

STAFF REPORT

PROPOSAL:

The application to amend the existing draft approved plan of subdivision proposes to reduce a parkland block area that is to be dedicated to the municipality from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres). The draft approved plan of subdivision will continue to include nine urban residential lots and the number of lots is not proposed to be increased. The draft plan of subdivision was initially approved by Council on January 15, 2018. The draft approved plan was previously supported by staff and approved by Council through concurrent rezoning and draft plan of subdivision applications (Files # 751-6/16-21 & 780-6/16002), which relied upon those policies found under Section 20.7.1 – Comprehensive Planned Unit Developments of the Official Plan for the City of Greater Sudbury. The previous [report](#) addressing the former rezoning and draft plan of subdivision applications is attached to this report for reference purposes.

The agent for the owner has submitted a revised draft plan of subdivision sketch and a covering letter providing a land use planning rationale for reducing the parkland block area to 1.42 ha (3.51 acres).

Existing Zoning: “OSP”, Open Space – Private

The only permitted use within the currently applicable “OSP” Zone is a park.

Conditionally Approved Zoning: “R1-5”, Low Density Residential One (on a portion of the lands)

The conditionally approved rezoning would implement the draft approved plan of subdivision and allow for the development of nine single-detached dwelling lots on the subject lands. The “R1-5” Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, a private home daycare and a single-detached dwelling. The “R1-5” Zone may also permit the establishment of a secondary dwelling unit and/or a home occupation. The balance of the lands would retain the current “OSP” zone classification.

Location and Site Description:

The subject lands are generally bounded by Copper Street to the north and to the west, Gino Street to the east, and Palladium Place and Corsi Hill to the south. Lorne Street is located further to the north. The draft approved plan of subdivision is to be accessed from Corsi Hill to the south of the lands. The lands have a total lot area of approximately 14.44 ha (35.67 acres) and have lot frontage onto both Corsi Hill and Gino Street. The lands are at present vacant.

Surrounding Land Uses:

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| North: | Low density urban residential, light and general industrial land uses. |
| East: | Light industrial land use (ie. Wholesale and manufacturing and offices) and low density urban residential land uses and a large block of privately owned open space in a naturally vegetated state. |
| South: | Low density urban residential land uses and parkland (ie. Tot Lot). |
| West: | Low density urban residential land use and several open space block of privately owned and conservation lands. |

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The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Public Consultation:

Section 51(45) of the [Planning Act, R.S.O. 1990, c. P.13](#) permits a municipality to change the conditions of draft approval for a plan of subdivision. Written notice of any changes are to be provided to the owner, any person or body that made a written request to be notified of changes to the conditions and to any other prescribed persons or public body.

The municipality is also required to give public notice where the changes to the draft approved conditions are not minor in nature. In this particular circumstance the changes were not considered to be minor in nature and therefore a Notice of Public Hearing dated October 19, 2019 was provided in the newspaper to the public outlining the proposed changes to the draft approved plan of subdivision.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff notes that the owner and/or agent has indicated on the application form that given the nature of the application they were not going to be conducting any public consultation in the community ahead of the public hearing.

At the time of writing this report, no phone calls, emails or letter submissions have been received by the Planning Services Division.

POLICY AND REGULATORY FRAMEWORK:

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

- [2014 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.

2014 Provincial Policy 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 2014 Provincial Policy Statement (PPS). Staff has reviewed the PPS and is satisfied that no matters of provincial interest are impacted should the amended and revised draft plan of subdivision be approved. Staff would further note that the previous staff report which initially approved the rezoning and currently draft approved plan of subdivision indicated that both were consistent with the PPS.

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Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to revise and amend the existing draft approved plan of subdivision applicable to the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Parks & Open Space in the Official Plan for the City of Greater Sudbury.

Certain lands within the Parks & Open Space designation are however identified as Comprehensive Planned Unit Development (CPUD) areas under Schedule 2c – Site Specific Policies of the City's Official Plan. These lands may be considered for residential CPUD subject to the policies contained under Section 20.7 of the City's Official Plan.

Section 19.7 – Comprehensive Planned Unit Developments outlines that in order to take advantage of the development potential of difficult sites, encourage infilling, and promote innovative development that might not be otherwise permitted under the Zoning By-law, a CPUD provision has been established in the City's Official Plan. CPUD not only allows flexibility in the development of lands with physical constraints, but may also be extended to conventional sites in order to enhance the economic viability of development, particularly major projects to be phased in over time. Site plan control is also applied to CPUD areas as a condition of development approvals.

Prior to the approval of any CPUD proposal, the owner is to demonstrate how a development proposal meets the intent and criteria established under Section 19.7.1 of the City's Official Plan. These criteria are as follows:

1. CPUD will be permitted only through an amendment to the City's Zoning By-law based on the submission of a detailed Concept Plan. Once final approval under the City's Zoning By-law is obtained, the owner must enter into a site plan control agreement pursuant to Section 41 of The Planning Act. The site plan control agreement will be consistent with the initial Concept Plan and subject to the site plan standards in Section 20.6 of the City's Official Plan. In considering an application under the CPUD provision, the City will have regard to the following factors beyond the normal rezoning criteria:
 - i) The use of the CPUD approach enables the preservation of unique environmental features, natural landscape, natural vegetation and topography on the site;
 - ii) The CPUD approach complements the natural character and built form of the surrounding area; and,
 - iii) The CPUD approach will provide the opportunity for dedicating a significant public parks and open space allotment beyond the required minimum. This is a voluntary process at the option of the owner.

The onus will be on the owner to provide a report that will accompany the application indicating why the CPUD approach is appropriate and how it satisfies the criteria stipulated in this section;

2. Through rezoning, the City may impose conditions or permit exemptions deemed appropriate in accordance with detailed development plans that do not necessarily conform to the provisions of a standard zoning district of the Zoning By-law;
3. Where an applicant also wishes to create a condominium development, an application for CPUD will be accompanied by an application for condominium approval;
4. CPUD may be applied to any parcel of vacant land having a minimum area of 3 ha (7.41 acres);
5. CPUD can be utilized to develop difficult sites with physical constraints such as hilltops, as well as conventional sites where a more flexible, multi-phase approach to land development is desirable;
6. The density standards of Section 3.2.1 will also apply. However, all housing types that meet the criteria of this section may be permitted. The City may also pass a by-law under the Planning Act authorizing increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and,
7. The general rezoning criteria outlined in Section 2.3.2 of the City's Official Plan will also apply.

Under Section 19.7.2 of the City's Official Plan the following urban design criteria are to be considered for CPUD:

1. The built form will complement and blend with the natural topography. The design of the built form and its associated open space should be sensitive to the terrain and micro-ecology of the area such that natural drainage courses, natural vegetation, natural features such as unique rock formations, and wildlife habitats are preserved;
2. Significant viewpoints and the visual quality of higher elevations of the area are to be preserved and enhanced;
3. The design and construction techniques used for development on slopes and higher elevations will have regard for the natural terrain by minimizing the need for blasting and rock removal or the use of rock walls to stabilize the slope of a site. Site designs that respect natural slope contours and existing natural features, and utilize landform modifications that blend with the natural topography are encouraged;
4. The public and private open space elements will be linked and integrated such that pedestrian walkway and bicycle trail systems linking streets, activity centres and open space systems could be easily developed; and,
5. Where incompatible land uses are found on abutting properties, the landscape plan shall illustrate how vegetation, berms or natural features will be used to buffer abutting sites.

Staff notes here that the previous applications for rezoning and draft plan of subdivision indicated that the proposed development was in conformity with the above CPUD policies. This report examines the requested change to reduce the size of the parkland block in the now draft approved plan of subdivision. The impacts that such a change would have on the above policies is discussed in detail later in this report.

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Zoning By-law 2010-100Z:

The owner is not requesting any further changes to the zoning classification that is currently applicable to the subject lands. The lands at present remain zoned “OSP”, Open Space –Private. The owner is also not requesting any changes to the related and conditionally approved rezoning application, which on the clearance of conditions would rezone a portion of the lands to “R1-5”, Low Density Residential One.

Existing Draft Plan of Subdivision Approval:

The existing draft approved plan of subdivision was initially approved by Council on January 15, 2018 with a lapsing date of January 18, 2021, unless an extension is otherwise granted by Council.

The existing draft approved plan of subdivision at present includes a total of nine urban residential lots on a cul-de-sac along with a parkland block in the rear having an area of 5.55 ha (13.71 acres).

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 and to formulate necessary documents for a revised and amended draft approved plan of subdivision should the application be approved.

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

Active Transportation, Building Services, Conservation Sudbury, Development Engineering, the City’s Drainage Section, Operations, and Roads, Traffic and Transportation have each advised that they have no concerns from their respective areas of interest.

Leisure Services has provided comment that the Green Space Advisory Panel did not identify any shortages of natural parkland in the area of the subject lands. The revised proposal will provide for natural parkland that is acceptable for their purposes and it is noted that the area is already serviced by natural parkland off Kelly Lake Road and Robinsion Drive, both of which are approximately 1 km (0.62 miles) away.

PLANNING ANALYSIS:

The 2014 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 in respect of the applicable policies, including issues raised through agency and department circulation.

With respect to the PPS, the proposed changes to the draft approved plan of subdivision do not impact or change the position of staff with respect to consistency with the PPS. It is the opinion then of staff that the amended and revised draft approved plan of subdivision would continue to be consistent with the PPS.

Staff in general has no concerns with respect to the proposed amended and revised draft plan of subdivision conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal to reduce the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) on the subject lands are discussed in detail below.

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With respect to those CPUD policies contained within Section 19.7.1 of the City's Official Plan, staff has the following comments:

1. Staff is satisfied that CPUD approach would not be compromised as the proposal will continue to enable preservation of the side slopes, natural landscape and natural vegetation that is present along the westerly portion of the subject lands that transitions toward Copper Street;
2. The side slope and a good portion of the hill top would continue to be preserved and no changes are proposed to existing lotting pattern and the termination of Corsi Hill in a cul-de-sac design;
3. Previously it was noted by staff that more than 75% of the lands would be dedicated parkland purposes, which well exceeded the minimum required 5% parkland dedication that could normally be achieved under the Planning Act. Staff note that the dedication would now amount to approximately 19.45% of the subject lands, which again exceeds the minimum required 5% parkland dedication that could normally be achieved under the Planning Act.

Staff is satisfied that no other policies found under Section 19.7.1 in this case are impacted by the request to amend and revise the draft approved plan of subdivision by reducing the size of the parkland block to be dedicated from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres).

Staff is of the opinion that none of the other CPUD policies are impacted at this time. The urban design criteria with respect to CPUD as outlined in Section 19.7.2 will continue to be appropriately addressed through the clearing of draft approval conditions and the previous approval and imposition of site plan control on the lands.

Staff is therefore of the opinion that the proposed revision to the existing draft plan of subdivision by reducing the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) conforms to the Official Plan for the City of Greater Sudbury.

CONCLUSION:

Staff has reviewed the development proposal to amend and revise the existing draft approved plan of subdivision by reducing the size of the parkland block to be dedicated to the municipality and is satisfied that no issues would result with respect to conformity with the Official Plan for the City of Greater Sudbury. The development proposal continues to also be generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff would again note that no concerns were raised by any agencies or departments with respect to the requested change to the draft approved plan of subdivision.

The following are the principles of the requested changes to the existing draft approved plan of subdivision:

- That Condition #1 in the existing draft plan approval document be amended to reference the revised plan as being the plan of subdivision prepared by Tulloch Geomatics Inc. and dated June 3, 2019; and,
- That Condition #31 be amended to reference Block 11 as being transferred to the City.

The Planning Services Division therefore recommends that the application to revise the existing draft plan approved subdivision by reducing the size of the open space block to be conveyed to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres) be approved in accordance with the resolution section of this report.