

0 Dublin Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 15, 2024
Type:	Public Hearing
Prepared by:	Eric Taylor Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-24

Report Summary

This report provides a recommendation regarding an application for rezoning from “FD” Future Development to “R1-5” Low Density Residential One, to permit the creation of a residential lot with a frontage of approximately 17 m and area of 1080 m² on the north side of Dublin Street.

This report is presented by Eric Taylor, Senior Planner.

- Letter(s) of concern from concerned citizen(s) have been received.

Resolution

THAT the City of Greater Sudbury approves the application by Matthew Dumont to amend Zoning By-law 2010-100Z by changing the zoning classification from “FD”, Future Development to “R1-5”, Low Density Residential One, on lands described as Part of PIN 02123-0441, Part of Part 3 on Plan 53R-21627 excluding part of Part 1 on Plan 53R-21866, Lot 2, Concession 5, Township of McKim, as outlined in the report entitled “0 Dublin Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 15, 2024, subject to the following conditions:

1. That prior to the enactment of the amending by-law the owner shall have prepared and submitted a registered survey of the lands to rezoned to the satisfaction of the Director of Planning Services.
2. That conditional approval shall lapse on April 16, 2026 unless Condition #1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

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

This report has no financial implications as building permit for proposed dwelling was issued in November 2023.

Report Overview:

An application for rezoning has been submitted to permit the creation of a new residential lot for the single detached dwelling. The subject land is designated as Living Area 1 in the Official Plan and is currently zoned "FD", Future Development.

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 creation of one new residential lot.

On February 20, 2024 the City's Consent Official approved consent application B0003/2024 to create the proposed lot, which includes a condition that the subject lands be rezoned to R1-5. The applicant's concept plan illustrates the applicants retained lands showing a proposed dwelling, which the City issued a building permit for on November 17, 2023, as well as the subject lands, (proposed lot), outlined in red. The lands to be rezoned are comprised of a proposed lot with a 17.4 m (57 ft.) frontage along the north side of the Dublin Street culdesac with a depth of approximately 64 m (210 ft.) A proposed dwelling envelope is shown along with front, rear and side yard setbacks and a proposed driveway.

Existing Zoning: "FD", Future Development

The Future Development Zone permits a single detached dwelling on a legal existing lot and a park use.

Requested Zoning: "R1-5", Low Density Residential One

The R1-5 zone permits a single detached dwelling, bed and breakfast establishment, group home type 1, and private home daycare uses. The R1-5 Zone standards include the following minimums: lot area 465 m²; lot frontage 15 m; lot depth 30 m; front yard 6 m; rear yard 7.5 m; interior side yard 1.2 m plus 0.6 m for each storey above the first storey. A maximum lot coverage of 40 percent is permitted and maximum building height of 11 m. No exceptions to the R1-5 Zone standards are being requested by the applicant.

Location and Site Description:

The lands to be rezoned are described as Part of PIN 02123-0441, Part of Part 3 on Plan 53R-21627, Lot 25, Plan M-219, Lot 1, Concession 5, Township of McKim, 0 Dublin Street, Sudbury. The subject lands are located on the north side of Dublin Street. The lands to be rezoned have an area of approximately 1080 square metres with approximately 17.4 metres of frontage on the north side of the Dublin Street culdesac that has recently been transferred by the applicant to the City. Municipal water and sanitary sewer are currently located in Dublin Street to the southeast of the subject lands. The lands are currently vacant and have been recently cleared of vegetation.

Surrounding Land Uses:

The area surrounding the site comprise a mix of land uses including low and medium density residential and institutional uses along with commercial uses to the south along Lasalle Boulevard. A medium density residential use in the form of a rowhouse complex abuts the property to the west.

North: lands owned by the applicant, wetland and floodplain area associated with Junction Creek

East: residential with frontage onto Dublin and Arthur Streets

South: Dublin Street, lands owned by applicant, CNR railway

West: dwelling proposed by applicant, wetland and floodplain associated with Junction Creek.

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

Site photos show the uses in this area.

Public Consultation:

The statutory notice of the application was provided by newspaper January 20, 2024 along with a courtesy mail-out to surrounding property owners and tenants within 122 m of the property on January 17, 2024. The statutory notice of the public hearing was provided by newspaper on March 23, 2024, and courtesy mail-out on March 21, 2024. 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. The owner indicated on their application that they would hand deliver a letter and concept plan to residents in the area.

At the time of writing this report, two written submissions had been received by the Planning Services Division regarding the forest area being cleared on the property.

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 1.1.1 provides that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term while accommodating an appropriate affordable and market-based range and mix of residential types along with employment, institutional, recreation, park and open space, and other uses to meet long-term needs while avoiding development and land use patterns which may cause environmental or public health and safety concerns.

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.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff is satisfied that the application conforms to the Growth Plan.

Official Plan for the City of Greater Sudbury:

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

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

Policy 3.2.1(1) states that low density development permits single detached dwellings, semi-detached dwellings and duplexes and townhouses to a net density of 36 units per hectare.

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.

Policy 3.2.2. states that new development in Living Area 1 will occur adjacent to existing built-up urban areas.

Policy 3.2.3 provides that new residential development must be compatible with the existing physical character of established neighbourhoods, with the consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to neighbouring properties under the Zoning By-law.

Policy 3.2.10 provides that lot creation in Living Areas is permitted in accordance with the minimum lot sizes set out in the Zoning By-law.

Zoning By-law 2010-100Z:

The development standards for the requested zone require a minimum lot frontage of 15 metres, minimum lot area of 465 m² and a maximum height of 11.0 m. The minimum required front yard is 6.0 m, rear yard is 7.5 m and interior side yard is 1.2 m plus 0.6 m for each storey above the first. The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 50% of the required front yard to be maintained as landscaped open space. Parking provisions for the proposed single detached dwelling require 1 space. Required parking is not permitted in the required front yard.

Site Plan Control:

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

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, Transportation and Innovation Support, Active Transportation, Roads and Drainage.

Development Engineering has no objection to the rezoning and advises that this site is not currently serviced with municipal water or sanitary sewer, but it is available within the road allowance. All associated costs to upgrade the services will be borne entirely by the owner. It is also noted that although the remainder of the lands are not currently being rezoned, any water servicing of those lands will require the construction of an extension of the watermain complete with detailed engineering drawings and Ministry of the Environment, Conservation and Parks approval which is obtained through the City. This requirement for the extension of the watermain will form a condition of the severance of the lands. A lot grading plan submitted by a lot grading professional will also be required at the time of the lot severance.

Building Services has no objection to the rezoning and advises that given the soils in the area and designated floodplain, a geotechnical soils investigation report will be required at the time of building permit application. Further, as a result of development of this site, removals of site soils shall adhere to *Ontario Regulation 406/19: On-site and Excess Soil Management* under the jurisdiction of the *Environmental Protection Act, R.S.O. 1990, c.E.19*.

Strategic and Environmental Planning has advised that the owner is solely responsible for ensuring that vegetation removal, site alteration, and development undertaken on the subject lands do not result in a contravention of the provincial Endangered Species Act and the federal Migratory Birds Convention Act.

Conservation Sudbury has advised that they have no objection to the rezoning. Features regulated by Conservation Sudbury including wetlands and flood hazard are present on the lands to be retained. Any future development adjacent to these features requires permission of Conservation Sudbury.

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 the creation of one residential lot for the purposes of constructing a single detached dwelling.

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.

The proposed lot is located within the settlement area immediately adjacent to the built-up area within the "built boundary" on Schedule 3 of the Official Plan. 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 lot to be created will add to the supply of single detached lots in the urban area. The proposed lot with an area of 1080 m² equates to a density of 9.3 units per hectare, well below the maximum 36 units per hectare for low density residential dwelling housing forms.

The proposed lot is considered to be compatible with the physical character of the established neighbourhood which is primarily comprised of a mix of single and semi-detached dwelling units. The proposed lot is configured and sized such that it exceeds the minimum lot frontage and area requirements. The conceptual building envelope prepared by the owner meets the R1-5 zone standards. The lot is sized such that parking, landscaping and suitable amenity areas can easily be provided. The owner is not requesting any exceptions to the R1-5 zone standards. Sewer and water services are available on Dublin Street. As noted by Development Engineering a short extension is required to the watermain to service the lot to be retained by the owner in order to ensure that the service line for the retained lot is entirely located on the lot that it services. A condition on the related consent application has addressed this matter. Amenities, parks, employment opportunities and other services are nearby in the New Sudbury area.

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 FD to R1-5 to permit the creation of a residential lot for the purposes of a single detached dwelling.

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 site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding 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.