
PLANNING JUSTIFICATION

BRIEF

1253 MARTINDALE ROAD
ZONING BY-LAW AMENDMENT

November 2025

Prepared by: TULLOCH

1.0 INTRODUCTION

TULLOCH is retained by 2538085 ONTARIO INC. as the current owner of those lands known municipally as 1253 Martindale Road in the City of Greater Sudbury to prepare a Planning Justification Brief in support of an application to rezone the subject lands from R2-2, Low Density Residential Two to R3(S), Medium Density Residential Special to facilitate the development of a 10-unit row dwelling building on the subject property.

This report reviews the consistency and conformity of the application in the context of the applicable policies and direction found within the following municipal and provincial documents and plans:

- [*Provincial Planning Statement \(2024\) \(PPS\)*](#)
- [*Growth Plan for Northern Ontario \(GPNO\)*](#)
- [*City of Greater Sudbury Official Plan \(OP\)*](#)
- [*City of Greater Sudbury Zoning By-law 2010-100Z \(ZBL\)*](#)

This Planning Justification Brief is structured as follows:

Section 1.0: Introduces the proposed development and describes the purpose of this report.

Section 2.0: Provides a site description of the lands and surrounding land use planning context.

Section 3.0: Describes the proposed development.

Section 4.0: Outlines the land use planning policy context applicable to the lands including provincial and municipal planning documents.

Section 5.0: Provides a review of how the proposed development conforms to or is otherwise consistent with the policies outlined in Section 4.0.

Section 6.0: Provides a summary of the land use planning rationale for amending the City's Zoning By-law to accommodate the proposed development. The author of this report also summarizes their land use planning opinion and recommendation as it relates to the development proposal.

2.0 SUBJECT LANDS & SURROUNDING CONTEXT

The subject property is located on Martindale Road, off Regent Street in the City of Greater Sudbury. The property can legally be described as follows:

PART LOT 7 CONCESSION 2 TOWNSHIP OF MCKIM, PARTS 11 AND 13, 53R21641 AND PART LOT 24 PLAN M145 TOWNSHIP OF MCKIM, PART 7, 53R21641; TOGETHER WITH AN EASEMENT OVER PART LOT 24 PLAN M145 TOWNSHIP OF MCKIM, PARTS 3 TO 6, 53R21641 IN FAVOUR OF PART LOT 24 PLAN M145, PART 7, 53R21641 AS IN SD518136; CITY OF GREATER SUDBURY (PIN 73589-0865)

The property is currently designated Living Area 1 in the OP and zoned Low Density Residential Two (R2-2) in the Zoning By-law. Martindale Road is designated as a collector road under Schedule 7 – Transportation Networks of the OP. The lands are also fully serviced by municipal water and sanitary services along Martindale Road.

The property benefits from GOVA Transit Route 29, which runs along Martindale Road. Transit Route 29 is scheduled to run hourly on both weekdays and weekends. The surrounding area primarily consists of a mix of low and medium density residential uses and commercial uses along Regent Street. The immediate surrounding area can be described as follows:

NORTH: Glad Tidings Church, low & medium density residential uses

EAST: Regent Street, Lockerby Composite School, mix of low, medium & high density residential areas, Walford Road

SOUTH: Low & medium density residential uses, mix of commercial uses along Regent Street

WEST: Low density residential areas along Marcel Street & Southview Drive, Lands zoned Open Space Private (OSP)



Figure 1 - Subject Property & Surrounding Context

3.0 PROPOSED DEVELOPMENT

The application proposes to rezone the subject property from Low Density Residential Two (R2-2) to Medium Density Residential Special (R3(S)) to facilitate the development of a two-storey 10-unit row dwelling building on the subject property as shown in Figure 2 – Concept Plan.

Each of the units will feature 2-bedrooms.

A parking ratio of 1.5 parking spaces per unit will be provided for a total of 15 parking spaces (including 1 accessible parking space).

The proposed development would result in a density of approximately 33 units per hectare.

As part of the rezoning application, site-specific relief is being requested to accommodate the proposed development:

- Minimum interior side yard setback of 1 metre for a retaining wall with a height of 4 metres adjacent to the property's most southerly side lot line, whereas 1.2 metres is required
- Maximum height of 5.5 metres for a retaining wall adjacent to PIN 73589-0864, whereas 5 metres is required
- Minimum interior side yard setback of 0.5 metres for a retaining wall with a height of 5.5 metres adjacent to PIN 73589-0864, whereas 1.2 metres is required
- Minimum front yard setback of 0 metres for a retaining wall with a height of 5.5 metres, whereas 6 metres is required
- 0 metre planting strip abutting the property's rear lot line
- 0 metre planting strip with a 1.5 metre opaque fence abutting the property's most southerly side lot line and PIN 73589-0864
- Maximum of 10 dwelling units be permitted in a building containing row dwellings, whereas 8 dwelling units are permitted
- Minimum privacy yard of 4 metres, whereas 7.5 metres is required

NOTE: THIS SCHEMATIC LEVEL PLAN IS INTENDED FOR INFORMATION ONLY AND MAY NOT NECESSARILY REFLECT FULL BUILDOUT CONDITIONS WHICH ARE SUBJECT TO CHANGE WITH THE PREPARATION OF A SITE GRADING DESIGN AND OTHER PLANS SUPPORTIVE OF BUILDING PERMIT.

THIS SCHEMATIC LEVEL PLAN MAY NOT SHOW THE FULL EXTENT OF RETAINING WALL STRUCTURES AND OTHER SITE FEATURES THAT MAY BE REQUIRED. THOSE WILL BE DETERMINED AT DETAILED DESIGN.

PROPOSED ROCK CUTS SHOWN MUST BE CERTIFIED BY OTHERS AND CONSIDERATION MUST BE MADE FOR ROCK FALL HAZARDS WHERE IN PROXIMITY TO DWELLINGS AND OTHER SITE FEATURES.

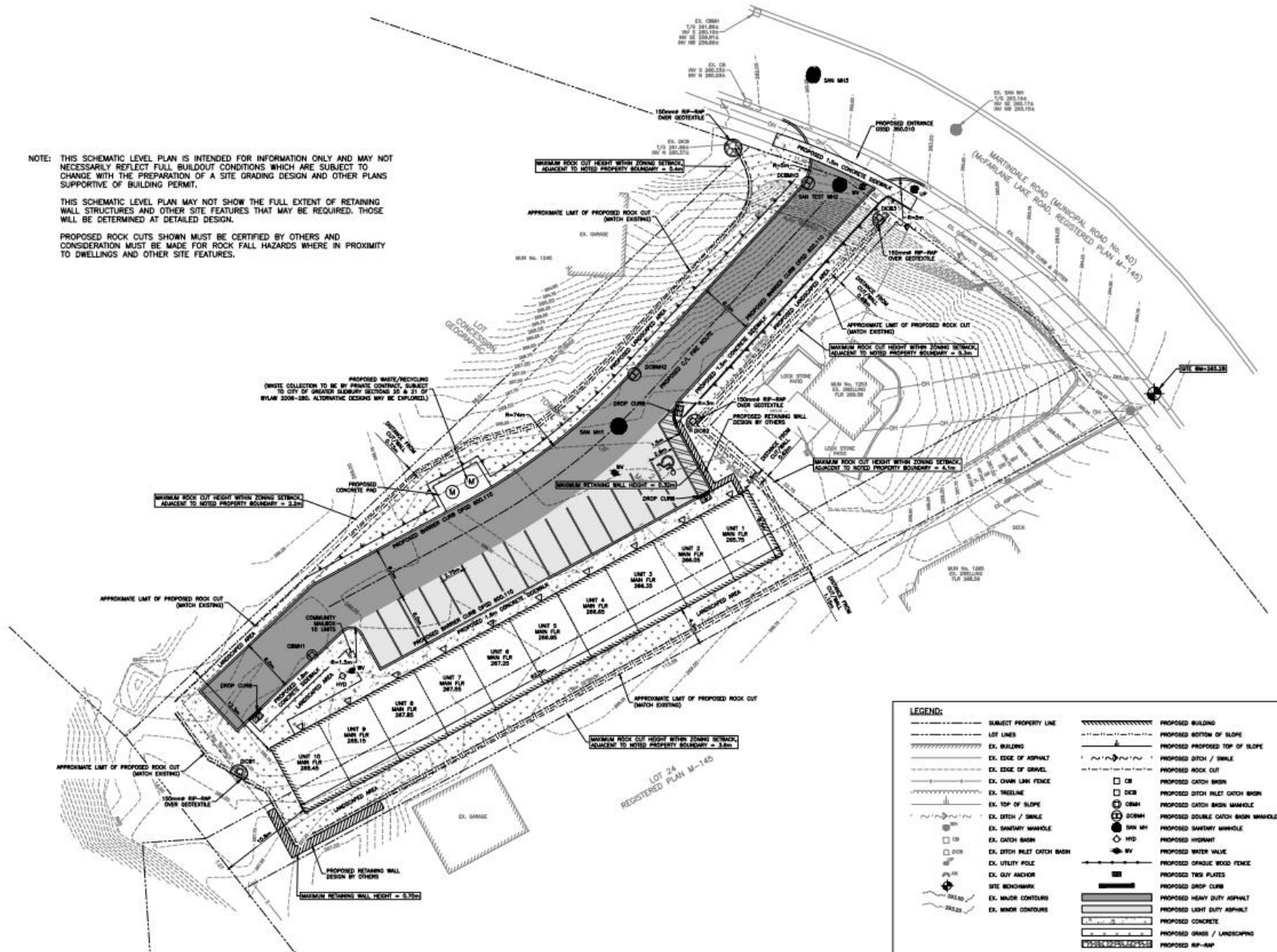


Figure 2 - Concept Plan

4.0 RELEVANT PLANNING POLICIES

The following section sets out the relevant planning policy framework to assess the appropriateness of the proposed application in the context of Provincial and Municipal policies and regulations.

4.1 | PROVINCIAL PLANNING STATEMENT, 2024

Per Section 3 of the Planning Act, 1990 R.S.O., all planning decisions shall be consistent with the PPS. OP policies applicable to the proposed rezoning are outlined below:

- 2.1.6** *Planning authorities should support the achievement of complete communities by:*
- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*
- 2.2.1** *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 well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;*
 - 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*

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

- 2.3.1.1** *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.*
- 2.3.1.2** *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;*
- 2.3.1.3** *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*
- 2.3.1.4** *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.*
- 2.4.1.1** *Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.*
- 2.4.1.3** *Planning authorities should:*
- c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;*
- ...
- 3.6.2** *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

4.2 | GROWTH PLAN FOR NORTHERN ONTARIO

The *Growth Plan for Northern Ontario* (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. It contains policies to guide decision-making surrounding growth that promote economic prosperity, sound environmental stewardship and strong sustainable communities that offer northerners a high quality of life.

GPNO policies applicable to the proposed rezoning are outlined below:

- 3.4.3** *Municipalities are encouraged to support and promote healthy living by providing for communities with a diverse mix of land uses, a range and mix of employment and housing types, high-quality public open spaces, and easy access to local stores and services.*

4.3 | CITY OF GREATER SUDBURY OFFICIAL PLAN

The *City of Greater Sudbury Official Plan (OP)* is the principal land use planning policy document for the City of Greater Sudbury. The OP establishes objectives and policies that guide both public and private development/decision-making. OP policies applicable to the proposed rezoning are outlined below:

- 2.3.2.1** *Future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas.*
- 2.3.2.2** *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.*
- 2.3.2.3** *Intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.*
- 2.3.2.4** *The Settlement Area is more than adequate to meet short, medium and long term land needs. No Official Plan amendments for the expansion of areas designated Living Area I will be considered until a comprehensive review is undertaken.*
- 2.3.3.1** *All forms of intensification are encouraged in accordance with the policies of this Plan.*
- 2.3.3.2** *The City will aim to accommodate 20 percent of future residential growth and development through intensification within the Built Boundary.*
- 2.3.3.5** *Intensification and development is permitted in established Living Area I lands, in accordance with the policies of this Plan.*
- 2.3.3.7** *Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities.*
- 2.3.3.8** *Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal.*

- 2.3.3.9** *The following criteria, amongst other matters, may be used to evaluate applications for intensification:*
- a. the suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;*
 - b. the compatibility proposed development on the existing and planned character of the area;*
 - c. the provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;*
 - d. the availability of existing and planned infrastructure and public service facilities;*
 - e. the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;*
 - f. the impact of traffic generated by the proposed development on the road network and surrounding land uses;*
 - g. the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;*
- 3.2.2** *Medium density housing is permitted in all Living Area I designations where full municipal services are available.*
- 3.2.3** *New residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.*
- 3.2.1.2** *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.*
- 3.2.1.3** *Medium 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.*
- 3.2.1.4** *Medium 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.*
- 3.2.1.5** *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,

d. the impact of traffic on local streets is minimal.

Applications for intensification in established Living Area I lands are also subject to Section 2.3.3.

3.2.2.1 *New development in Living Area I will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

11.3.2.2 *Development proposals will be reviewed to ensure efficient transit routing so that all dwellings in the development are ideally within 500 metres walking distance of a bus stop.*

11.3.2.4 *Buildings should be sited as close to the street as possible to reduce walking distances for transit users.*

12.2.2 *Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserviced or partially serviced areas where different land use and servicing policies apply.*

1. Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including the adequacy of fire flows.

14.3.1 *The City will encourage community and neighbourhood design that:*

a. creates a distinctive community character and strong sense of place;

b. integrates a mix of land uses such as living areas, employment areas, institutional uses and parks and open spaces;

c. fosters active transportation and public transit;

14.4.1 *Development and intensification will be located and organized to fit with its existing or planned context. It will frame and support adjacent streets, parks and open spaces to improve activity, comfort and safety by:*

a. generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner

site, development and intensification should be located along both street frontages and give prominence to the corner. On a site that terminates a street corridor, the development should acknowledge the prominence of that site;

b. massing buildings to define the edges of streets, parks and open spaces in good proportion;

c. creating appropriate transitions in scale to neighbouring existing or planned buildings;

d. locating main building entrances so that they are clearly visible and easily accessible from the public sidewalk;

e. providing ground floor uses that have views into surrounding streets, parks and open spaces; and,

f. minimizing shadowing and uncomfortable wind conditions on surrounding streets, parks and open spaces to preserve their utility.

14.4.2

Development and intensification will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and the public realm by:

a. minimizing the number of curb cuts and driveways that cross the public sidewalk;

b. limiting surface parking between the front face of the building and the public street and sidewalk;

c. locating servicing and utilities towards the sides or rear of the building and screening the servicing from views from adjacent streets;

d. integrating servicing and utility functions within the building, where possible; and,

e. providing adequate landscaping and buffering between adjacent properties.

5.0 PLANNING RATIONALE

The following section of this report provides a summary of the proposed Zoning By-law Amendment with respect to the applicable policy and regulatory framework detailed above.

5.1 | APPROPRIATE USE OF THE LANDS

The application proposes to rezone the subject lands from R2-2, Low Density Residential Two to R3, Medium Density Residential to facilitate the development of a 10-unit row dwelling building on the subject property. The subject property is located within the City's settlement area and built boundary and is located within established Living Area I lands. The intent of the PPS and OP is for future growth

and development to be focused within settlement areas. Per **Section 2.3.3.5** of the OP, medium density housing is permitted within the Living Area 1 designation. It is also the intent of **Section 3.2** to accommodate medium density housing within the Living Area 1 designation. Therefore, it is the authors' opinion that the proposed development represents an appropriate use of the lands.

Section 3.2.2 of the OP states that medium density housing is permitted in the Living Area 1 designation where full municipal services are available. Per OP Schedule 10 – Sewer and Water, the subject property is fully serviced by municipal sewer and water services. It was also confirmed by Development Engineering that there is available water and sewer capacity to support the proposed development.

With regard to rezoning lands within the Living Area 1 designation, **Section 3.2.1.5** outlines criteria that must be met for the consideration of such applications. It is the authors' opinion that the proposed development meets these criteria because:

- The property is suitable for limited medium density residential development given its size, shape and topography which allows for the development of linear shaped housing forms such as row dwellings;
- The proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, etc. as it proposes a 2-storey medium density development within a mix of existing low and medium density residential uses while providing a compatible height;
- Adequate on-site parking, lighting and landscaping will be provided as shown on Figure 2 - Concept Plan; and
- No concerns regarding traffic to be generated by the proposed development were raised through the pre-consultation process.

Per **Section 3.2.1.3**, the subject property is located in proximity to public transit along Martindale Road.

5.2 | INTENSIFICATION

Intensification in the form of a range and mix of housing options should be supported per **Section 2.3.1.3** of the PPS in order to support the achievement of complete communities. Intensification within strategic growth areas is also permitted, per **Section 2.4.1.3** to support the achievement of complete communities. Per **Section 2.3.3**, the intent of the OP aligns with the PPS in that it aims to accommodate all forms of intensification within the built boundary that are compatible with the existing and planned character of the area, and on sites where existing or planned infrastructure is suitable. **Section 2.3.3.9** sets out more specific tests (criteria) for evaluating whether a location and site is appropriate for intensification. It is the authors' opinion that the application meets these tests given that:

- The property is suitable for limited medium density residential development given its size, shape and topographic considerations;
- The proposed development is compatible with the existing character of the surrounding area, being a mix of low and medium density residential uses;
- The proposed retaining walls/engineered rock faces would not result in retaining walls overlooking adjacent residential dwellings given that the proposed development and access driveways would be sited at a lower elevation than existing surrounding dwellings;
- The proposed development is to include the provision of on-site landscaping;
- Adequate ingress/egress will be provided on the property from Martindale Rd;

- The property is fully serviced by municipal sewer and water services, and available capacity has been confirmed, allowing for the efficient use of available infrastructure;
- No concerns regarding traffic to be generated by the proposed development were raised through the pre-consultation process; and
- The proposed development would contribute to the enhancement of existing public transit and active transportation infrastructure.

Per **Section 3.2.1.2**, medium density residential development up to a maximum net density of 90 units per hectare is permitted. The proposed development would result in a density of approximately 33 units per hectare.

It is the authors' opinion that the proposed density is an appropriate intensification of the site and would assist in the City's goal of accommodating 20% of future residential growth through intensification within the built boundary, per **Section 2.3.3.2** in proximity to transit, commercial, institutional and open space uses.

5.3 | SERVICING

Outlined in **Section 3.6** of the PPS is a hierarchy of service levels. Per the PPS and OP, municipal sewer and water services is the preferred servicing option for new developments. The subject property is fully serviced by municipal sewer and water services and through consultation with the City, it was confirmed by Development Engineering that there is available capacity to support the proposed development.

Section 11.3.2.4 states that buildings should be sited as close to the street as possible to reduce walking distances for transit users. Given the shape and topography of the property, the proposed building is located as close as possible to the street. A pedestrian connection to Martindale Road is also being proposed along the driveway to maintain accessibility and to facilitate the provision of public transit and active transportation.

The proposed dwelling units are located within 500 metres of a bus stop, being GOVA Transit Route 29 per **Section 11.3.2.2**.

5.4 | SITE DESIGN

Section 14 of the OP outlines urban design policies for development in the City of Greater Sudbury. The intent of such policies is to encourage well designed, high-quality development that is accessible, safe and sustainable. It is the authors' opinion that the application meets the intent of these policies given that:

- The proposed development represents intensification that is an appropriate transition in scale to existing neighbouring buildings;
- Given the topography of the subject property, the proposed building is proposed to be located as close to the street as possible, while maintaining accessibility to the public sidewalk via a pedestrian connection on the site;
- The proposed retaining walls/engineered rock faces would not result in retaining walls overlooking adjacent residential dwellings given that the proposed development and access driveways would be sited at a lower elevation than existing surrounding dwellings;

- The development proposes landscaping and buffering between abutting properties through the provision of a 1.8-metre wide planting strip and 1.5-metre tall opaque fence abutting the property’s most northerly side lot line, and a 1.5-metre tall opaque fence abutting the property’s most southerly side lot line and PIN 73589-0864. In addition, approximately 47% of the property is to be landscaped open space;
- The subject property is linked to the nearby school on Walford Road (Lockerby Composite School) via existing sidewalks along Martindale Rd, Regent St and Walford Rd.

5.5 | ZONING RELIEFS

It is the authors’ opinion that the proposed zoning reliefs sought through the application are appropriate and maintain the intent of *Zoning By-law 2010-100Z* as:

- The proposed retaining walls/engineered rock faces would be developed at a lower elevation than surrounding properties because of the cut required to enable the proposed development. Therefore, the retaining walls would not be overlooking adjacent residential dwellings, regardless of their height;
- Landscaping features in the form of planting strips and fences can still be provided where the subject property falls adjacent to existing low density residential dwellings. This would aid in providing a transition between low and medium density residential uses, in addition to the property being developed at a lower elevation than surrounding properties;
- 10-units can be accommodated in 1 building without triggering further zoning relief for density (minimum lot area), minimum required rear and interior side yard setbacks, maximum lot coverage and landscaped open space as demonstrated in Table 1 – Zoning Matrix Table; and
- A privacy yard between 4-4.3 metres is conducive to a more compact built form and the production of smaller residential units.

Table 1 - Zoning Matrix Table

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Depth	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Maximum Lot Coverage	Minimum Landscaped Open Space	Maximum Height
Provided	298.43 m ² per unit *(10-units per building)	19.8 m	104 m	> 6.0 m	10.8 m	2.8 m *(4.3 m privacy yard)	18%	47%	< 11.0 m
Required	150.0 m ² per unit (max. 8 units per building)	18.0 m	30.0 m	6.0 m	7.5 m	1.8 m (+ 7.5 m privacy yard)	40%	30%	11.0 m

6.0 CONCLUSION

The application proposes to rezone the subject property from R2-2, Low Density Residential Two to R3(S), Medium Density Residential Special to facilitate the development of a 10-unit row dwelling building on the subject property. It is the authors' opinion that the proposed rezoning application is appropriate as this report found that the application is consistent with the *2024 Provincial Planning Statement*, conforms with the *Growth Plan for Northern Ontario* and the intent of the *City of Greater Sudbury Official Plan*, and represents good land use planning.

A summary of the application and key points regarding its land use planning justification is outlined below:

- The proposed development would assist in the City's goal of accommodating 20% of future residential growth through intensification within the built boundary;
- The proposed development is compatible with the existing character of the surrounding area as it would contribute to the mix of housing options and densities in the area;
- The property is fully serviced by municipal sewer & water services, and available capacity has been confirmed. This would make more efficient use of existing municipal infrastructure;
- The development proposes landscaping and buffering between abutting properties through the provision of planting strips and fences to aid in providing a transition between low and medium density residential uses;
- The proposed building is located as close as possible to the street, given the existing shape and topography of the property;
- Although a medium density built form is proposed, the proposal results in a density of approximately 33 units per hectare which is well below the maximum 90 units per hectare envisioned for medium density developments in the OP; and
- The proposed zoning reliefs sought through the application are appropriate and maintain the intent of *Zoning By-law 2010-100Z* given the analysis provided in Section 5.5 of this report.

Respectfully Submitted,

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