides a registered survey plan to the satisfaction of the Director of Planning Services, which identifies the lands to be used for the stormwater management pond and open space as parts on a plan, to enable the preparation of an amending by-law.
2. That the lands be rezoned as follows:
 - a. Lots 101, 143, and 196-198, Plan M-1044, be rezoned from “R1-5”, Low Density Residential One to “R2-2”, Low Density Residential Two;
 - b. Block D, Plan M-1044 be rezoned from “R3-1.D38”, Medium Density Residential to “R2-2”, Low Density Residential Two; and
 - c. That Blocks 89-93 in the proposed redraft plan be rezoned from “R1-5”, Low Density Residential One and “R2-2”, Low Density Residential Two, to “OSC”, Open Space Conservation.

3. That conditional approval shall lapse on March 19, 2026 unless Condition #1 above has been met or an extension has been granted by Council.

Resolution 2:

Resolution Regarding the Redraft of the Subdivision:

THAT the City of Greater Sudbury's delegated official be directed to redraft and amend the conditions of draft approval for a plan of subdivision on those lands described as Part of Plans M-1044 and M-1045, Part of Lots 2 & 3, Concession 6, Township of McKim, File # 780-6/89023, as outlined in the report entitled "Royal Oaks/Nickeldale Subdivision, Sudbury" from the General Manager of Growth and Infrastructure, presented at the meeting of March 18, 2024, as follows:

1. By adding the following at the end of Condition #1: ", and Tulloch and R.V. Anderson Associates Limited, dated September 1, 2021."
2. By replacing 'Municipality' or 'City of Greater Sudbury' with 'City' in Conditions #2, #3, #4, #5, and #7.
3. By replacing 'Planning and Development Department' or 'Director of Planning Services of the City of Greater Sudbury' with 'Director of Planning Services' in Conditions #23 and #38.
4. By deleting Condition #17 and replacing it with the following: "17. That no development other than the development of lots 50 to 70 on the plan prepared by Tulloch and R.V. Anderson Associates Limited and dated September 1, 2021, shall be permitted on the lots fronting onto Forestdale Drive south of the hydro corridor, until such time as Forestdale Drive has been extended to connect with the east-west street (Roselawn Street) north of the hydro corridor, which shall have been built from Forestdale to Montrose Avenue and Montrose Avenue shall have been extended north from Forestdale Drive to the north limit of the east-west street (Roselawn Street)."
5. By replacing 'General Manager of Public Works' with 'General Manager of Growth and Infrastructure' in Condition #25, and deleting the reference to the General Manager of Growth and Development in Condition #44.
6. By adding the following to the end of Condition #27: "The geotechnical engineer will be required to address the On-site and Excess Soil Management in accordance with Ontario Regulation 406/19 under jurisdiction of Environmental Protection Act, R.S.O. 1990, c. E.19."
7. By deleting Condition #28 and replacing it with the following: "28. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. 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. 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;
 - A hierarchical approach to stormwater management must be followed as described by the Ministry of the Environment, Conservation and Parks and as amended by City of Greater Sudbury most recent Storm Water Management Guide and Engineering Design Standards.
 - “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 Junction Creek 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. ”
8. By replacing ‘owner’ with ‘developer’ in Conditions #32, #35, #36, #38, #39.
 9. By replacing ‘Ministry of the Environment’ with ‘Ministry of the Environment, Conservation and Parks’ in Condition #40.
 10. By adding new condition #48: “48. The owner shall demonstrate, to the satisfaction of Conservation Sudbury, that each lot has sufficient area outside of the regulatory floodplain to support the proposed development. The current regulatory flood elevation is 274.90 metres above sea level.”
 11. By adding new condition #49: “49. The wetland(s) must be mapped by a qualified professional (OWES-certified with experience in wetland mapping). The wetlands must be mapped within the location of the proposed subdivision and within 30 metres of the proposed subdivision. All mapping must include the wetland boundary and areas of potential interference shown at 12 metres, 30 metres and 120 metres from the wetland boundary. Development must comply with Conservation Sudbury’s wetland guidelines.”
 12. By adding a new condition #50: “50. Streetlights for the subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.”
 13. By adding a new condition #51: “51. Blocks 89, 91, 92 & 93, as generally indicated on the plan, shall be dedicated to the City to the satisfaction of the Director of Planning Services, Director of Leisure Services, and the City Solicitor.”

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

The application for rezoning and redraft the existing draft approved plan of subdivision are operational matters under the Planning Act to which the City is responding. The applications contribute to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to housing by promoting housing availability in this area. The application aligns with the Community Energy and Emissions Plan by supporting the strategy of creating compact and complete communities.

Financial Implications

If approved, staff estimates approximately \$790,000 in taxation revenue, based on the assumption of 176 semi-detached dwelling units based on an estimated assessed value of \$300,000 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.

In addition, this would result in total development charges of approximately \$3.13 million based on assumption of 176 semi detached dwelling units and based on the rates in effect as of the date 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 (ie. roads, water/wastewater linear pipes, etc).

Report Overview:

The owner has requested to rezone 0.5 ha of the subject lands (5 lots) from “R1-5”, Low Density Residential One and 0.6 ha of the subject lands (1 block) from “R3-1.D38”, Medium Density Residential to “R2-2”, Low Density Residential Two.

The owner has also requested to redraft the existing draft-approved Royal Oaks/Nickeldale subdivision by realigning the lot fabric for 11.98 ha of the subdivision, being those lands south of the hydro corridor. The applications would result in one residential zone category across the lands south of the hydro corridor, and provide five new blocks for parkland and stormwater management. The redraft plan shows a new alignment of ‘Street A’ such that it will be opposite Woodbine Avenue and connect to Forestdale, and a new ‘Street B’ that replaces a through street to Montrose and small cul-de-sac. The applications would enable the development of 86 lots for 172 semi-detached units where 199 units could currently be developed, resulting in a decrease of 27 units overall.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest and represent 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, by rezoning 0.5 ha of the subject lands (5 lots) from “R1-5”, Low Density Residential One and 0.6 ha of the subject lands (1 block) from “R3-1.D38”, Medium Density Residential to “R2-2”, Low Density Residential Two. The owner has also requested to redraft the existing draft-approved Royal Oaks/Nickeldale subdivision by realigning the lot fabric for 11.98 ha of the subdivision, being those lands south of the hydro corridor. The applications would result in one residential zone category across the lands south of the hydro corridor, and provide five blocks for parkland and stormwater management. The redraft plan shows a new alignment of ‘Street A’ such that it will be opposite Woodbine Avenue and connect to Forestdale, and a new ‘Street B’ that replaces a through street to Montrose and small cul-de-sac. The applications would enable the development of 86 lots for 172 semi-detached units where 199 units could currently be developed, resulting in a decrease of 27 units overall.

The applications included the submission of a rezoning sketch, a first and second redraft plan of subdivision, and geotechnical report. The second redraft plan responds to the request from residents to maintain the use of informal trails through Dalron property, resulting in two additional parkland blocks. Street ‘B’ was also adjusted due to topography constraints to form a cul-de-sac rather than a through street. These changes resulted in a reduction of 6 lots for semi-detached dwellings (reduction of 12 units) from the first redraft plan.

The lands subject to the Royal Oaks/Nickeldale subdivision are described as Part of Plans M-1044 and M-1045, Lots 2 and 3, Concession 6, Township of McKim, Sudbury. The draft plan of subdivision was initially approved by Regional Council on April 20, 1990. The subdivision plan re-subdivides previously registered plans of subdivision, being Plans M-1044 and M-1045 which were registered in 1976. The current zoning could allow for approximately 450 units in a range of building types upon full build out of the subdivision.

Over the years two revised layouts and several extensions to the approval have been granted. Revised layouts were approved in the south-westerly portion including part of Forestdale Drive and the addition of a cul-de-sac to the north of the hydro corridor (2007), and a relocation of Block D on the west side of Montrose to a location that corresponds to the location of the approved R3-1.D38 zoning (2011).

Phases of the draft plan that have been developed include two lots on Forestdale Drive and registered plans 53M-1260 (Wydale Court) in 1995, 53M-1283 (Gardenvale Court) in 1999, 53M-1424 (4 lots fronting on Montrose) in 2016, and 53M-1445 (3 lots fronting on Montrose) in 2023. Construction drawings for Montrose Avenue to Woodbine Avenue were approved by the City in May 2014, with the first half of this phase constructed in 2015. The second portion of these works is subject to a cost sharing agreement that was approved by Council in August 2017. Construction of the second portion (Phase 1B) occurred in the fall of 2021, being the continuation of Montrose Avenue northerly from the Village of Montrose condominium complex to Woodbine Avenue and the construction of Woodbine Avenue from Montrose Avenue easterly to Chestnut/Windermere Crescents. Draft plan approval is scheduled to lapse on September 22, 2026.

The most recent conditions of approval are attached. The originally approved draft plan is shown on the attached Sketch 1, with the revised street and lotting pattern approved in the south west part of the plan shown on the attached Sketch 2 (Miller & Urso, July 2006), and the revised location of Block D and the lotting pattern in the south east part of the plan shown on the attached Sketch 3 (R.V. Anderson, April 2011).

Existing Zoning:

The lands south of the hydro corridor are mainly zoned “R2-2”, Low Density Residential Two with small areas zoned “R1-5”, Low Density Residential One and one block zoned “R3-1.D38”, Medium Density Residential with a maximum density of 38 units per hectare (which would permit a maximum of 20 units). Lands within the hydro corridor are zoned “OSP”, Open Space - Private.

Requested Zoning:

“R2-2”, Low Density Residential Two

Subdivision lands south of the hydro corridor zoned “R1-5”, Low Density Residential One or “R3-1.D38”, Medium Density Residential, are requested to be rezoned to “R2-2”, Low Density Residential Two. The “R3-1.D38” zone permits semi-detached units but the zone boundary does not align with the newly-proposed lot fabric, and would result in split zoning (multiple zones on one lot). Overall, the application would permit the proposed semi-detached dwelling units and/or resolve split zoning. Though not requested, staff is also recommending that any of the parkland or stormwater management blocks in the proposed redraft plan be rezoned to “OSC”, Open Space Conservation.

The R2-2 Zone permits a range of low density residential uses including a duplex dwelling, semi-detached dwelling, single detached dwellings, a home daycare, group home (type 1), and a bed and breakfast establishment.

Location and Site Description:

The lands subject to the rezoning are described as Part of PIN 73602-0540, Lot 101, 143, 196-198 & Block D, Plan M-1044, Part of Lot 2, Concession 6, Township of McKim. The lands have a combined area of approximately 1.1 ha, with Lots 101 and 143 located in the southwest area of the subdivision fronting on the future extension of Forestdale Drive which is a local road, and Lots 196-198 and Block D located in the southeast area of the subdivision and fronting on Montrose Avenue which is a secondary arterial road (Zoning By-law 2010-100Z Appendix 2 Arterial Road Classification). Lot 101 is currently zoned R1-5 and is 0.07 ha in size with no road frontage, and is adjacent to a single-detached dwelling located at 147 Forestdale Drive and otherwise surrounded by vacant land. Lot 143 is currently zoned R1-5 and is 0.07 ha in size with no road frontage, and is adjacent to single-detached dwellings at 122 & 116 Forestdale Drive and 7 & 15 Cassandra Court, and otherwise surrounded by vacant land. Lots 196-198 are currently zoned R1-5 and are a total of 0.3 ha in size with 46 m of frontage on the west side of Montrose Avenue, with the most southerly of these three lots being adjacent to single-detached dwellings located at 1473 Montrose Avenue and 117 Gardenvale Court, and otherwise surrounded by vacant land. Block D is currently zoned R3-1.D38 and is 0.6 ha in size with 89 m of frontage on the west side of Montrose Avenue, is adjacent to the R1-5 lands to be rezoned to the south and is surrounded by vacant land.

The lands subject to the draft-approved Royal Oaks/Nickeldale subdivision are described as Part of Plans M-1044 and M-1045, Part of Lots 2 & 3, Concession 6, Township of McKim. The draft-approved subdivision lands have a total area of approximately 33 ha, with existing frontage on Montrose Avenue to the east. The hydro corridor that goes east-west through the subdivision is known as Block K & X, Plan M-1045 and Block L, Plan M-1044. These lands are owned by the applicant and are zoned “OSP”, Open Space Private. These lands contain the New Sudbury Historical Trail, which is a hard-packed gravel trail identified on the Rainbow Routes Trail map. The remainder of the lands are vacant and are comprised of rocky topography that is naturally vegetated, and several informal trails. The portion of the lands that are the subject of this redrafting application are south of the hydro corridor and are 11.98 ha in size, with no changes proposed to the balance of the lands.

Surrounding Land Uses:

The area surrounding the subdivision includes:

North: Maley Drive and vacant lands

South: residential use

East: Montrose Avenue up to just north of the hydro corridor, mix of existing residential use and vacant lands zoned for residential, commercial and park use

West: Nickeldale Conservation Area

The existing zoning & location map, indicates the location of the subject lands and the zoning in the area.

Site photos show the subject lands and existing residential uses in this area.

Public Consultation:

Statutory Notice of Application and Notice of Public Hearing are required for the rezoning application only. Regarding the subdivision redraft, the Planning Act only requires the City to provide notice of its decision to those listed in section 51(45) of the Planning Act after the decision is made if the changes are not considered to be minor. However, it is the City's practice to host a public hearing when changes to a draft-approved subdivision are not considered to be minor.

Notice of Application was provided by newspaper and courtesy mail-out to surrounding property owners within 120 m of the subject lands (being the whole extent of the draft-approved subdivision) on October 20, 2021, and to an additional area on November 9, 2021 as per the Ward Councillor's request, for a combined total of approximately 650 addresses. Notice of Public Hearing was provided by newspaper and courtesy mail-out to those who received Notice of Application on February 22, 2024.

At the time of writing this report, 12 individuals had called, emailed or met with staff on one or more occasions regarding this application. Sixteen (16) formal written submissions have been received by the Planning Services Division and are included as part of the planning report. Residents established a community webpage regarding these applications and the protection of informal greenspace and hiking trails. Staff has followed up to inquiries by email providing copies of the proposed redraft plan, and by providing information. Callers were provided with the applicant's or consultant's contact information to discuss concerns directly. The applicant hosted an online community meeting on February 16, 2022.

Callers have had questions or concerns about the application process, proposed lot layout and timing of development, public notice and meeting requirements, and the file history. Land-use concerns raised include:

- Building Form:
 - preference for single-detached dwellings
 - preference for a draft concept plan prepared by the developer in 2014 with a mix of uses
- Open Space:
 - the loss of informal greenspace and hiking opportunities
 - request to maintain an amenity trail/ greenspace between the existing homes and new homes to the north by relocating the parkland dedication
 - concern that parkland on the north side of the hydro corridor owned by the City will not be developed
 - concern about drainage and suitability of the proposed parkland blocks as greenspace
- Traffic:
 - increased traffic on Montrose and difficulty in making turns; other social/environmental impacts on the existing residential neighbourhood due to traffic
 - concern that the traffic study to inform the detailed design and construction of Montrose Avenue North is proceeding separately through the Official Plan process, but the proposed subdivision layout could impact traffic flow; general concerns about Montrose connection to Maley Drive
 - request to keep Forestdale as a cul-de-sac to reduce traffic for current residents given it has no sidewalk, and in consideration of snow storage and a steep hill which will cause traffic accidents

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 1.1.3.6 states that new development 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.

Section 1.4.3 regarding housing requires that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by

- permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents (1.4.3.b)1);
- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (1.4.3.c); and
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d).

Section 1.5.1(b) states that healthy, active communities should be promoted by planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

Section 1.6.7.1 states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

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. The application is considered to conform to the Growth Plan, which encourages municipalities to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.

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, with lands in the hydro corridor designated as Parks & Open Space.

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

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

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 7.2 of the Official Plan establishes a Parks and Open Space classification system, and establishes that neighbourhood parks and linear parks should be within a 10 minute walk (800 m) of residential areas without crossing major barriers. Policy 7.3.1(7)(a) states that as a condition of a plan of subdivision the City will require the dedication of land for park or other recreational purposes in accordance with the provisions of Section 42 of the Planning Act, calculated as 5% of the land for residential development with a density less than or equal to 36 units per hectare.

Policy 14.3(1)(e) states that the City will encourage community and neighbourhood design that provides an interconnected network of parks and open spaces. Policy 14.3(8) states that to the extent possible, Living Areas will be connected through the use of open space corridors, trails, sidewalks and streets so that neighbourhoods and schools are linked and interaction is facilitated.

Policy 14.3(9) states that new parks and open spaces will be located and designed to connect and extend, wherever possible, to existing parks and open spaces, provide a comfortable setting for community events as well as individual use, provide appropriate space and layout to meet recreational and other needs, and emphasize and improve unique aspects of the community's heritage.

Section 19.4.3 states that when approving Plans of Subdivision, or in recommending approval of a Plan of Subdivision, the City will have regard, among other matters, to (a) the conformity of the proposed Plan of Subdivision with this Plan; and (b) matters listed under the Planning Act. Section 51(24) of the Planning Act lists criteria that the approval authority shall have regard for in considering a draft plan of subdivision.

Section 20.4.7 states that it shall be the policy of Council to require a connected street pattern or other such design alternatives which reduce the need for cul-de-sacs.

In 2010, the City's Green Space Advisory Panel, which was established to complete programs described in the Official Plan, provided recommendations to Council regarding natural assets which should be considered for inclusion in the City's Park and Open Space System. The Panel did not identify opportunities for acquisition of privately-owned lands for green space on the subject lands.

Zoning By-law 2010-100Z:

The development standards for the R2-2 zone establish a maximum height of 11 m and a maximum lot coverage of 40%. The minimum required front yard is 6 m, rear yard is 7.5 m and interior side yard is 1.8 m for a 2-storey structure. The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space. Parking provisions require 1 space per dwelling unit.

Departmental & Agency Circulation:

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 Development Engineering, Infrastructure Capital Planning Services, Building Services, Leisure Services, Transit, Strategic & Environmental Planning Initiatives, or Conservation Sudbury. In some cases, they have recommended minor technical updates or revisions to the conditions of draft plan approval. No comments have been received from Greater Sudbury Hydro Plus or from Canada Post.

Leisure Services has advised that parkland requirements for the subdivision have been previously satisfied with the transfer of Block V on Plan M-1045. The Leisure Services Division accepts the additional parkland in the proposed redraft plan. They note that the developer had previously provided a conceptual master plan with area residents which included the realization of a linear park network through the proposed subdivision. If the intention is to realize a linear park with Block 93, the existing topography simply won't allow for the development of pathways or non-motorized trails. Any newly developed pathways and trails must be constructed to ADOA (accessibility) standards which specify maximum slopes, etc. Block 93 would be considered only suitable for natural parkland purposes. The Leisure Services Division looks forward to further conversations with the developer and other stakeholders (Rainbow Routes) with respect to the New Sudbury Historical Trail which is on Dalron property. Specifically, the City is looking to discuss full completion of the trail, including access points as well as seek clarity on responsibilities for ongoing maintenance and inspection.

Infrastructure and Capital Planning Services, Drainage Section, has requested the update of the stormwater management condition (Condition #28) that requires the owner to design and construct stormwater management works for quality and quantity control, and in accordance with the City's Junction Creek Subwatershed Study.

Comments from Conservation Sudbury include requests for additional conditions to ensure that each lot has a sufficient development area outside the regulatory floodplain, and requiring wetland(s) to be mapped.

Infrastructure Capital Planning Services, Transportation & Innovation Section, has requested a housekeeping update to Condition #17 to reflect the newly-renumbered lots in the condition that restricts development of the lots fronting onto Forestdale Drive south of the hydro corridor until the completion of the east-west street (Roselawn Street) north of the hydro corridor.

Development Engineering has advised that Development of Phase 1B of this subdivision occurred in the fall of 2021, being the continuation of Montrose Avenue northerly from the Village of Montrose condominium complex to Woodbine Avenue and the construction of Woodbine Avenue from Montrose Avenue easterly to Chestnut/Windermere Crescents. They have reviewed the design elements of the proposed cul-de-sac and can confirm that the existing topography of the area necessitates the layout shown.

Building Services has requested an update to require the geotechnical engineer to address on-site and excess soils management in accordance with the applicable provincial regulation.

Strategic & Environmental Planning Initiatives has advised that the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not contravene the federal Migratory Birds Convention Act or Ontario's Endangered Species Act.

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 subject lands south of the hydro corridor are 11.98 ha in size and are currently zoned to permit both low and medium density use, with semi-detached dwellings permitted on the majority of the lands. The currently approved draft plan of subdivision would permit 29 single-detached dwellings, 150 semi-detached dwellings, and 20 multiple dwelling units, for a total of 199 units south of the hydro corridor. The proposed rezoning affects 1.1 ha of land, and combined with the proposed redraft plan would enable development of 86 lots for 172 semi-detached units, resulting in a decrease of 27 units overall. The development represents a density of approximately 14 units per hectare.

Rezoning

The rezoning application is considered to be minor and technical in nature, with the overall effect of the rezoning being to provide one residential zone category across the lands south of the hydro corridor and resolve any split zoning that would result from the proposed new lot layout shown in the redraft plan, and enable semi-detached dwellings on 0.5 ha of the subject lands where single-detached dwellings are currently permitted.

In terms of the Official Plan criteria for rezoning (policy 3.2.1(6)), the site is suitable to accommodate the proposed density and built form, and is compatible with the existing use of adjacent lands which consist of single detached dwellings to the south and medium density use (row dwellings) to the east in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. Traffic is not expected to be impacted by the proposed rezoning. Staff recommends approval of the request for rezoning, which will facilitate residential development in this area.

It is also recommended that Blocks 89-93 in the proposed redraft plan be rezoned from “R2-2”, Low Density Residential Two, to “OSC”, Open Space Conservation since these lands are to be transferred to the City for stormwater management and open space conservation purposes. Further analysis of the amount and location of these lands is provided below.

Redraft of the Existing Draft-Approved Subdivision

The lands south of the hydro corridor are part of the Nickeldale subdivision that was originally draft-approved in 1989, and the owner has demonstrated that they are making a reasonable effort to proceed in meeting the conditions of draft approval. The focus of the following analysis is on the changes proposed by the redraft plan (lot fabric, open space blocks, and internal streets), relationship to Montrose Avenue, general criteria under section 51(24) of the Planning Act, and an overall review of the draft plan conditions as directed by section 19.4.2 of the Official Plan.

The redraft plan would revise the lot sizes to enable the development of semi-detached units and provide for five new blocks for parkland and stormwater management being approximately 2.14 ha in size. The redraft plan also shows a new alignment of streets. The east-west Street A will connect to Montrose opposite Woodbine Avenue and extend to Forestdale to the west, providing an additional east-west connection between Forestdale and Montrose rather than a looping street. Street B will extend south from Street A and end in a cul-de-sac as a result of topographical constraints in this area, replacing a through street to Montrose and small cul-de-sac. The alignment of Forestdale is unchanged, and will be extended to the north along the west side of the subdivision to the portion of the subdivision that is not being redrafted (and beyond).

Generally, the proposed lot fabric to enable 172 semi-detached units is consistent with both the PPS and Official Plan direction to direct development to fully serviced settlement areas to 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 proposed density of 14 units per hectare is within the range for low density development permitted by the Official Plan (maximum of 36 dwelling units/hectare).

Open Space Blocks 89-93

In terms of the new open space blocks, in 2010, the City's Green Space Advisory Panel provided recommendations to Council regarding the Parks and Open Space classification system now reflected in the Official Plan, and natural assets which should be considered for inclusion in this system. The Green Space Advisory Panel Report states that in addition to the recognition of the value of a comprehensive strategy regarding green spaces in Greater Sudbury, there was a need to address recurring green space issues such as citizen concerns over new developments. The Green Space Advisory Panel did not identify opportunities for acquisition of privately-owned lands for green space anywhere on the subject lands. Additionally, there are no trails or linkages identified south of the hydro corridor on Schedule 9 of the City's Official Plan (which shows existing and proposed trails), the City's online mapping of formal parks and playgrounds, or on the Rainbow Routes online mapping.

While this is not a new development, there is currently no green space shown in the draft plan in this area, and additional open space is proposed to be provided, being approximately 0.5 ha for stormwater (Block 93) and 1.64 ha (Blocks 89, 91-93) for parkland. The proposed redraft plan is immediately adjacent to the hydro corridor which contains the New Sudbury Historical Trail, and the proposed Block 89-91, being approximately 1.88 ha in size, would accommodate open space and stormwater management facilities that are linear in nature and abut the hydro corridor. This area, combined, is considered to meet the definition of a neighbourhood or linear park described in the Official Plan, and meet the requirement of being within a 10 minute walk (800 m) of residents on Forestdale and Montrose Avenue south to beyond Grandview, without crossing major barriers.

Blocks 92 and 93, being approximately 0.03 ha and 0.23 ha in size, respectively, were included in the second version of the redraft plan to respond to concerns from residents regarding the loss of open space. Leisure Services advises that if the intention is to realize a linear park with Block 93, the existing topography simply won't allow for the development of pathways or non-motorized trails. Any newly developed pathways and trails must be constructed to ADOA (accessibility) standards which specify maximum slopes, etc. Block 93 would be considered only suitable for natural parkland purposes.

Leisure Services has advised that the 5% parkland requirement for the subdivision, as established by the Official Plan, has been previously satisfied, though accepts the additional parkland. The New Sudbury Historical Trail and additional Blocks align with the City's community design policies which encourage an interconnected network of parks and open spaces, and connection of living areas through the use of open space corridors, trails, sidewalks and streets. The location of these Blocks aligns with community design policy 14.3(9) which states that new parks and open spaces will be located and designed to connect and extend existing parks and open spaces. Staff acknowledges that Blocks 92 and 93 were included in the second version of the redraft plan, which responds to residents' concerns. Staff recommends that both the amount and the proposed location of open space conforms to the Official Plan and should be approved.

Internal Street Alignment

Regarding the new internal street alignments, Transportation & Innovation staff has not raised concerns with the proposed realignment of the streets. It is understood that the alignment of Street A to be opposite Woodbine at the intersection of Montrose is preferred to the previous 2011 layout (Street A would have intersected with Montrose north of Woodbine). Forestdale as currently planned and the connection of Street A to Forestdale aligns with section 20.4.7 of the Official Plan which requires a connected street pattern. Development Engineering has advised that they have reviewed the design elements of the proposed cul-de-sac ('Street B') and can confirm that the existing topography of the area necessitates the layout shown.

Staff recommends that the proposed realignment of the roads conforms to the Official Plan and should be approved. It is recommended that Condition #17 be updated to reflect the newly-renumbered lots, such that development of the lots fronting onto Forestdale Drive south of the hydro corridor are restricted until the completion of the east-west street (Roselawn Street) north of the hydro corridor.

Montrose Avenue

Montrose Avenue is identified as an arterial road in the zoning by-law. It abuts the east side of the redraft plan, and its design and construction has been completed in this location. In terms of the future extension of Montrose Avenue North beyond Woodbine, current Condition #47 was added in 2019 through Planning Committee resolution 2019-98A1, and states 'That resolutions CC2015-345 and CC2016-380-A2 be complied with.'

- CC2015-345 reads: "City staff be directed to incorporate a meandering design of Montrose Avenue to the Maley Drive Extension, such as is illustrated in Appendix "A", into the Transportation Master Plan."
- CC2015-345 reads: NOW THEREFORE BE IT RESOLVED THAT the main motion be further amended and that City Staff be directed to prepare a traffic impact study which will: drill down to inform the detailed design and to include new policies in the Official Plan (during the second phase of the Official Plan Review program to guide the design and construction of Montrose Avenue North as a complete street, and which maintains and protects the residential character of the neighbourhood including appropriate lane widths, identifies traffic calming measures including meandering, sidewalks, bicycle infrastructure, street trees and street lighting, and which will encourage local traffic use.

These resolutions provide direction to staff regarding the planning process and design considerations for Montrose Avenue North, which are being addressed through the [City's Phase Two Official Plan Review](#). Compliance with the condition depends on staff completing the work that has been directed (e.g. completion of the traffic impact study and update of the policies through Phase 2 of the Official Plan review). Condition #18 states that until such time as Montrose Avenue has been extended to the Maley Drive corridor and connected to Agincourt Avenue, no development shall be permitted north of Roselawn Street except for the lots abutting Roselawn Street which shall be permitted to develop. Since Roselawn is 30 m north of and parallel to the hydro corridor, this condition effectively restricts development of the subdivision north of the hydro corridor until Official Plan has been updated.

Section 51(24) of the Planning Act

Section 19.4.3 of the Official Plan refers to matters listed under the Planning Act that the City will have regard for in considering a Plan of Subdivision. Section 51(24) of the Planning Act establishes specific criteria for consideration, which are reviewed as follows:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2: The plan has regard to matters of provincial interest including (h) the orderly development of safe and healthy communities; (j) the adequate provision of a full range of housing; and (p) the appropriate location of growth and development.
- (b) whether the proposed subdivision is premature or in the public interest: The application is a redraft of an existing plan of subdivision, is not considered to be premature, and is in the public interest.
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any: The plan conforms to the Official Plan, and aligns with the surrounding final-approved plans of subdivision.
- (d) the suitability of the land for the purposes for which it is to be subdivided: The lands are suitable, or, in some cases, conditions of development provide for assurance of suitability through the preparation of studies and/or detailed design reports.

The grading and drainage plans for this development will be required to address the existing on-site and off-site flows to the satisfaction of Engineering Staff. Condition #27 was updated in 2011 in response to residents concerns, and which requires the geotechnical report to provide, at a minimum, information on the soils and groundwater conditions including the identification of any springs within the proposed development.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them: Traffic and Transportation staff has no concerns with the proposed layout of the roads within the subdivision or their connection to the surrounding road network.

(f) the dimensions and shapes of the proposed lots: The proposed dimensions and shapes of the proposed lots are appropriate and comply with the requirements of the current or requested zone.

(h) conservation of natural resources and flood control: The proposed conditions provide for assurance of conservation of natural resources and flood control through the preparation of studies and/or detailed design reports.

(i) regarding the adequacy of utilities and municipal services, (j) regarding the adequacy of school sites: Utilities and municipal services and school sites are adequate for the proposed development.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes: Leisure Services has advised that parkland requirements for the subdivision have been previously satisfied with the transfer of Block V on Plan M-1045. The Leisure Services Division accepts the additional parkland represented by Blocks 89-93 in the proposed redraft plan.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy: The redraft of the plan is not expected to affect the available supply, means of supplying, efficient use and conservation of energy.

(d.1) regarding affordable housing, (g) regarding restrictions on the land proposed to be subdivided or the buildings and structures proposed to be erected, and (m) regarding site plan control: Not applicable.

Draft Approval Conditions

Departmental and agency comments are summarized in this report including requested changes to the conditions of draft plan approval and one attached as Appendix 1. All changes to the conditions requested by departments and agencies are recommended as described in the Resolution. These include:

- A new condition to demonstrate that each lot has a sufficient development area outside the regulatory floodplain (Condition #48).
- A new condition requiring wetland(s) to be mapped by a qualified professional (Condition #49).
- Update of Condition #17 to reflect the newly-renumbered lots, such that development of the lots fronting onto Forestdale Drive south of the hydro corridor are restricted until the completion of the east-west street (Roselawn Street) north of the hydro corridor.
- Requirement for the geotechnical engineer to address on-site and excess soils management in accordance with the applicable provincial regulation (Condition #27).
- A new condition requiring streetlights for the subdivision to be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner (Condition #50).
- A new condition requiring Blocks 89, 91, 92 & 93, to be dedicated to the City (Condition #51)."

Other administrative and housekeeping changes to the draft approval documents are recommended, including ensuring consistency in terminology when referring to the City, the Director of Planning Services, the General Manager of Growth and Infrastructure, the Ministry of the Environment, Conservation and Parks, and the owner.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The draft conditions dated August 2019 are attached to this report along with the original draft-approved plan of subdivision dated 1989 and amending plans dated 2006 and 2011 for reference purposes.

Conclusion:

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

The proposed site specific zoning by-law would rezone 0.5 ha of the subject lands (5 lots) from “R1-5”, Low Density Residential One and 0.6 ha of the subject lands (1 block) from “R3-1.D38”, Medium Density Residential to “R2-2”, Low Density Residential Two. The redraft of the existing draft-approved Royal Oaks/Nickeldale subdivision would realign the lot fabric for 11.98 ha of the subdivision, being those lands south of the hydro corridor.

The development of the subject lands achieves a number of policy directives related to 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 these applications.

Staff is satisfied that the applications are 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 and redraft of the plan of subdivision are appropriate based on the following:

- The lands to be rezoned are suitable for the proposed density and built form, which is compatible with the existing use of adjacent lands. Traffic is not expected to be impacted by the rezoning.
- The proposed redraft plan illustrates lot sizes that would enable the development of semi-detached units south of the hydro corridor, consistent with both the PPS and Official Plan direction to direct development to fully serviced settlement areas.
- The amount and the proposed location of open space conforms to the Official Plan.
- The proposed realignment of the roads conforms to the Official Plan.
- The proposal has been evaluated and has regard for Section 51(24) of the Planning Act.

Staff recommends approval of the applications as described in the Resolution section on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest and represent good planning.