

**Title: Marc & Louise Menard**

**Date: December 13, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

An application for rezoning has been received in order to permit a four-unit multiple dwelling. The applicant has indicated that there is no separate private independent access proposed from each unit to the northerly interior side yard. Based on Zoning By-law definitions, the housing type is therefore defined as a multiple dwelling.

**Existing Zoning:** "R2-2(34)", Low Density Residential Two Special

The property is currently zoned "R2-2(34)", Low Density Residential Two Special under [Zoning By-law 2010-100Z](#), which permits singles, semis and duplexes subject to the following provision:

- (i) The driveway for each pair of semi-detached dwelling units shall be centred at the common lot line.

**Requested Zoning:** "R3", Medium Density Residential

"R3", Medium Density Residential zoning permits a range of dwelling types, including singles, semis, duplexes, multiple dwellings and row dwellings. The minimum lot area required for a multiple dwelling is 110 m<sup>2</sup> per unit, which is equivalent to a maximum density of 90 dwelling units per hectare.

### **Location and Site Description:**

Part of PIN 73503-1678, Part 1, Plan 53R-20643 in Lot 3, Concession 3, Township of Hanmer (Emily Street, Hanmer)

The subject property is located on the east side of Emily Street in the community of Hanmer. The area is fully serviced by municipal water and sanitary sewer. Emily Street is designated as a Local Road and is constructed to a rural standard (no sidewalks, curbs or gutters). Public transit is available on MR 80, with transit stops located south of the subject land on both sides of MR 80.

The subject lot forms an interior lot and not a corner lot, as there is a remnant strip of land tied to the parent parcel that extends along MR 80. Total area is 1 070 m<sup>2</sup>, with 21 metres of frontage on Emily Street and a depth of 50 metres. The land is relatively flat and currently vacant.

Adjacent uses comprise low density housing on Emily Street, predominantly single detached dwellings. Vacant residential lands zoned for semi-detached dwellings abut to the north. Vacant rural lands are located to the east.

The subject property falls within Wellhead Protection Area (WHPA) B of the Valley Well Michelle (H).

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

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.

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The owner advised that adjacent property owners on Emily Street would be canvassed prior to the public hearing.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

## **POLICY & REGULATORY FRAMEWORK:**

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

- [2014 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy 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.

### **2014 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.

Section 1.1.3.3 addresses residential intensification within settlement area boundaries. Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Under Section 1.1.3.5, Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas.

### **2011 Growth Plan for Northern Ontario (GPNO):**

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.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses, including an appropriate range of housing types.

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

**Living Area 1**

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density developments, which are encouraged along major arterial roads. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- 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.

**Residential intensification**

Section 2.3.3 of the Plan addresses residential intensification in settlement areas. Intensification and development is permitted on established Living Area I lands. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with 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;
- h. the level of sun-shadowing and wind impact on the surrounding public realm;
- i. impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

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

The rezoning sketch demonstrates general compliance with the applicable provisions of the "R3", Medium Density Residential zone, with one exception. Relief is required for a landscaped open space area of 28% where 30% is required.

A planting strip is required along the northerly interior lot line where it abuts the R2-2 zone. The sketch illustrates a 1.8 metre-wide landscaped side yard in conjunction with a minimum 1.5 metre opaque fence, which meets the minimum standards for a planting strip. No separate access is proposed to the northerly side yard, and as such a privacy yard with a minimum depth of 7.5 metres is not required.

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**Site Plan Control:**

A four-unit multiple dwelling is not subject to Site Plan Control.

**Department/Agency Review:**

Building Services advised of their requirements at the building permit stage. Water/Wastewater Section (Source Protection Plan) indicated no concerns related to the proposed use of the site.

Roads Section and Development Engineering provided detailed comments addressing their requirements as part of the concurrent consent process.

**BACKGROUND:**

In 2015, the subject land was rezoned from "RU", Rural to "R1-5", Low Density Residential One in order to permit single detached dwellings on six (6) lots to be created through the consent process. The entire block on the east side of Emily Street was subsequently severed from the parent parcel, which extended north to Gravel Drive (Files 751-7/15-6 & B0019/2016).

The land was sold in April 2017 and the new owner (current applicant) obtained approval to rezone the entire block from "R1-5", Low Density Residential One to "R2-2(34)", Low Density Residential Two Special in order to permit semi-detached dwellings (File 751-7/17-6). The site-specific zoning requires driveways to be paired and centred at the common wall.

In 2019, the owner submitted applications for consent in order to sever to the two most southerly lots, including the land subject to this application (Files B0038/2019 & B0039/2019).

**PLANNING ANALYSIS:**

**Land use compatibility**

a) Density

The residential density is calculated at 38 dwelling units per hectare, which is appropriate given the existing low density character of the surrounding area. The resultant density aligns with the maximum density applied to low density areas under the Official Plan (36 du/ha). The size of the lot and the proposed built form, ultimately limit the intensity of use on this site.

b) Built form

The applicant is proposing a housing type that has become prevalent in recent years, being a one-storey, four-unit building in a row dwelling format constructed slab-on-grade. No common areas are proposed and curbside garbage and recycling pick-up is available for buildings with less than seven units. The one-level design is also suitable for persons with mobility issues. The proposed housing type forms a good fit with the existing physical character of the surrounding area.

c) Traffic impact

There is no significant traffic impact based on the small number of units. The subject site is directly adjacent to MR 80, which is designated as a Primary Arterial Road. Traffic and Transportation Section have no concerns related to traffic generation or off-site parking impacts.

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### Parking

Six (6) parking spaces are required for a four-unit multiple dwelling. In this case, each unit will have an attached garage, with two additional parking spaces provided in the easterly rear yard. The applicant has demonstrated that minimum parking requirements can be addressed on-site.

### Stormwater management

As a condition of the concurrent consent process, the owner submitted a Stormwater Design Brief prepared by exp Services Inc. The report addresses stormwater management for the entire block owned by the applicant, which will be subject to future consents for lot creation, with the intent to implement stormwater controls on-site. This approach has received preliminary approval by Drainage Section.

### Source Protection

The subject property is located within Wellhead Protection Area (WHPA) B of the Valley Well Michelle (H). Given that the development will be fully serviced, there are no significant drinking water threats that have been identified. The owner is advised that a Section 59 application under the [Clean Water Act](#) will be required at the building permit stage as a matter of procedure.

### Official Plan conformity

The proposal conforms to Official Plan policies related to residential intensification as follows:

- The site has sufficient area to accommodate the proposed fourplex and required on-site parking, excluding a minor reduction in the amount of landscaped open space;
- The subject property is directly adjacent to a Primary Arterial Road serviced by public transit;
- The area is fully-serviced by municipal water and sanitary sewer with no servicing constraints identified including adequate fire flows;
- The proposed lot is located at the entrance to an existing low density subdivision, which is a preferred location for residential intensification;
- The intensity of use and scale of development is appropriate given the proximity to low density housing, thereby addressing compatibility with the existing and planned character of the area.

### 2014 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

The subject property is located within settlement area boundaries in a fully serviced area designated for residential development and serviced by public transit. As an infill development, the project will contribute towards residential intensification targets required under the PPS. Furthermore, existing infrastructure is adequate to support development including sewer and water services.

The proposal will contribute towards the diversification of the housing supply in the Valley East Urban Area, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO.

The application is consistent with the 2014 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

### **CONCLUSION:**

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