

## 250 Billiard's Way, Sudbury

Presented To:	Planning Committee
Meeting Date:	February 26, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-18

## Report Summary

This report provides a recommendation regarding an application to amend the “H40” – Holding Zone to permit an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, to enable the development of 20 row dwelling units.

This report is presented by Wendy Kaufman, Senior Planner.

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

## Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Limited to amend Zoning By-law 2010-100Z by amending the “H40” – Holding Zone to permit an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, on lands described as PIN 73478-1214, 53R-20418, Parts 8, 9 & 11-13, Lot 4, Concession 5, Township of Broder, as outlined in the report entitled “250 Billiard's Way, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on February 26, 2024.

## 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 estimates approximately \$78,000 in taxation revenue, based on the assumption of additional 19 row dwelling units based on an estimated assessed value of \$275,000 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.

The amount of development charges will be based on final review of the property by the Building Services department, as well as eligibility of reductions through Bill 23.

## **Report Overview:**

An application for zoning by-law amendment has been submitted to enable the development of 20 row dwelling units. The subject land is designated as Living Area 1 in the Official Plan and zoned "H40R3-1(23)", Medium Density Residential Special – Holding, "H40R3-1", Medium Density Residential – Holding, and "P", Park.

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 an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, to enable the development of 20 row dwelling units.

The application would enable 20 row dwelling units to be added to the existing Billiard's Green development known municipally as 250 Billiard's Way, for a total of 64 row dwelling units. A total of 74 units would be permitted in the entire area affected by the H40 Holding Zone where 55 are currently permitted, since there are 10 existing privately-owned semi-detached dwellings located in this area.

The applicant's concept plan illustrates the existing Billiard's Green development, and the 20 additional row dwelling units labelled 45-64. A large stormwater retention pond is shown to the east, and a wetland is labelled to the south with a 12 m offset shown. The application also included a copy of survey plan 53R-20418.

The subject lands are also subject to a conditionally-approved plan of subdivision (CGS File 780-6/12002). A portion of these land, being the lands shown for additional development as well as the existing stormwater management, are proposed to be added to the existing Billiard's Green development through a consent for lot addition. The applicant has not, at this time, provided a revised development concept for the remaining lands within the conditionally-approved plan of subdivision.

The lands zoned "P" are currently part of the subject lands, and are intended to be transferred to the City for park purposes.

**Existing Zoning:** "H40R3-1(23), Medium Density Residential Special – Holding, "H40R3-1", Medium Density Residential – Holding, and "P", Park

The R3-1(23) zone permits duplex, single detached, and semi-detached dwellings, along with accessory uses and uses permitted in all zones under Section 4.40 of the Zoning By-law. The R3-1 zone additionally permits a full range of medium density residential and accessory uses including multiple and row dwellings.

The "H40" Holding Zone applies to Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 Plan 53R-20418, Lot 4, Concession 5, Township of Border, and lands zoned H40R2-2, H40R3-1, and H40R3-1(23).

**Requested Zoning:** A zoning by-law amendment is requested to amend the "H40" – Holding Zone to permit an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail.

## **Location and Site Description:**

The subject property is described as PIN 73478-1214, 53R-20418, Parts 8, 9 & 11-13, Lot 4, Concession 5, Township of Broder, which comprise the undeveloped lands in this area and are approximately 4.8 ha in size. The subject lands are located south of the existing Billiard's Green development known municipally as 250 Billiard's Way south of Algonquin Road and north of Highway 17. The lands are currently vacant with the exception of the stormwater management pond. The lands are to be accessed and serviced through the existing Billiard's Green development. The closest transit stop is located on Algonquin Road approximately 470 m to the north. The lands subject to the H40 Holding Zone to be rezoned have an area of approximately 7.9 ha in size.

### **Surrounding Land Uses:**

The area surrounding the site includes residential and institutional uses.

North: medium density residential use known as the Billiard's Green development

South: vacant lands, Highway 17

East: running track or vacant lands zoned 'I', Institutional and associated with either St. Benedict Catholic Secondary School or Holy Cross Catholic Elementary School

West: vacant lands zoned for low density residential use

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 uses 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 December 19, 2023. The statutory notice of the public hearing was provided by newspaper on February 3, 2024, and courtesy mail-out on February 1, 2024. The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, staff had received one question from the public pertaining to the location of access for the new units.

### **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.

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.

#### **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 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.

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

A zoning by-law amendment is requested to amend the “H40” – Holding Zone to permit an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail. No changes to the underlying zones are being requested.

The development standards for the R3-1 zone require a maximum height of 11 m for a row dwelling. 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) for a row dwelling. A minimum privacy yard depth of 7.5 m shall be provided abutting the full length of at least one exterior wall of each row dwelling unit. 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 row dwelling units require 1.5 spaces per unit.

#### **Site Plan Control:**

A Site Plan Control Application has been submitted for the proposed development.

#### **Previous Application**

The subject lands were part of previous Rezoning & Plan of Subdivision Applications [751-6/12-04 & 780-6/12002](#), were approved to enable the development of a total of 154 residential units consisting of 32 semi-detached dwellings and 122 row dwellings. At that time, staff recommended that a maximum of 55 dwelling units be permitted prior to a secondary access being constructed. Based on this condition, roads did not request a Traffic Impact Study.

### **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.

Transit Services advises they have no comments on this application.

Building Services has no concerns with this application, and advises the applicant that they reserve further comment until the time of Site Plan Agreement, Building Permit Application and Plans Examination when additional detailed information is available.

Conservation Sudbury has no objection to the above listed rezoning. The subject parcel is located adjacent to identified wetlands associated with the Algonquin watershed. Conservation Sudbury is providing comments with regards to the development through the Site Plan Control Agreement process.

Strategic & Environmental Planning Initiatives advises that this application involves development that does not pose an elevated risk to species protected by the Endangered Species Act or to their habitat. The proposed development is anticipated to either have only minor negative effects on the overall natural environment or to have potential negative effects that are adequately mitigated as indicated on the relevant site plans and sketches. As such, specific environmental studies are not required beyond those that may have been requested previously. The owners are 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.

Infrastructure Capital Planning Services has no concerns with the proposed amendment to the holding zone to allow the additional units to be built prior to the construction of the future road connection.

Development Engineering has no concerns with the proposal provided the development proceeds through the Site Plan Control Agreement process, and advises that sewer and water capacity have been confirmed.

### **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 would enable 20 row dwelling units to be added to the existing Billiard's Green development known municipally as 250 Billiard's Way, for a total of 64 row dwelling units. A total of 74 units would be permitted in the entire area affected by the H40 Holding Zone where 55 are currently permitted, since there are 10 existing privately-owned semi-detached dwellings located in this area. No changes to the underlying zones are being requested.

Staff acknowledges that the principle for development of these lands has previously been established through approval of site-specific rezoning application (CGS File 751-6/12-04). At that time, staff recommended that a maximum of 55 dwelling units be permitted prior to a secondary access being constructed to the west. Based on this condition, roads did not request a Traffic Impact Study. The roads to the west where the connection would have been provided (to Maurice Street or Tuscany Trail) remain undeveloped. Infrastructure Capital Planning Services has indicated they have no concerns with the proposed amendment to the holding zone to allow the additional units to be built prior to the construction of the future road connection. Staff recommend that the road connection is not required prior to the construction of the proposed additional units.

Development of additional row dwellings in this area continues to be consistent with and conform to the PPS and Official Plan policies that are established 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.

Additional row dwellings in this area also continues to align with PPS and the Official Plan policies that encourage municipalities to provide a range and mix of housing types and densities. The proposal represents an opportunity to provide additional rental units, and staff recommends that this proposal is consistent with and conforms to these policies. Further, this proposal supports the City's Municipal Housing Pledge to achieve the target of 3800 new homes constructed by 2031. The City's [Housing Supply and Demand Analysis](#) (N. Barry Lyon Consultants Ltd., 2023) identified the most significant housing gaps are observed in the rental market. There is an immediate need for 470 additional rental units to achieve a vacancy rate of 5%, and an average of 66 additional rental units per year for the next 30 years to meet anticipated demand. The City's [Populations Projections Report](#) (Hemson, 2023) forecasts that over the next 30 years, over 10% of all housing unit growth will be in the form of row housing. This is a significant shift; in the last 15 years row housing growth accounted for less than 5% of all new units.

Staff is not concerned with the availability of infrastructure, services, and amenities in this area, and staff continues to recommend the subject property is an appropriate location for the proposed development.

Further to comments from Development Engineering regarding the need for a site plan control agreement, an application for site plan control is required prior to development of the lands, and the review of the applicant's third submission is currently underway. The site plan cannot be approved until the related consent for lot addition is approved to consolidate the subject lands with the abutting lands known as Billiard's Green at 250 Billiards Way. Matters related to site design, such as stormwater management and site servicing, will be addressed through this process.

## **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 amend the "H40" – Holding Zone to permit an additional 19 units prior to construction of a public road connection to Maurice Street or Tuscany Trail

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 street townhouse dwellings will contribute to the range and mix of housing available in the area.
- The site is suitable for the proposed development.
- 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.