

Presented To:	Planning Committee
Presented:	Monday, Jul 06, 2020
Report Date	Friday, Jun 12, 2020
Type:	Public Hearings
File Number:	751-8/20-01

Request for Decision

1777232 Ontario Inc. – Application for Zoning By-law Amendment in order to facilitate the creation of one new urban residential lot and site-specific development standards for the proposed retained rural lands, 207 Niemi Road, Lively

Resolution

THAT the City of Greater Sudbury approves the application by 1777232 Ontario Inc. to amend Zoning By-law 2010 100Z by changing the zoning classification of the subject lands from “RU”, Rural to “R1-5”, Low Density Residential One and “RU(S)”, Rural Special on those lands described as PIN 73377-0038, Parcel 15561, Lot 8, Concession 5, Township of Waters, as outlined in the report entitled “1777232 Ontario Inc.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020, subject to the following conditions:

1. That prior to the passing of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services;
2. That the amending zoning by-law include the following site specific provisions:
 - a. That the north-westerly portion of the lands be rezoned to “R1-5” in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road; and,
 - b. That the remainder of the lands be rezoned to “RU(S)” in order to recognize the future retained lands having a minimum lot area of 0.87 ha (2.15 acres), a minimum lot frontage of 60 m (200 ft) and an exterior side lot line measuring 72 m (236.22 ft) in length; and,
3. That conditional approval shall lapse on June 23, 2022 unless Condition #1 above has been met or an extension has been granted by Council.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Jun 12, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Jun 12, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jun 17, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jun 18, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Jun 19, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jun 24, 20

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

Report Summary

This report reviews an application for Zoning By-law Amendment intended to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road in the community of Lively. The balance of the lands would be rezoned with site-specific relief that would recognize an undersized rural minimum lot area and minimum lot frontage on the future retained lands containing the existing residential dwelling.

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also 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 also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed rezoning.

If approved, the amending zoning by-law would rezone the north-westerly portion of the lands to "R1-5" in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road and the remainder of the lands would be rezoned to "RU(S)" in order to recognize the future retained lands having a minimum lot area of 0.87 hectares, a minimum lot frontage of 60 metres and an exterior side lot line measuring 72 metres in length. Staff is supportive of the site-specific relief that would be required on the rural portion of the lands and is of the opinion that some degree of flexibility would be prudent given the presence of a split-designation in the Official Plan on the subject lands (ie. Living Area 1 and Rural) as they exist today, regardless of whether or not a new urban residential lot is created entirely within the Living Area 1 designated portion of the lands.

Staff notes that prior to the passing of an amending zoning by-law, the owner should be required to submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services. The Planning Services Division is therefore recommending that the rezoning application be approved with conditions as outlined and noted in the resolution section of this report.

Financial Implications

If approved, staff estimate approximately \$4,500 in taxation revenue based on the assumption of one single detached dwelling unit (and estimated assessed value of \$400,000) at the 2019 property tax rates.

In addition, this would result in increased development charges of approximately \$18,000 based on assumption of one single detached dwelling unit based on rates in effect as of this report.

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STAFF REPORT

PROPOSAL:

The application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU", Rural to "R1-5", Low Density Residential One and "RU(S)", Rural Special.

The proposed rezoning is intended to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road in the community of Lively. The existing single-detached dwelling located on the lands is proposed to remain on the proposed retained lands.

The owner submitted an application for pre-consultation on December 24, 2019, that was considered by the Sudbury Planning Application Review Team (SPART) on January 8, 2020 (File # PC2020-008). The owner met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on January 20, 2020, and subsequently submitted a rezoning application to the City for consideration.

It should also be noted that the owner has submitted a concurrent application for consent (File # B0020/2020) that was scheduled for a decision from the City's Consent Official on May 4, 2020. The Consent Official did not make a decision on May 4, 2020, as the Development Approvals Section was arranging to meet with the owner to discuss preliminary review and comments on both the rezoning and consent applications. Staff advises that the Consent Official has been provided with updated comments from the Development Approvals Section in support on the consent on May 29, 2020.

Existing Zoning: "RU", Rural

The "RU" Zone permits a single-detached dwelling, a mobile home dwelling, 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 seasonal dwelling on a legal existing waterfront lot, a private cabin accessory to a seasonal dwelling and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use, hunting or fishing camp, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

Requested Zoning: "R1-5", Low Density Residential One and "RU(S)", Rural Special

The proposed rezoning would facilitate the creation of one new urban residential lot that would be rezoned to "R1-5" at the corner of Niemi Road and Santala Road. The balance of the lands would be rezoned to "RU(S)" with site-specific relief that would recognize an undersized minimum lot area and minimum lot frontage on the future retained lands containing the existing rural residential dwelling.

Location and Site Description:

The subject lands are located at the south-east corner of Niemi Road and Santala Road in the community of Lively. The lands have a total lot area of approximately 1 ha (2.50 acres) with approximately 84 m (277 ft) of lot frontage onto Niemi Road. The lands form a corner lot and also maintain approximately 119 m (390 ft) of lot frontage along Santala Road. The easterly middle portion of the lands presently contain a single-detached dwelling along with accessory buildings and/or structures that are accessed by a circular private driveway onto Niemi Road.

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Surrounding Land Uses:

- North: Predominantly lower density urban residential land uses (ie. Sugarbush Subdivision).
- East: Two small clusters of lower density urban residential land uses fronting Niemi Road and several large rural lots containing residential land uses.
- South: Rural residential land uses, Provincial Highway #17 and larger tracts of vacant rural land on the south side of Provincial Highway #17.
- West: Predominantly rural residential land uses along Niemi Road and several larger vacant rural tracts of land.

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.

Site photos depict the subject lands containing the existing residential dwelling and the proposed location of the new urban residential lot at the corner of Niemi Road and Santala Road. Photos of the immediate surrounding residential area also illustrate the lower density urban residential nature of Niemi Road to the east of Santala Road and the rural nature of Niemi Road to the west of Santala Road.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800.53 ft) of the subject lands on March 9, 2020. The statutory Notice of Public Hearing dated June 18, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800.53 ft) of the subject lands.

The owners 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 understands that the owners approached landowners in-person and individually within the general area of the subject lands to discuss the proposed rezoning.

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:

- 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.

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2020 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 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.6 outlines 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;
7. Section 1.1.3.7 outlines that municipalities should establish and implement phasing policies that ensures new development occurs within designated growth areas in an orderly progression with regard for the timely provision of the infrastructure and public service facilities required to meet current and future needs;
8. With respect to Housing Policies, Section 1.4 generally requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected requirements for current and future residents of the regional market area;
9. Section 1.4.3 outlines that municipalities shall permit and facilitate:
 - a) All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
 - b) All types of residential intensification, including additional residential units, and redevelopment in accordance with the PPS;
 - c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

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- e) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
- f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

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 is satisfied that the application to rezone 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 both Living Area 1 and Rural in the Official Plan for the City of Greater Sudbury.

The northerly portions of the subject lands are designated Living Area 1 which includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. 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 in the City's Zoning By-law.

Section 3.2.1.6 of the Official Plan specifically outlines those matters to be reviewed when considering applications to rezone lands within the Living Area 1 designation:

- a) The site is suitable in terms of size and shape to accommodate the proposed density and built 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.

Section 2.3.2 notes that the subject lands are within a Settlement Area and partially within the Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to 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.

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Section 2.3.2 also notes that the Settlement Area and Built Boundary of the Official Plan is more than adequate for the purposes of meeting short, medium and long term land use needs. It is further outlined that no Official Plan Amendments for the expansion of areas designated Living Area 1 will be considered outside of a comprehensive review of the City's Official Plan. Intensification and development within the Built Boundary is encouraged, however, development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of this Plan;
4. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
5. 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;
6. 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;
 - h. The level of sun-shadowing and wind impact on the surrounding public realm;
 - i. Impacts of the proposed development of surrounding natural features and areas and cultural heritage resources;

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- 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. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
- l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

The southerly portion of the subject lands are designated Rural. The Rural designation is intended to consist of a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. Rural residential development compatible with the character of surrounding existing uses is allowed provided no additional public services, including the extension of existing or creation of new partial services would be required. One single detached dwelling is permitted on any existing rural lot provided that it fronts onto a public road that is maintained year-round. The lot must also have the capability to provide an individual on-site sewage disposal system and water supply with both quantity and quality suitable for domestic uses.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to "R1-5", Low Density Residential One and "RU(S)", Rural Special in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road in the community of Lively. The north-westerly portion of the lands are proposed to be rezoned to "R1-5" in order to facilitate the creation of a vacant urban residential lot. Staff notes that the existing "RU" zoning applicable to the lands requires a minimum lot area of 2 ha (5 acres), a minimum lot frontage of 90 m (300 ft) and yard setbacks of 10 m (32.81 ft). These rural development standards would not facilitate the creation of a smaller urban residential lot having smaller yard setbacks that are intended to accommodate a reasonably sized urban residential dwelling. The remainder of the lands containing the existing residential dwelling are proposed to be rezoned to "RU(S)" and would include site-specific relief to permit a reduced minimum lot area and minimum lot frontage once the lands have been severed.

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 appropriate development standards in an amending zoning by-law should the application be approved.

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

Active Transportation, the City's Drainage Section, Environmental Planning Initiatives, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services has no concerns, but advises that there appears to be several accessory buildings and structures on the lands which may require building permits. The owner is cautioned of this and encouraged to contact Building Services to determine if building permits are required.

Conservation Sudbury advises that any work on the lands with the exception of small north-westerly portion of the lands will require a permit pursuant to Section 28 of the Conservation Authorities Act.

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Development Engineering advises that municipal water and sanitary sewer infrastructure is available within the Niemi Road right-of-way and that any required costs associated with the upgrading of municipal water and sewer infrastructure to service the lands will be borne entirely by the owner.

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.

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Lively is an identified settlement area in the City's Official Plan. The creation of an additional urban residential lot in this particular setting and location at the corner of Niemi Road and Santala Road should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area to the east of Santala Road in Lively. The lands are serviced with municipal water and sanitary sewer and access to public transportation is available to the east at the intersection of Niemi Road and Municipal Road #24 (ie. Route 101 – Lively). Active transportation is also an option as an existing sidewalk along Niemi Road begins immediately to the north of the subject lands and provides a pedestrian connection to Municipal Road #24 to the west. There are a number of public open space and community facilities that can be accessed through active transportation infrastructure that exists in the general area. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;
3. Staff advises that the development proposal provides an opportunity for intensification that is appropriate in comparison to existing residential uses in the area and is within the identified settlement area of Lively;
4. Staff is supportive of this opportunity for residential intensification and notes that public transportation is nearby at Municipal Road #24, which is also accessible via existing active transportation infrastructure. The residential intensification in this instance will add one urban residential lot at the corner that fits the existing single-detached dwelling character of the immediate area. Suitable infrastructure is available and staff would encourage intensification in this location;
5. Staff is satisfied that through the review of the rezoning application that appropriate development standards in order to facilitate the creation of one new urban residential lot and recognize the remaining residential use can be achieved in order to facilitate the proposed intensification while avoiding any risks to public health and safety;
6. The proposed new urban residential lot would be located directly to the south of the Sugarbush Subdivision and to the west of existing urban residential development which fronts onto Niemi Road. The proposed rezoning would permit a single-detached dwelling, which is in keeping from a character perspective with the pre-dominant built residential form in the immediate area. Staff notes that the owner could pursue a secondary dwelling unit, as or right, should the rezoning be successful. The addition of a secondary dwelling unit would contribute positively to achieving compact form, a mix of uses and densities, and would allow for the efficient use of land and available infrastructure on the subject lands;

7. Staff notes that the City's Official Plan has established phasing policies for intensification which ensures that all new development occurs in an orderly progression with regard for the timely provision of required infrastructure to service a development. Staff has reviewed the applicable phasing policies and provides analysis related to said review later in this report; and,
8. With respect to housing policies in the PPS, staff has the following observations:
 - a) The proposed new urban residential lot in general provides for an expanded range and potentially mix of housing options and densities in the community of Lively. Staff is satisfied that no negative impacts would be generated should the rezoning be approved from a social, health, economic and well-being perspective in terms of those current and future residents living in the local community;
 - b) Staff is generally supportive of the proposed residential intensification on the subject lands and has noted that as of right a secondary dwelling unit could be further explored by the owner in the future;
 - c) Staff is satisfied through their review and circulation of the rezoning application that new housing can be appropriately directed to the subject lands where appropriate levels of infrastructure (eg. sewer, water, active transportation, etc.) are presently available;
 - d) Staff is of the opinion that the development proposal would result in the efficient use land, infrastructure, and encourage the use of available active transportation and public transportation in the immediate area;
 - e) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal being that of creating one new urban residential lot would not negatively impact other intensification opportunities that may exist in the area; and,
 - f) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to allow for the creation of one new urban residential lot to be severed from the subject lands without negatively impacting the cost of housing and the existing character of the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the northerly portions of the subject lands, staff notes the following:

1. This northerly portion of the subject lands is at present fully serviced by municipal water and sewer infrastructure and as such further urban residential development should be directed to this portion of the subject lands and not those portions of the lands to the south designated Rural. The existing single-detached dwelling located on the subject lands connects to both available municipal service infrastructure;
2. The creation of the proposed urban residential lot would avoid potential negative impact of un-serviced rural development which could have otherwise been proposed along Santala Road where municipal water and sewer infrastructure is not available; and,
3. The proposed urban residential lot would be in keeping with the existing physical character being that of single-detached dwellings along Niemi Road and to the north along Chinaberry Drive. The owner is not proposing any site-specific exemptions from the applicable development standards of the "R1-5" Zone.

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With respect to the Living Area 1 policies set out under Section 3.2.1(6) of the Official Plan that are to be considered when rezoning lands, staff has the following comments:

1. Staff has reviewed the submitted sketch of the proposed new urban residential lot and the retained lands containing an existing residential dwelling and is satisfied that in general a land use in the form of a single-detached dwelling can be reasonably situated on the proposed lands to be severed and both the proposed severed and retained lands are of appropriate size and shape to accommodate the resulting density and built-forms;
2. Staff notes the subject lands are located within an established urban residential neighbourhood along Niemi Road and to the north along Chinaberry Drive. Staff further notes that single-detached dwellings are the pre-dominant built-form in this urban residential setting. The area transitions to a rural area to the west and to the south of the subject lands where larger tracts of lands exist with some having rural residential land uses. There are also a number of vacant rural lots in this area. Staff has no concerns with the lands capability of supporting appropriate scale, massing, height, siting, setbacks and the location of parking and amenity areas should the rezoning to "R1-5" be approved;
3. The submitted sketch depicts a new urban residential lot having an approximate lot frontage of 23.5 m (77.10 ft) on Niemi Road and an approximate lot depth of 45 m (147.64 ft). Staff is satisfied that the submitted sketch demonstrates that adequate on-site parking, as well as landscaping and amenity areas can be provided on the proposed new urban residential lot. It is also noted that it is the opinion of staff that comprehensive site lighting is not a concern in this low density residential setting; and,
4. Staff is satisfied that minimal traffic impacts would be generated along Niemi Road and Santala Road should the additional one urban residential lot be permitted. The City's Traffic Section did review the application and expressed no traffic impact concerns with respect to the proposed rezoning.

With respect to intensification policies set out under Section 2.3.3 of the Official Plan, staff is generally of the opinion that the addition of one new urban residential lot providing opportunity to develop a single-detached dwelling at the corner of Niemi Road and Santala Road can be accomplished in a complementary manner without disrupting the existing character of the residential neighbourhood in this part of Lively.

Staff notes again that the portion of the lands designated Living Area 1 are located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. The rear portions of the subject lands are outside of both the Settlement Area and Built Boundary and staff is satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for those lands both within and outside of the Settlement Area and Built Boundary. Staff advises that permitting one new urban residential lot on Niemi Road in this location represents an opportunity to make efficient use of existing urban land supply and existing infrastructure and other services within the City's Settlement Area and Built Boundary. No expansion to the existing limits of the Living Area 1 designation is being proposed or would result should the rezoning be approved.

Specifically, staff has the following comments with respect to those general intensification policies set out in Section 2.3.3 of the Official Plan:

1. The development of a new urban residential lot on the northerly portion of the lands, which are designated Living Area 1, is encouraged as it would represent an opportunity to make better use of an existing underutilized and urban lot fronting Niemi Road;
2. The development proposal would contribute to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary. The lands presently contain a single-detached dwelling and the addition of a new urban residential lot would occur within the City's Built Boundary;

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3. Staff notes and is of the opinion that the proposed residential intensification occurring on the portion of the lands designated Living Area 1 would be in accordance with all applicable land use planning policies of the Official Plan;
4. Staff has noted in their review and comments received in circulation for comments that the proposed new urban residential lot would be situated in a location where suitable and existing municipal infrastructure exists. The new urban residential lot will be required to connect to the existing municipal water and sewer infrastructure that exists within the Niemi Road right-of-way;
5. Staff considers the new urban residential lot to be compatible with the existing character along Niemi Road in terms of the varying sizes and shapes of other lots in the area. The requested "R1-5" Zone includes appropriate development standards that will ensure that the lands develop in a manner that is not disruptive to the other urban residential lots in close proximity to the subject lands; and,
6. Staff has reviewed the intensification criteria that is to be considered and have no concerns as the development proposal represents a good opportunity for making better and increased use of an existing portion of the lands that are situated within the identified Settlement Area and Built Boundary of Lively.

With respect to the southerly portion of the subject lands that are designated Rural, staff have the following comments:

1. Staff advises that the Living Area 1 designation on the lands extends southward from the front lot line at Niemi Road to a depth of approximately 69 m (227.38 ft) and from this point the Rural designation extends southward approximately 48.9 m (160.43 ft) to the rear lot line;
2. If approved, the rezoning would facilitate the creation of an urban residential lot situated entirely within the Living Area 1 and the lands to be retained would remain split-designated Living Area 1 and Rural. Once severed, the retained lands would then require site-specific relief from applicable minimum lot area and minimum lot frontage rural zoning standards;
3. Staff is supportive of the site-specific relief that would be required and is of the opinion that some degree of flexibility would be prudent given the presence of a split-designation on the subject lands as they exist today regardless of whether or not the new urban residential lot is created entirely within the Living Area 1 designated portion of the lands;
4. It is noted that the future retained lands would contain one existing single-detached dwelling, which is a permitted use in the Rural designation;
5. Staff notes that no additional municipal infrastructure would be extended into the Rural designation as the existing single-detached dwelling that would remain split-designated on the future retained lands is already connected to municipal water and sewer infrastructure from Niemi Road; and,
6. Staff in general has no concerns with respect to Official Plan conformity as it relates to the portion of the lands designated Rural and would recommend that the amending zoning by-law be structured in a manner that protects against small lot rural development.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

Title: 1777232 Ontario Inc.

Date: June 4, 2020

The owner is requesting that the subject lands be rezoned from "RU", Rural to "R1-5", Low Density Residential One and "RU(S)", Rural Special. Staff has no concerns with the requested zone categories. The amending zoning by-law will rezone the north-westerly portion of the lands to "R1-5" in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road, while the remainder of the lands would be rezoned to "RU(S)" in order to recognize the future retained lands having a minimum lot area of 0.87 ha (2.15 acres), a minimum lot frontage of 60 m (200 ft) and an exterior side lot line measuring 72 m (236.22 ft) in length. The existing residential dwelling located on the portion of the lands to be rezoned to "RU(S)" does not require any site-specific relief with respect to yard setbacks or lot coverage.

Staff recommends that the amending zoning by-law not be enacted until such time as the owner has submitted a registered survey plan legally describing the lands to be rezoned to both "R1-5" and "RU(S)" and to the satisfaction of the Director of Planning Services.

CONCLUSION:

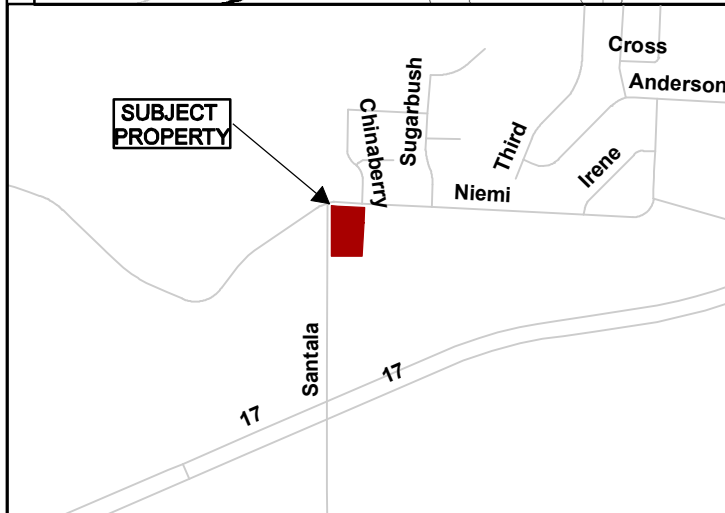
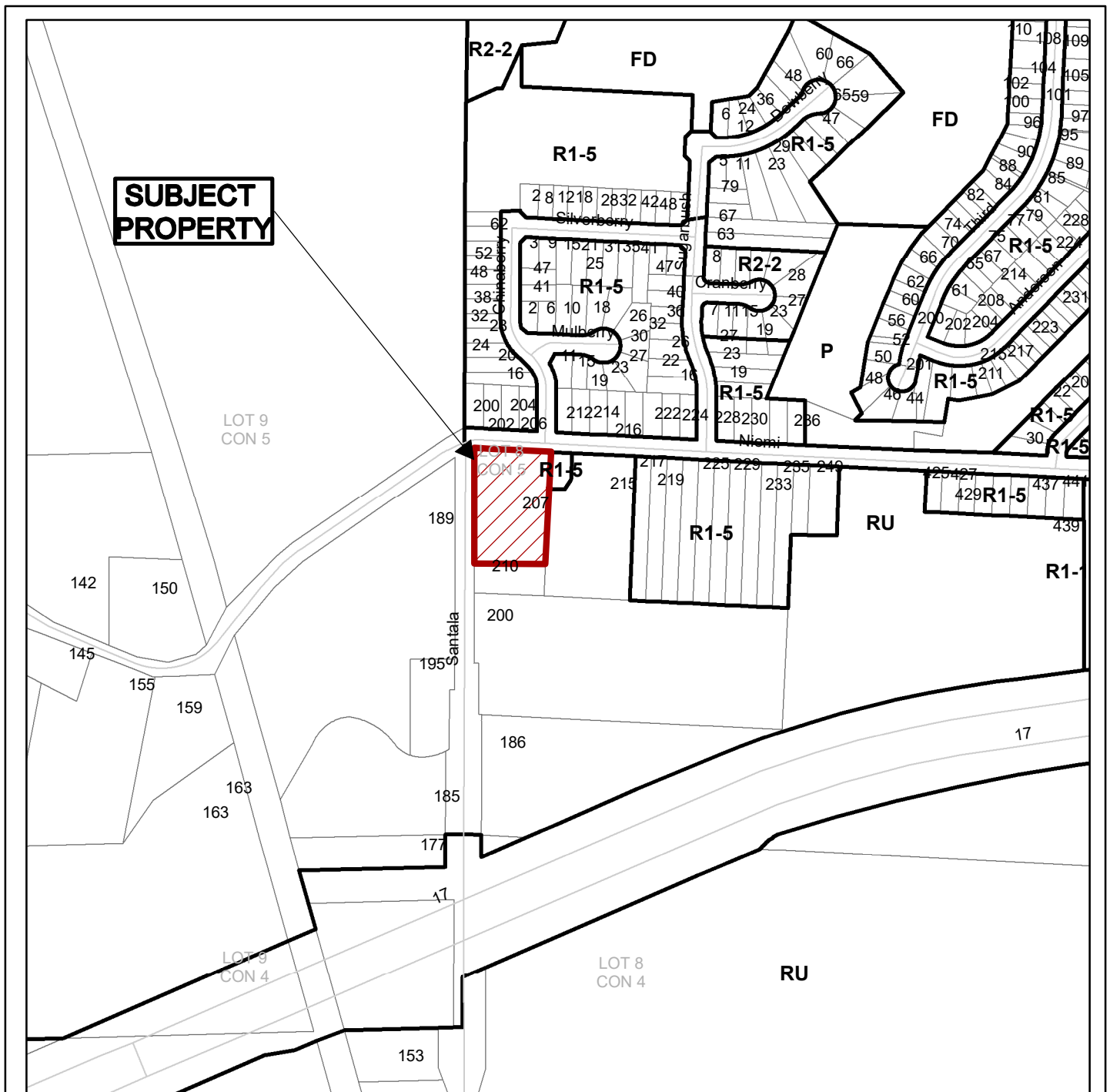
Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed site-specific amending zoning by-law:

- a) That the north-westerly portion of the lands be rezoned to "R1-5" in order to facilitate the creation of one new urban residential lot at the corner of Niemi Road and Santala Road; and,
- b) That the remainder of the lands be rezoned to "RU(S)" in order to recognize the future retained lands having a minimum lot area of 0.87 ha (2.15 acres), a minimum lot frontage of 60 m (200 ft) and an exterior side lot line measuring 72 m (236.22 ft) in length.

Staff is recommending that prior to the passing of an amending zoning by-law the owner be required to submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the resolution section of this report.



**Growth and Infrastructure
Department**



Subject Property being PIN 73377-0038,
Pcl 15561, Lot 8, Concession 5,
Township of Waters, 207 Niemi Road,
Lively, City of Greater Sudbury

NTS
Sketch 1

751-8/20-01
Date: 2020 05 20

NIEMI ROAD

SANTALA

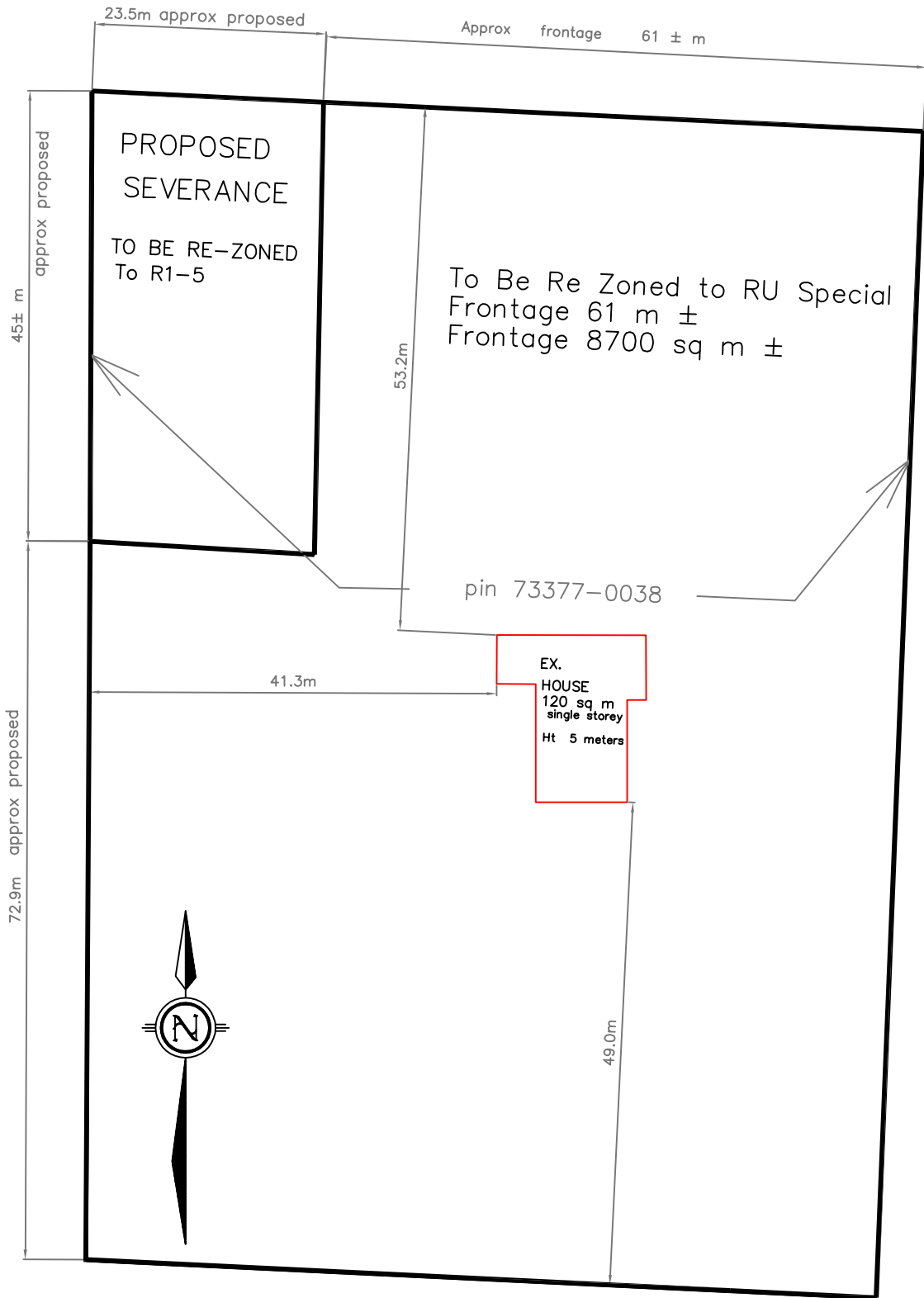




PHOTO #1 – Subject lands as viewed from Niemi Road looking south-west from Chinaberry Drive.



PHOTO #2 – Existing residential dwelling on the subject lands looking south from Chinaberry Drive.



PHOTO #3 – Portion of the subject lands intended to accommodate a future urban residential dwelling looking south from the corner of Niemi Road and Santala Road.



PHOTO #4 – Existing urban residential dwellings facing the subject lands as viewed from Santala Road.