

## 250 Billiard's Way, Sudbury, Additional Units

Presented To:	Planning Committee
Meeting Date:	November 25, 2024
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/24-14

## Report Summary

This report provides a recommendation regarding an application to amend the “H40” – Holding Zone to permit an additional 30 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, to enable the development of row dwellings units or semi-detached 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 26 units prior to construction of a public road connection to Maurice Street or Tuscany Trail;
- amending the “H40R3-1(23)”, Medium Density Residential Special – Holding zone, to additionally permit row dwelling units and site-specific relief; and
- amending the “H40R3-1”, Medium Density Residential Special – Holding zone, to provide site-specific relief on lands described as PIN 73478-1214 & 73478-1229, 53R-20418, Parts 8, 9 & 11-13, Plan 53R-20418, Block 14, Plan 53M-1432, Lot 4, Concession 5, Township of Broder, as outlined in the report entitled “250 Billiard's Way, Sudbury, Additional Units”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 25, 2024, subject to the following conditions:
  1. That the “H40” – Holding Zone be amended to permit an additional 26 units prior to construction of a public road connection to Maurice Street or Tuscany Trail;
  2. That the amending by-law for the “H40R3-1(23)”, Medium Density Residential Special zone include the following site-specific provisions:
    - a. Row dwelling units shall be additionally permitted;
    - b. A minimum privacy yard of 6.0 m shall be provided for row dwellings and semi-detached dwellings, including swales, where 7.5 m is required for row dwellings;

- c. A minimum corner side yard setback of 1.2 m shall be provided, where 4.5 m is required.
3. That the amending by-law for the H40R3-1, Medium Density Residential Special – Holding zone include the following site-specific provisions:
    - a. A minimum 9.0 m court shall be provided, including swales, between Block 21 and Block 13, where 15.0 m is required for walls containing balconies or windows to habitable rooms.
    - b. A minimum 8.5 m court shall be provided, including swales, between Block 20 and Block 9, and between Block 21 and 12, where 15.0 m is required for walls containing balconies or windows to habitable rooms.
    - c. A minimum 4.0 m court, including swales, shall be provided between Block 19 and Block 14, where 15.0 m is required for walls containing balconies or windows to habitable rooms.
    - d. A minimum privacy yard of 4.5 m shall be provided, including swales, for all units in Block 21 and 13, where 7.5 m is required
    - e. A minimum privacy yard of 4.0 m shall be provided, including swales, for all units in Block 20, where 7.5 m is required.
    - f. A minimum privacy yard of 4.0 m shall be provided, including swales, for unit 64 and 65 in Block 14, where 7.5 m is required.
    - g. A minimum corner side yard setback of 1.2 m shall be provided, where 4.5 m is required
    - h. A screening device shall not be required along the property line being 30.05 m in length adjacent to Block 20, where a screening device is required between medium and low density residential use.

## **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**

If approved, staff estimates approximately \$131,000 in taxation revenue, based on the assumption of 30 multiple dwelling units based on an estimated assessed value of \$275,000 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.

The amount of development charges will be based on final review of the property by the Building Services department.

## **Report Overview:**

An application for zoning by-law amendment has been submitted to permit 30 dwelling units to be added to the existing Billiard's Green development, in the form of row dwellings units or semi-detached 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 Planning 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 amend the “H40” – Holding Zone to permit an additional 30 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, and to amend the “H40R3-1(23)”, Medium Density Residential Special – Holding zone to additionally permit row dwelling units, to enable the development of 30 row dwellings units or semi-detached dwelling units. The application also proposes to add the row dwelling built form as a permitted use in the R3-1(23) zone, and site-specific relief is requested for reduced site-yard setbacks, reduced courts, reduced privacy yards, the elimination of a planting strip, and reduced drive aisle width (applicant’s Schedule C is appended).

The application would enable 30 dwelling units to be added to the existing Billiard’s Green development known municipally as 250 Billiard’s Way, for a total of 94 dwelling units. A total of 104 units would be permitted in the entire area affected by the H40 Holding Zone where 74 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 26 of the 30 requested units, with row dwelling units labelled 1-12 and 15-26, and semi-detached units labelled 13-14.

Materials provided in support of the application include:

- Concept Plan (4 pages)
- Plan 53R-20418
- Sewer and Water Capacity Assessment
- Review of Low Density Residential Trip Generation Rates

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, 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 30 units prior to construction of a public road connection to Maurice Street or Tuscany Trail, to enable the development of row dwellings units or semi-detached dwelling units. The application also proposes to add the row dwelling built form in the R3-1(23) zone, and site-specific relief is requested for reduced site-yard setbacks, reduced courts, reduced privacy yards, the elimination of a planting strip, and reduced drive aisle width (applicant’s Schedule C is appended).

## **Location and Site Description:**

The subject property is described as PIN 73478-1214 & 73478-1229, 53R-20418, Parts 8, 9 & 11-13, Plan 53R-20418, Block 14, Plan 53M-1432, Lot 4, Concession 5, Township of Broder, which comprise the undeveloped lands in this area and are approximately 9 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. The lands are to be accessed and serviced through the existing Billiard's Green development and through a private driveway extending south from the end of Billiard's Way. 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: medium density residential use known as the Billiard's Green development, and further east is a 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 August 20, 2024. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out on October 31, 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 phone call from one individual and several written comments from another individual pertaining to the location of access for the new units.

### *Policy & Regulatory Framework:*

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

- [2024 Provincial Planning Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Planning 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 Planning 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 Planning Statement (PPS).

Several sections of the PPS are relevant to the application.

Policy 2.2.1 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

Policy 2.3.1.1 states that settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

Policy 2.3.1.2 states that land use patterns within settlement areas should be based on densities and a mix of land uses which:

a) efficiently use land and resources;

b) optimize existing and planned infrastructure and public service facilities;

c) support active transportation;

d) are transit-supportive, as appropriate; and

e) are freight-supportive.

### **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:**

The development standards for the R3-1 zone require a maximum height of 11 m for a row dwelling or semi-detached 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). 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% for a row dwelling or semi-detached dwelling. 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, and semi-detached dwellings require 1 space per unit, for a total of 38 spaces for 24 row dwellings and 2 semi-detached units (24\*1.5 + 2\*1).

For row and multiple dwellings, the minimum court required between opposing walls of one or more multiple or row dwellings on the same lot shall be equivalent to 50 percent of the height of the higher of such walls, but not less than:

- (i) 15.0 metres, where both walls contain balconies or windows into a habitable room;
- (ii) 7.5 metres, where only one of such walls contains balconies or habitable room windows; or,
- (iii) 3.0 metres, where neither of such walls contains balconies or habitable room windows, or in the case of opposing building corners.

## **Site Plan Control:**

A Site Plan Control Agreement is required for the proposed development.

## **Previous Applications**

The subject lands were part of previous Rezoning & Plan of Subdivision Applications [751-6/12-04](#) & [780-6/12002](#), were approved to permit 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.

Rezoning Application [751-6/23-18](#) was approved 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

## **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.

Strategic & Environmental Planning Initiatives, and Transit Services advises they have no comments on this application.

Building Services can advise that they have no objection with the re-zoning proposal to permit the additional units and to permit row dwelling units. It should be noted that the current concept plan indicates 26 additional units. For the site-specific relief, they have the following comments:

- The main driveway access between Blocks 17/18 & Block 19, and between Blocks 20 & 21, must provide clear access for Fire Department vehicles, which is a minimum of 6.0m.
- All requested relief for setbacks, court yards and privacy yards will have impact on the building construction in terms of permitted materials and fire protection requirements. Approval through the zoning application will not negate these requirements, and we recommend a fulsome review with the consultants prior to application for Building Permit.
- In consideration of the 26 units indicated for this phase, 39 parking spaces are required where 38 are currently shown.

Conservation Sudbury does not oppose the Rezoning and provides the following comments regarding the future application for Site Plan Control Agreement:

As part of a complete application for Site Plan Control, the proponent must provide:

1. A wetland delineation that is accompanied by a report from a qualified professional (OWES-certified). The boundary of the wetland and both a 12-m area of interference and 30-m area of interference must be shown on the plans.
2. A lot grading plan that demonstrates compliance with the requirements for development within the area of interference of a wetland.
  - a. The lot grading plan and site plan must show that no development is proposed within the 12-m area of interference.
  - b. Where the buffer has previously been impacted through fill placement, a restoration plan will be required.
  - c. A plan to fully prevent impacts to the 12-metre area of interference of the wetland during construction.
  - d. A mechanism to prevent long-term encroachment into the area of interference.
  - e. Sediment control measures to mitigate impacts to the wetland during construction.
3. An erosion and sediment control plan.

Should the development be phased such that only units further from the wetland would be developed in a first phase (those being units 1 to 12 on the supplied concept plan), as part of a complete application for development of units 1 to 12 the proponent must provide a plan to fully prevent impacts to the 30-metre area of interference of the wetland during construction.

Roads, Transportation & Innovation, Active Transportation and Roads Operation had no concerns with the application.

Drainage staff advises that for the Site Plan Control Agreement application a stormwater management design brief is required to confirm the existing pond, constructed as part of Phase 2 & 3, is adequate to address the enhanced quality and post to pre quantity controls required for Phase 4. Otherwise, a revised Storm Water Management report will be required.

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 (2024), 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 30 row dwelling units or semi-detached dwelling units to be added to the existing Billiard's Green development known municipally as 250 Billiard's Way, for a total of 94 row dwelling units. A total of 104 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.

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. Staff acknowledges the document called 'Review of Low Density Residential Trip General Rates that was supplied by the applicant, and which summarizes surveys completed to demonstrate that row dwellings and semi-detached dwellings generate less traffic than single detached dwellings. The roads to the west where the connection would have been provided (to Maurice Street or Tuscany Trail) remain undeveloped. Infrastructure Capital Planning Services had previously indicated no concerns with the additional 19 units approved through CGS File 751-6/23-18. Further, they have indicated no concerns with the proposed



amendment to the holding zone to allow the additional 30 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 dwelling units or semi-detached dwelling units 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 dwelling units or semi-detached dwelling units 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. 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.

The amount of site-specific relief that is requested to enable the development is relatively significant but, combined, would allow for an additional block of 4 units to be included in the development (Block 20). The applicant has indicated that they have worked with their architectural professional to ensure that Ontario Building Code requirements can be met with the zoning relief proposed. Building Code requirements will be further evaluated by Building Services at the time of a building permit application. Staff recommends that the majority of the proposed zoning relief is appropriate, and also that a screening device between the new development and future low density development to the north be eliminated to preserve an 'open' feel in the area given the limited space. However, staff is unable to support the proposed request for 30 units given the concept plan only illustrates that 26 units can be accommodated on the site. Also, further to comments from Building Services, staff does not recommend approval of a reduced drive aisle width since the minimum 6.0 m must be maintained to accommodate emergency vehicles, and has instead recommended a reduced privacy yard setback to offset the required driveway width.

### **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 26 units prior to construction of a public road connection to Maurice Street or Tuscany Trail

- To amend the “H40R3-1(23)”, Medium Density Residential Special – Holding zone, to additionally permit row dwelling units and site-specific relief for reduced privacy yards and reduced corner side yard setback; and
- To amend the “H40R3-1”, Medium Density Residential Special – Holding zone, to provide site-specific relief for reduced courts, reduced privacy yards, reduced corner side yard setback and elimination of a screening device.

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 row dwellings and semi-detached 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 Planning 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.