

0 Keen Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	March 18, 2024
Type:	Public Hearing
Prepared by:	Eric Taylor Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/23-22

Report Summary

This report provides a recommendation with respect to an application to rezone the subject lands to “R3-1.D35” in order to prevent a split-zoning, resulting from the provisional consent approval, (Consent File B88/2023), granted by the Consent Official on December 18, 2023.

This report is presented by Eric Taylor, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Health Sciences North to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “FD”, Future Development to “R3-1.D35”, Medium Density Residential on those lands described as Part of PIN 73573-0181, Parcel 30821, Lot 12, Concession 4, Township of Neelon, as outlined in the report entitled “0 Keen Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 18, 2024, subject to the following:

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 be rezoned to the satisfaction of the Director of Planning Services.
2. That conditional approval shall lapse on March 19, 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 Community Energy & Emissions Plan (CEEP)

The application to amend the City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The rezoning application will assist in facilitating Greater Sudbury Housing Corporation’s acquisition of the subject lands from the adjacent owner for expansion of their parking lot. In this regard, the application will support the City’s Strategic Plan’s goal in advancing social housing revitalization plans.

Financial Implications

There are no financial implications associated with this report.

Report Overview

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification on the subject lands from “FD” to “R3-1.D35” in order to prevent a split-zoning. The split-zoning has resulted from the issuance of a provisional consent approval by the Consent Official for a lot boundary adjustment where approximately 0.64 ha (1.6 acres) of land is to be transferred from the lands owned by Health Sciences North to the be added to the abutting property owned by Greater Sudbury Housing Corporation, to be used for the expansion of the parking lot at 241 Second Avenue. The Planning Services Division is recommending that the application be approved as outlined and noted in the Resolution section of this report.

STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from “FD” Future Development to “R3-1.D35”, Medium Density Residential in order to prevent a split-zoning, as a result of a provisional consent approval (Consent File: B88/2023) to transfer approximately 0.64 ha (1.6 acres) from lands owned by Health Sciences North at 0 Keen Street to the property at 241 Second Avenue owned by Greater Sudbury Housing Corporation to be used for the expansion of the parking lot. The applicant has indicated that the number of additional parking spaces would be from 16 to 32 spaces depending upon the final design.

Existing Zoning:

The “FD”, Future Development zone, permits a single detached dwelling on a legal existing lot and a park use.

Requested Zoning:

The “R3-1.D35”, Medium Density Residential zone, permits single detached, semi-detached, duplex, street townhouse, row and multiple dwellings up to a maximum density of 35 units per hectare. A daycare centre, private home daycare, group home type 1 and a bed and breakfast establishment are also permitted along with a convenience store and personal service shop accessory to a multiple dwelling with at least 100 units.

Location and Site Description:

The subject lands are located to the west of Second Avenue abutting the lands owned by Greater Sudbury Housing Corporation at 241 Second Avenue. The 0.64 ha (1.6 acres) form part of the lands owned by Health Sciences North located to the west of Keen Street. The lands are forested with a tributary traversing the site with a rock outcrop on the southwesterly portion.

Surrounding Land Uses:

- North: City owned park with playfield known as Heritage Field and Civic Memorial Cemetery owned by the City
- East: multi-unit residential complex owned by Greater Sudbury Housing Corporation

South: vacant forested lands owned by the applicant and Adamsdale Public School (Rainbow District School Board)

West: vacant forested lands owned by the applicant

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper on January 20, 2024 and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on December 22, 2023. The statutory Notice of Public Hearing was provided to the public by newspaper on February 24, 2024 and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands.

The owner's agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. The owner's agent indicated on their application form that they would not be undertaking any further consultations with the public and would be relying upon the notices provided by the City.

At the time of writing this report, no emails or letter submissions with respect to the development proposal have been received by the Planning Services Division.

POLICY AND REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2020 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 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning application be approved.

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 has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Living Area 1 in the City's Official Plan. The Living Area 1 designation permits a range of low, medium and high-density residential uses.

The applicable policies in Section 3.2.1 for the Living Area 1 are set out below:

2. In medium density developments, all low-density housing forms are permitted, including small

apartment buildings no more than five storeys in height to a maximum net density of 90 units per hectare.

3. High density housing is permitted only in the community of Sudbury. All housing types, excluding single detached dwellings, are permitted in high density residential areas to a maximum net density of 150 units per hectare. Densities in the downtown may exceed this maximum, as set out in the Zoning By-law.
4. Medium and high-density housing should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.
5. Medium and high-density housing are to be located in areas with adequate servicing capacity and a road system that can accommodate growth. Sites should be of a suitable size to provide adequate landscaping and amenity features.
6. In considering applications to rezone land in Living Area I, Council will ensure amongst other matters that:
 - 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,
 - c. the impact of traffic on local streets is minimal.

Zoning By-law 2010-100Z:

The subject lands are presently zoned "FD", Future Development in the City's Zoning By-law. The owner's agent is requesting that the lands be rezoned to "R3-1.D35", Medium Density Residential in order to prevent a split-zoning resulting from the provisional consent approval (File B88/2023).

Site Plan Control

Site plan control may be required for the proposed parking lot, depending upon its final design. It is requested that the proponent submit their plans to the Development Approvals Section of Planning Services for review once a preliminary concept has been developed for the parking lot, in order to determine whether site plan control will be imposed.

Department/Agency Review:

The application including relevant accompanying materials was circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Transit, Roads, Transportation and Innovation Support, Active Transportation and Roads Operations have advised that they have no comments or concerns with the application.

Drainage has advised that there is an existing drainage course on the lands to be rezoned and that the

function of this drainage course is to be maintained.

Building Services has advised that they have no concerns with this application and have provided the following comments for the benefit of the applicant.

- 1) A Site Alteration Permit is required for the proposed alterations. On-site and excess soil Management to be controlled in accordance with *O. Reg. 406/19*. Building permit and supplementary documents to be submitted to the satisfaction of the Chief Building Official.

Also, in accordance with Part 6, Section 6.3, Table 6.2 of the CGS Zoning By-law, a minimum landscaped open space of 30% shall be maintained.

- 2) A portion of the north easterly corner of the rezoned lands is located in an easement for sanitary/storm/water. Should future development encroach on the CGS easement, a Letter of Tolerance and/or Encroachment Agreement may be required.

- 3) The 0.64 ha (1.6 acre) portion of rezoned lands is located in an area of Source Water Protection. Future development may require a Section 59 Application.

The City's Source Water Protection Risk Management Official has advised that no activities engaged in or proposed to be engaged in on the property are considered to be significant drinking water threats at this time and the owner can proceed with planning approvals as the activities are neither prohibited nor restricted for the purpose of Part IV of the Clean Water Act, 2006.

Conservation Sudbury has advised that they have no objection to the rezoning. Features regulated by Conservation Sudbury exist on this parcel, including a watercourse and wetlands. Any future development adjacent to these features requires permission of Conservation Sudbury and will be subject to restrictions.

PLANNING ANALYSIS:

The 2020 PPS, the 2011 Growth Plan, and the City of 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 with respect to applicable policies, including any issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that the subject lands comprising approximately 0.64 ha (1.6 acres) be rezoned from "FD", Future Development to "R3-1.D35", Medium Density Residential. Staff has no concerns with respect to the requested zone category which will match the lands that the subject property is being added.

The Consent Official Approved consent file B88/2023 on December 18, 2023 to permit the proposed lot addition and imposed at the request of Planning Staff the following condition: That the owner/applicant receive final approval for a Zoning By-law Amendment in order to eliminate the split zoning of the property and that the amending zoning by-law pertaining to file 751-6/23-22 be in full force and effect prior to issuance of a certificate.

Official Plan

Through the review of the application, Greater Sudbury Housing Corporation has indicated that intent is to provide additional parking for the existing development at 241 Second Avenue and the intention is not to increase the number of dwelling units at the site. As such, staff is satisfied that the impact on local streets will be minimal.

Conservation Sudbury has noted the presence of a watercourse and wetland area and that permits for

development adjacent to these features requires permits from the Authority. The City's Drainage Section has also advised that function of the drainage course needs to be maintained.

It is on this basis that staff has no concerns with the requested zone category and would note that a registered survey plan providing a legal description of the lands to be rezoned is required in order to prepare an amending zoning by-law should the rezoning application be approved.

CONCLUSION:

Staff has noted in this report that the proposed rezoning would change the zoning classification of the subject lands from "FD" to "R3-1.D35" in order to prevent a split-zoning, which has resulted from the issuance of a provisional consent approval by the Consent Official (File B88/2023) to transfer approximately 0.64 ha (1.6 acres) from the lands at 0 Keen Street to the lands at 241 Second Avenue. Staff has no concerns with the requested zone category.

Staff has reviewed the development proposal and is satisfied that it conforms with the City's Official Plan. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning application be approved. Staff also notes that the application both conforms to and does not conflict with the Growth Plan for Northern Ontario.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.