

6 Lindsley Street Falconbridge

Presented To:	Planning Committee
Meeting Date:	September 16, 2024
Type:	Public Hearing
Prepared by:	Stephanie Poirier Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-3/24-03

Report Summary

This report provides a recommendation regarding an application to permit the construction of a single detached dwelling with site specific zoning standards.

This report is presented by Stephanie Poirier, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Mark & Louise Comba to amend Zoning By-law 2010-100Z by changing the zoning on the subject lands from “C2” General Commercial to the “C2(S)” General Commercial Special Zone on those lands described as PIN 73490-0094, Parcel 41942, Plan M-1039 Lot 255, Concession 3, Lot 12, Township of Falconbridge, as outlined in the report entitled “6 Lindsley Street, Falconbridge” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 16th, 2024, subject to the following conditions:

1. That the accessory building and retaining wall encroaching onto the subject lands be removed from the subject lands to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
 - a) In addition to the uses permitted in a CS Zone, a single detached dwelling shall also be permitted in accordance with the zoning standards of the R1-5 Zone; and
 - b) Notwithstanding section 4.15.4, a 1.8 m tall opaque fence along all lot lines abutting a residential zone shall be the only planting strip requirement.
3. That conditional approval shall lapse on September 16th, 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 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 \$5,750 in taxation revenue, based on the assumption of one single detached dwelling unit based on an estimated assessed value of \$400,000 at the 2024 property tax rates.

Additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this would result in total developmental charges of approximately \$22,162 based on assumption of one single detached dwelling unit and based on the rates in effect as of the date of this report.

Report Overview

The purpose and effect of the application is to rezone the subject lands from the “C2” General Commercial to the “C2(S)” General Commercial Special Zone in order to permit a single detached dwelling as an additional permitted use with special provisions.

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 seeks to rezone the subject lands from the “C2” General Commercial to the “C2(S)” General Commercial Special Zone in order to permit the construction of a single detached dwelling with site specific provisions.

The subject lands are located on the north side of Lindsley Street, west of Edison Road, and are known municipally as 6 Lindsley Street, Falconbridge.

The subject lands contain a portion of an accessory building and retaining wall that has been identified by the applicant to be removed. Staff have included a condition to that effect. The lands are otherwise vacant of buildings and structures. A municipal water and sanitary connection, as well as an entrance permit, will be required prior to obtaining a building permit.

The subject lands are designated “Mixed Use Commercial” within the City’s Official Plan and are zoned “C2” General Commercial within By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury.

Surrounding land uses are residential and commercial in nature.

A Location Map is attached to this report:

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 (PPS)

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS).

Several sections of the PPS are relevant to the application.

Policy 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted, and policy 1.1.3.2 requires densities which efficiently use land, resources and infrastructure and avoid the need for their unjustified and/or uneconomical expansion. Development in this manner is intended to minimize impacts to air quality and climate change and promote energy efficiency, while supporting the use of active transportation and public transit.

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

Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

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 is satisfied that the application for Zoning By-law Amendment does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated 'Mixed Use Commercial' in the Official Plan for the City of Greater Sudbury.

Section 4.3 states that the development potential of 'Mixed Use Commercial' areas is recognized by permitting a balance of mixed uses including commercial, institutional, residential, and parks and open space through the rezoning process.

All uses permitted by the Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process. Uses permitted in the Mixed Use Corridor designation shall provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

Subject to rezoning, new development may be permitted provided that:

- a. sewer and water capacities are adequate for the site;
- b. parking can be adequately provided;
- c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- d. the traffic carrying capacity of the Arterial Road is not significantly affected;
- e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
- f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
- g. the proposal meets the policies of Sections 11.3.2 and 11.8, and Chapter 14.0, Urban Design.

Zoning By-law 2010-100Z:

The subject lands are zoned “C2”, General Commercial within the City’s Zoning By-law. The “C2” Zone permits a range of residential and non-residential uses.

Staff have recommended that the proposed single detached dwelling be subject to the R1-5 standards. The development standards for the “R1-5”, Low Density Residential One Zone are as follows:

- Minimum front yard setback 6 m
- Minimum rear yard setback 7.5 m
- Minimum interior side yard setback 1.3 m*
- Maximum lot coverage 40%
- Maximum height 11 m

*Plus 0.6 metres for each full storey above the first storey abutting such yard.

A single detached dwelling requires one parking space, in accordance with the parking provisions of the zoning by-law.

Consultation

Public Comments

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands on July 10th, 2024. The statutory Notice of Public Hearing dated August 22nd, 2024 was provided to the public by newspaper and to nearby landowners and tenants located within 122 m (400 ft) of the subject lands.

At the time of writing this report, no oral or written submissions were received from members of the public.

Department/Agency Comments

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

Comments received from agencies and departments did not contain any concerns with the application. Building Services advised that a permit is required for demolition and construction.

Detailed comments can be found in Appendix 1 to this report.

Planning Analysis

The Provincial Policy Statement directs growth to occur within settlement areas on full municipal services. The PPS encourages a range and mix of housing to accommodate existing and future residents. The subject lands are located within the settlement area of Falconbridge and municipal services are located abutting the lands. The subject lands are located in a residential neighbourhood that is characterized by low residential housing predominantly in the form of single detached dwellings. The rezoning application is intended to permit a single detached dwelling on the subject lands contributing to the housing supply for existing and future residents.

The 'Mixed Use Commercial' designation of the Official Plan permits all uses with the exception of heavy industrial through the process of rezoning subject to criteria. Municipal water and sanitary infrastructure are available abutting the subject lands. Staff are satisfied that the subject lands are large enough to accommodate the required one parking space for the single detached dwelling. Lindsley Street is classified as a collector road under the jurisdiction of the City of Sudbury. No entrances are being proposed from an arterial road and traffic improvements are not anticipated as a result of the proposed single detached dwelling. There is no public transit in proximity to the subject lands. In regards to landscaping and buffering, the applicant has proposed to include a 1.8 m tall opaque fence along lot lines between the subject lands and abutting residential zoned parcels. The subject lands are within walking distance to the Falconbridge Community Centre Park and employment opportunities.

The applicant has applied to rezone the subject lands to a "C2" special zone in order to add permission for a single detached dwelling. Although the subject lands are designated and zoned for mixed use commercial, the abutting lands to the east and west contain single detached dwellings. The rezoning would have the effect of allowing an infill lot to be used for a single detached dwelling which is consistent with surrounding uses. In order to maintain character with the surrounding single detached dwellings, staff recommend that the proposed single detached dwelling be subject to the zoning standards of the R1-5 Zone. This has been included within the resolution. As part of the application the applicants have requested that the landscaped strip requirements between non-residential lots and residential lots be reduced to a 1.8 m tall opaque fence. Staff are in support of the request as the proposed single detached dwelling will be compatible with the abutting single detached dwellings.

As part of the application submission that the applicant provided a concept plan demonstrating that the subject lands are able to accommodate a single detached dwelling that meets the zoning standards. Staff are of the opinion given the site specific context of the subject lands that a single detached dwelling is an appropriate use.

Conclusion

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 regards for matters of provincial interest and represents good planning.

Appendix 1

Departmental & Agency Comments

a) Building Services

No objections with the rezoning. As the sketch submitted is conceptual only, Building Services will fully review zoning compliance at the time of the application for Building Permit.

b) Development Engineering

Development Engineering has reviewed the above noted application. This location is presently serviced with water and sanitary sewer. Please note that the watermain traverses the lot in the rear yard and no structure can be built over this main.

No objection to rezone the subject lands from the "C2" General Commercial to the "C2(S)" General Commercial Special Zone in order to permit the construction of a single detached dwelling with site specific provisions. Of note, a design lot grading plan will be required as part of the building permit process.

c) Infrastructure and Capital Planning

No concerns.

d) Strategic and Environmental Planning

Strategic and Environmental Planning do not have concerns with this application.