

## 3692 Highway 144, Chelmsford

Presented To:	Planning Committee
Meeting Date:	October 7, 2024
Type:	Public Hearing
Prepared by:	Bailey Chabot Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/24-06

## Report Summary

This report provides a recommendation regarding an application to amend the City of Greater Sudbury's Zoning By-law 2010-100Z in order to permit the construction of ten multiple dwelling units and to address a split zoning as a result of a lot addition.

This report is presented by Bailey Chabot, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Devla Properties Inc., Chemy Holdings Inc., Northern Home Builders and Renovators Inc., and 7055579 Canada Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "C2", General Commercial and "R3(74), Medium Density Residential Special to "C2(S)", General Commercial Special on lands described as:

1. PIN 73349-1207, Part Lot 1, Parcel 15796, Concession 3, Township of Balfour (3692 Highway 144, Chelmsford); and
2. 360 square metres southwest portion of PINs 73349-0828 & 73349-1238, Parcel 20990 and 15433 SEC SES, Survey Plan SR-2980 Part (s) 1, Lot Part 1, Concession 3, Township of Balfour (3702 Highway 144, Chelmsford);
3. 130 square metres east portion of PIN 73349-2167, Survey Plan 53R-21466 Part(s) 3, Lot Part 1, Concession 3, Township of Balfour (0 Highway 144, Chelmsford); and,
4. 475 square metres west portion of PIN 73349-2165, Survey Plan 53R-21322 Part(s) 1, 2, and 3, Lot Part 1, Concession 3, Township of Balfour (0 Highway 144, Chelmsford)

As outlined in the report entitled "3692 Highway 144, Chelmsford", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 7, 2024, subject to the following conditions:

1. That the amending by-law include the following site-specific provisions:
  - a. A minimum lot frontage of 19.0 metres be permitted;

- b. A minimum two-way drive aisle of 3.5 metres be permitted; and,
  - c. A planting strip not be required for the northerly and westerly property lines when the subject lands contain only residential uses.
- 2. That the certificates for Consent Applications B0043/2024, B0044/2024, and B0045/2024 be issued and registered on title to the satisfaction of the Director of Planning Services.
  - 3. That the conditional approval expires October 8, 2026.

## **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 proposal represents redevelopment of an existing lot and is therefore consistent with the goals and objectives of the Strategic Plan. As the proposal promotes a mix of density in a built-up area the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

## **Financial Implications**

If approved, staff estimates approximately \$39,500 in taxation revenue, based on the assumption of 10 multiple dwelling units based on an estimated assessed value of \$275,000 at the 2024 property tax rates.

This 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 at the time of permit issuance.

# Staff Report

## PROPOSAL:

An application for Zoning By-law Amendment has been submitted to address a split zoning as a result of lot additions and to accommodate the development of 10 multiple dwelling units. Relief has been requested to permit a reduced lot frontage of 19.0 metres, a minimum two-way drive aisle width of 3.5 metres, and a 3.0 metre wide planting strip adjacent to the northerly and westerly property lines not be required for residential uses.

## **Location and Site Description:**

The subject parcel is legally described as:

1. PIN 73349-1207, Part Lot 1, Parcel 15796, Concession 3, Township of Balfour (3692 Highway 144, Chelmsford);
2. 360 square metres southwest portion of PINs 73349-0828 & 73349-1238, Parcel 20990 and 15433 SEC SES, Survey Plan SR-2980 Part (s) 1, Lot Part 1, Concession 3, Township of Balfour (3702 Highway 144, Chelmsford);
3. 130 square metres east portion of PIN 73349-2167, Survey Plan 53R-21466 Part(s) 3, Lot Part 1, Concession 3, Township of Balfour (0 Highway 144, Chelmsford); and,
4. 475 square metres west portion of PIN 73349-2165, Survey Plan 53R-21322 Part(s) 1, 2, and 3, Lot Part 1, Concession 3, Township of Balfour (0 Highway 144, Chelmsford)

Consent applications B0043/2024, B0044/2024, and B0045/2024 have been conditionally approved to permit lot additions that would align with the proposed area of rezoning.

The lands subject to rezoning are located on the northern side of Highway 144 in the town of Chelmsford, west of Municipal Road 15 and east of Edward Avenue. The lands subject to this application are 'L' shaped, with a frontage of 19.0 metres along Highway 144, with a depth of 75.59 metres (248 feet) and area of 1,812.27 metres squared. The parcel currently contains multiple dwellings within a single structure. The applicant is proposing to demolish the structure to allow the construction of the ten multiple dwelling units proposed.

The parcel is located in a mixed use commercial area where the predominant uses are a mix of medium density residential built forms and commercial uses.

**Existing Zoning:** "C2", General Commercial and "R3(74), Medium Density Residential Special

Both the "C2", General Commercial and "R3(74), Medium Density Residential Special zones would permit the development of ten multiple dwelling units. However, to accommodate the proposed development, and to correct the split zoning, the applicant has applied to rezone the lands.

**Requested Zoning:** "C2(S)", General Commercial Special

The rezoning is being pursued to allow for the construction of ten (10) multiple dwelling units with the requested relief for a reduced lot frontage, a reduced two-way drive aisle, and the removal of the requirement for a 3.0 metres wide planting strip adjacent to residential properties to the north and west when the uses on the subject parcel are residential. The full list of permitted uses is listed in Part 7.2, Table 7.1 – Permitted Residential Uses of the City's Zoning By-law while the associated development standards associated with the "C2" zone are outlined under Part 7.3, Table 7.3 – Standards for Commercial Zones.

### **Surrounding Land Uses:**

North: Adjacent – Medium density residential and general commercial zoned land  
Further North – Medium density residential and vacant lands for future development

East: Adjacent – Commercial uses  
Further East – Commercial uses

South: Adjacent – Highway 144  
Further South – Commercial uses

West: Adjacent – Medium density residential uses  
Further West – Commercial and institutional uses

The existing zoning and location map are attached to this report and together indicate the location of the parcel subject to the Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

A site visit was conducted July 19, 2024 and site photos generally depict an existing multiple dwelling building with no landscaping and limited parking, surrounded by medium density residential and commercial uses.

### **Concurrent Applications**

The proponents have made applications for lot additions and one easement for access purposes through files B0033/2024, B0044/2024, and B0045/2024. These applications are to permit lot additions consistent with the attached concept plan from three adjacent parcels.

### **Public Consultation:**

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 August 6, 2024. The statutory Notice of Public Hearing dated September 12, 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 public comment has been received.

### **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 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. Resilient development and land use pattern policies set forth in section 1.1.1 state that healthy, liveable and safe communities are sustained by promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.
2. Settlement area policies set forth in section 1.1.3.2 state that settlement areas shall be the focus of growth and development and that land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, infrastructure, and minimize negative impacts to air quality and climate change.
3. Settlement area policies identified in section 1.1.3.6 require that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

## **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. There are no policies that are relevant to this application, therefore the application does not conflict with the Growth Plan.

## **Official Plan for the City of Greater Sudbury:**

The Official Plan defines 'intensification' as the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant or underutilized lots, infill and the expansion or conversion of existing buildings. The proposed development is considered intensification as additional units are proposed.

Policy 2.3.3.4. permits medium scale intensification in Town Centres, Secondary Community Nodes, Regional Corridors and Mixed Use Commercial corridors. Policies 2.3.3.7. and 2.3.3.8. permit intensification where suitable infrastructure exists and that is compatible with the existing and planned character of an area. Policy 2.3.3.9. provides criteria that must be considered when evaluating intensification, and include items such as the suitability of the site in terms of size and shape of the lot and the availability of infrastructure.

The subject land is designated as Mixed Use Commercial, which permits a balance of mixed uses including commercial, institutional, residential, and parks and open space through the rezoning process. Policy 4.3 promotes:

- a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors; and,
- land assembly for consolidated development.

Policies in 4.3.1 require that new development in the Mixed Use Commercial designation meet the following criteria:

- sufficient water and wastewater be available with adequate parking available on-site;
- no new access to arterial roads and that the carrying capacity of arterial roads are not significantly affected;
- sufficient landscaping is provided; and,
- policies of sections 11.3.2 and 11.8, and 14.0.

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

While the existing C2, General Commercial zone does permit the development of the proposed multiple dwelling units, the lot additions from the three abutting parcels create a split zone situation in which the single parcel would include multiple zones. Additionally, the proponent is requesting relief to accommodate the proposed development as noted elsewhere in the report. As such, the applicant is pursuing a C2-S, General Commercial Special zone.

### **Site Plan Control:**

The proposed development is fewer than 11 units therefore it is not subject to site plan control. The adjacent parcel at 3702 Highway 144, Chelmsford has an existing site plan application this is not impacted by this proposed development.

### **Department/Agency Review:**

The application, including relevant accompanying materials, has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, Conservation Sudbury, Drainage, Roads, Roads Operations, and Strategic and Environmental Planning each advised that they have no concerns from their respective areas of interest.

Development Engineering has no objection to the proposed development and note that the site is serviced by municipal water and wastewater. Staff noted that a lot grading plan will be required through the building permit stage.

Transportation and Innovation Support has indicated that they do not have any concerns with the application provided that the proposed right-of-way is established and the proponent is successful in their lot additions to allow for additional parking and refuse storage.

There was no opposition to the proposed rezoning identified by any circulated department or agency.

### **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 the applicable policies, including issues raised through agency and department circulation.

The proposed development represents a density of just over 55 units per hectare, which is considered medium density, and represents an intensification of the existing site.

The PPS contains policies that are relevant to this application as noted in earlier sections. The proposed rezoning conforms to these policies as this development represents an intensification of use and development of lands that are within the settlement area and adjacent to other commercial and residential uses, representing an effective development pattern and a minimization of land consumption and servicing costs (policy 1.1.1).

The rezoning is consistent with the policies of 1.1.3.2 and 1.1.3.6 as the parcel is within the settlement area and is serviced by an existing municipal right-of-way, being Highway 144. Adding to the existing mixed use corridor aids in creating a more compact, transit friendly area and represents an efficient use of land. This also helps to minimize negative impacts to air quality and climate change as there are existing roads, nearby services, and complimentary uses that support medium density residential.

Staff is of the opinion that this rezoning application is consistent with, and does not conflict, the Provincial Policy Statement, 2020.

The policies of section 2.3.3 Intensification permits medium density intensification in Mixed Use Commercial designations (2.3.3.5.). Policies 2.3.3.7. and 2.3.3.8. require that intensification occur where there are appropriate infrastructure and public service facilities, of which there are. Policies within 2.3.3 Intensification require that intensification be compatible with the existing and planned character of an area in terms of “siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas”. The proposed development includes two storey multiple dwelling units with sufficient parking and landscaping, and fits within the context of existing development in the area.

Policy 2.3.3.9. identifies criteria to be used to evaluate applications for intensification. Staff is of the opinion that the proposed development complies with these criteria, including the suitability of the site in terms of size and shape of the lot, the availability of existing and planned infrastructure and public service facilities, and the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation.

The policies of 4.3 Mixed Use Commercial require that new development provide adequate services, such as water and wastewater and parking, all of which are provided. No new access to Highway 144 is proposed as a result of this development and there is a negligible impact on the carrying capacity of Highway 144 as a result of this development. The existing landscaping along Highway 144 will be maintained.

The proposed development provides additional housing along a primary arterial road (Highway 144) increasing transit opportunities and support, consistent with policies in 11.3.2. The creation of additional dwelling units in a mixed use area creates accessibility opportunities for folks with reduced mobility, consistent with policies in 11.8.

The policies of 14.0 Urban Design relate to appropriate design of the site, integration within the surrounding area, accessibility, the fostering of public transit, and improving connectivity. Staff are satisfied that the proposed development is consistent these policies and complies with the Official Plan.

#### Requested Relief

The proposed development of ten (10) multiple dwelling units is unable to meet the standards of the C2, General Commercial zone and other applicable sections of the Zoning By-law. To remedy this, the applicant has requested relief from the following standards:

- a reduced frontage of 19.0 metres, where 30.0 metres of frontage is required;
- a minimum two-way drive aisle width of 3.5 metres, where a 6.0 metres is required;
- a 0 metres wide planting strip adjacent to the northerly and westerly property lines when the subject lands contain only residential uses, where a 3.0 metres planting strip is required.

Staff has reviewed the requested relief and is generally supportive, as the current frontage is 0 metres, there is an easement proposed that would allow for two-way traffic to pass, and the northerly and westerly properties are themselves medium density residential.

Given the above noted analysis, staff recommends approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, does not conflict with the Growth Plan for Northern Ontario, conforms to the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

**CONCLUSION:**

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.