

Title: 1232252 Ontario Inc.

Date: May 12, 2020

STAFF REPORT

PROPOSAL:

The applications for Official Plan Amendment and Zoning By-law Amendment together would facilitate the southerly expansion of an existing Mixed Use Commercial Area presently located to the immediate north of the lands thereby allowing for an expanded and site-specific range of mixed use commercial and residential uses on the subject lands.

The application to amend the City's Official Plan proposes to change the land use designation on the subject lands from Living Area 1 to Mixed Use Commercial. No additional requests as it relates to changing the land use designation have been requested by the owner.

The proposed rezoning is intended to change the zoning classification of the subject lands from "R3-1.D59(24)", Medium Density Residential Special to "C2(S)", General Commercial Special in order to permit all "C2" land uses except for an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, mobile home dealership, modular home dealership, service trade and taxi stand. Staff understands that the owner has reviewed all uses permitted in the parent "C2" Zone and has opted to exclude those uses noted above that, in their opinion, are not appropriate given the context of the subject lands and the surrounding area. It is noted that the owner proposes to keep the existing permission for a retirement home containing a maximum of 160 guest rooms and the existing permission relating to a long term care facility would be removed.

The owner submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on December 11, 2019 (File # PC2019-088). The owner met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on December 18, 2019, and the owner has subsequently now submitted Official Plan Amendment and Zoning By-law Amendment applications to the City for consideration.

The above noted applications were submitted to the City on January 23, 2020. The applications included a Planning Justification Report and a Concept Plan. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Existing Official Plan Designation: Living Area 1

The Living Area 1 designation permits low density development such as single detached dwellings, semi-detached dwellings, duplexes and townhouses to a maximum net density of 36 units per hectare. 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. High density housing is permitted only in the community of Sudbury. All housing types, excluding single detached dwellings, are permitted in high density residential areas to a maximum net density of 150 units per hectare.

Requested Official Plan Designation: Mixed Use Commercial

The Mixed Use Commercial designation permits all land uses, except for heavier industrial uses and therefore said uses are directed appropriately to the Heavy Industrial designation. New development in the Mixed Use Commercial designation not permitted in the City's Zoning By-law may be permitted through the rezoning process.

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Existing Zoning: “R3-1.D59(24)”, Medium Density Residential Special

The “R3-1” Zone permits a bed and breakfast establishment, convenience store, day care centre, duplex dwelling, group home type 1, linked dwelling, multiple dwelling, personal service shop, private home day care, row dwelling, shared housing in specified areas of the City, semi-detached dwelling, single-detached dwelling and a street townhouse. The applicable “R3-1.D59(24)” extends land use permissions on the subject lands to include a retirement home containing a maximum of 160 guest rooms and a long term care facility containing a maximum of 275 beds. There are site-specific development standards included within the “R3-1.D59(24)” Zone that are directly associated with the development of those additional permitted uses being that of a retirement home or long term care facility. There is also a density factor applicable to the lands that limit any development of residential uses to 59 dwelling units per hectare.

Requested Zoning: “C2(S)”, General Commercial Special

The “C2” Zone permits a range of general commercial and residential land uses that can be found under Section 7.2, Tables 7.1 and 7.2 of the City’s Zoning By-law. The proposed rezoning to “C2(S)” is intended to permit all land uses within the parent “C2” Zone except for an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, mobile home dealership, modular home dealership, service trade and taxi stand. The owner is also requesting that the existing permission remain in place for a retirement home containing a maximum of 160 guest rooms. The existing permission for a long term care facility containing a maximum of 275 beds is to be removed.

Location and Site Description:

The subject lands are located to the south of Kingsway Boulevard and Marcus Drive and to the north of Bancroft Drive in the community of Sudbury. The lands have a total lot area of approximately 23.75 ha (58.69 acres) with existing lot frontages of approximately 38 m (124.67 ft) onto Barry Street and 15 m (50 ft) onto McKinnon Street. The north-easterly portion of the lands that are the subject of the applications have a total lot area of approximately 6.7 ha (16.56 acres) and would establish lot frontage onto Silver Hills Drive once it is extended south-ward to connect with Bancroft Drive and Bellevue Avenue. Access to the north-easterly portion of the lands is intended to be facilitated via the construction of “Street D” which would establish public road lot frontages to the lots and blocks that are to be developed in the future. The entirety of the subject lands are presently vacant.

Surrounding Land Uses:

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| North: | General commercial land uses accessed by Silver Hills Drive and Marcus Drive. |
| East: | Civic Memorial Cemetery and a large tract of land zoned for future development. |
| South: | Vacant lands zoned for urban residential land uses and existing residential land uses of varying built forms along Bancroft Drive. |
| West: | Vacant lands zoned for urban residential land uses having low and medium density built forms and a large tract of open space parkland containing a number of trails, a community centre and arena, skate-park, tennis courts, and baseball diamonds. |

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Official Plan Amendment and rezoning request, as well as the applicable zoning on other parcels of land in the immediate area.

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Aerial photography is also attached to this report for reference purposes and depicts the vacant portion of the lands that are the subject of the applications to amend the City's Official Plan and Zoning By-law. The existing large commercial area to the immediate north along Silver Hills Drive and Marcus Drive is visible in the aerial photography, along with open space to the west and the Civic Memorial Cemetery to the east.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on March 30, 2020. The statutory Notice of Public Hearing dated June 4, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

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 provided the owner with a mailing list that included those lands that were provided with a mailed Notice of Application as noted above in order to facilitate the implementation of the owner's Public Consultation Strategy ahead of a public hearing at the Planning Committee. Staff understands that the owner mailed a letter to those properties included in said mailing list and the local ward councilor and asked that anyone with questions or concerns contact the owner to discuss. The letter provided to staff by copy is dated April 15, 2020. There was no formal in-person public meeting held by the owner due to the ongoing Covid-19 global pandemic.

At the time of writing this report, no phone calls, emails or letter submissions with respect to the development proposal 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.

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 the applications for Official Plan Amendment and Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;

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 Employment Policies, Section 1.3.1 outlines that generally municipalities shall promote economic development and competitiveness by:
 - a. Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - c. Facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
 - d. Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and,
 - e. Ensuring the necessary infrastructure is provided to support current and projected needs; and,
9. 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. This is to be achieved by maintaining at all times a three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential development. This is also applicable to lands within draft approved or registered plans of subdivision.

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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 is satisfied that the applications for Official Plan Amendment and Zoning By-law Amendment conform to and do not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The application to amend the City's Official Plan would change the land use designation on a portion of the subject lands from Living Area 1 to Mixed Use Commercial. Those policies in the Official Plan that are relevant in considering the above noted request are outlined below.

Section 2.3.2 notes that the subject lands are within a Settlement Area and immediately abutting 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.

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 reinforce 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;
 - j. The relationship between the proposed development and any natural or man-made hazards;
 - 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.

Section 4.3 establishes the Mixed Use Commercial land use designation and notes that all land uses are permitted except for Heavy Industrial land uses, which are more appropriately directed to areas of the City designated for the location and development of heavy industrial land uses. It is therefore intended that lands designated Mixed Used Commercial provide for a balance of mixed uses including commercial, institutional, residential, and parks and open space. This mix of land uses may be established where required through the rezoning process. General industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors.

Mixed Use Commercial areas are generally concentrated along Arterial Roads although there are exceptions in certain areas of the City. Mixed Use Commercial Areas serve a variety of needs and may support and connect strategic core areas. Lands within a Mixed Use Commercial area should also be supportive of active transportation and public transit.

Given the function and high visibility of Mixed Use Commercial areas, special attention to sound urban design principles is essential. Siting buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and effective landscaping can aesthetically enhance the appearance of mixed use corridors. In order to attract viable, high quality development, emphasis will also be placed on creating a safe and attractive pedestrian environment, as well as convenient access to public transit and greenspace.

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The criteria identified in the Official Plan for considering the rezoning of lands designated Mixed Use Commercial are as follows:

1. That sewer and water capacities are adequate for the site;
2. That parking can be adequately provided;
3. That no new access to Arterial Roads will be permitted where reasonable alternate access is available;
4. That the traffic carrying capacity of the Arterial Road is not significantly affected;
5. That traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
6. That landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. That the proposal meets the policies outlined in Sections 11.3.2 and 11.8, and 14.0 of the Official Plan.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to an amended "C2(S)", General Commercial Special in order to permit all "C2" land uses except for an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, mobile home dealership, modular home dealership, service trade and taxi stand. It is further noted and understood by staff that the existing retirement home land use permission is proposed to remain, while the long term care facility land use permission is to be removed. No further site-specific relief from any general or parking provisions or from the development standards of the parent "C2" Zone is being requested by the owner.

Department/Agency Review:

The applications, including relevant accompanying materials, have been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to inform the content of Official Plan Amendment enactment documents, as well as appropriate development standards in an amending zoning by-law should the applications be approved.

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

Active Transportation, Conservation Sudbury, the City's Drainage Section, Fire Services, Operations, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Building Services notes that based on the submitted sketch that there is no public road frontage at present as defined in the City's Zoning By-law. No building permits will be issued until such time as Silver Hills Drive is extended and public road frontage is established. It is also noted that site plan control will be applicable to the development of the block, as shown on the submitted sketch.

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Development Engineering has no concerns with the applications to amend the Official Plan and Zoning By-law. Development Engineering staff does note however that the portion of the lands subject to these applications are also a part of an existing draft approved plan of subdivision (File # 780-6/11004).

Municipal water infrastructure is available on Silver Hills Drive and the sanitary sewer infrastructure outlet is southerly through the proposed and draft approved plan of subdivision. The servicing of these lands would proceed through the subdivision planning process. There has been a storm-water management report submitted that details the design for the entirety of the proposed draft approved plan of subdivision. The storm-water management report would need to be amended to reflect the changes that would be applicable to these lands should the applications be approved. Any modification to the storm-water management facility with respect to requirements for individual site plans for proposed lots or blocks would be required to be made in order to satisfy the amended zoning if approved.

Roads, Traffic and Transportation have some concern with submitted sketch in terms of the depicted location of the proposed entrance, parking layout and site circulation. It is noted however that they are satisfied that the concerns can be addressed through the site planning process.

Water-Wastewater notes that the subject lands are within the Ramsey Lake Watershed and as such are subject to a review under Section 59 of the [Clean Water Act](#). The lands are identified in the City's [Source Protection Plan](#) as being within the Ramsey Lake Issue Contribution Area. It is therefore noted that a Risk Management Plan may be required in order to establish measures related to activities on the lands such as road salting, handling and storage of road salt, and the storage of snow.

PLANNING ANALYSIS:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the applications in respect of the applicable policies, including issues raised through agency and department circulation.

The proposed Official Plan Amendment and rezoning is consistent with the PPS for the following reasons:

1. The community of Sudbury is an identified settlement area in the City's Official Plan. The expansion of an existing and developed mixed use commercial area in a southward direction will allow for and broaden the range of permitted commercial uses and residential uses along Silver Hills Drive. This will encourage development to continue to occur and expand within an existing and identified settlement area. The proposed development in this location and setting 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 south of Kingsway Boulevard and Marcus Drive in the community of Sudbury. Development Engineering has noted that municipal water and sanitary sewer infrastructure is available on Silver Hills Drive and that the servicing of the lands will be facilitated through the subdivision planning process. The extension of services along Silver Hills Drive is justified and is not uneconomical as Silver Hills drive is planned to extend southward within an existing settlement area to the Bancroft Drive and Bellevue Avenue east-west corridor. The larger mix of land uses and densities offers an opportunity to minimize or mitigate negative impacts associated with air quality and climate change and to promote development that is energy efficient. With respect to active transportation and public transit, the lands would have frontage onto Silver Hills Drive once it has been extended, as noted above. The planned right-of-way width for the extension of Silver Hills Drive would be 23 m (75.46 ft) and is intended to accommodate active transportation features (ie. sidewalks and cycling infrastructure);

3. Staff is of the opinion that the applications together will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased opportunities in terms of promoting the intensification of a vacant and therefore underutilized lot located entirely within the Sudbury settlement area;
4. Staff is of the opinion that the applications will together provide for a broader range of development options that will make future public transit along Silver Hills Drive viable and optimize public transit infrastructure along said future urban road connection to Bancroft Drive and Bellevue Avenue. The requested mix of land uses will also allow for and facilitate the possibility of more compact and mixed-use development opportunities that will positively contribute to the mix of employment and residential housing options within the Sudbury settlement area;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates intensification and compact built-form, while avoiding or mitigating risks to public health and safety. Specifically, the amending zoning by-law is proposed to eliminate certain general commercial uses that are considered to not be compatible with those residential land use permissions that are being retained on the lands. Those commercial uses that would not be permitted include an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, long term care facility, mobile home dealership, modular home dealership, service trade and taxi stand. Staff therefore advise that the resulting range in permitted commercial and residential land uses will allow for a mix of uses and densities that encourages compact built-form while mitigating risks to public health and safety;
6. Staff notes that the subject lands directly abuts an existing built-up commercial area to the north and the entirety of the parcel extends southward to an existing built-up and predominantly residential area to the south. It is noted that the lands are outside of the City's existing built-boundary, but are directly abutting two built-up areas in the City. Staff is therefore of the opinion that together the applications would facilitate and encourage the possibility of development proceeding in this area with a more compact built-form having a mix of both commercial and residential land uses and densities that will use this portion of the subject lands efficiently from a land, infrastructure and public service facilities perspective;
7. Staff advises that an existing draft approved plan of subdivision (File # 780-6/11004) is applicable to the subject lands and will act to ensure that development of the lands proceeds in an orderly, timely and phased manner (ie. Silver Hills Subdivision). The future development of the subdivision therefore will have regard for the timely provision of the infrastructure and public service facilities required to meet current and future needs. Staff would also note that site plan control will be utilized where appropriate and required in order to ensure development proceeds in a timely and appropriate manner;
8. With respect to Employment Policies in the PPS, staff has the following comments with respect to promoting economic development and competitiveness:
 - a. Staff notes that the proposed Official Plan Amendment would expand the existing employment area at Silver Hills Drive and Marcus Drive onto a north-easterly portion of the subject lands. This expansion will introduce and provide for a broader and appropriate mix of both commercial and residential land uses, including institutional land uses, all of which will contribute to ensuring that longer term needs in the City are met;
 - b. Staff is of the opinion that together the applications will contribute positively toward ensuring that a diversified economic base, including the maintaining of a range and choice of suitable sites for employment uses, which support a wide range of economic activities and ancillary uses are permitted and encouraged in this part of the Sudbury community;

- c. The change in land use designation will allow for a range of commercial and residential uses and directly abuts an existing built-up and developed commercial area along Silver Hills Drive and Marcus Drive. Staff is of the opinion that the portion of the lands subject to the applications to amend the City's Official Plan and Zoning By-law represent a strategic opportunity to attract investment and would make available suitable employment lands, including lands that would be zoned and market-ready to allow for the development of employment land uses;
 - d. Staff will be in a position, should the applications be approved, to encourage compact and mixed-use development that incorporates compatible employment uses within a livable, resilient and emerging community on the north-east portion of the subject lands as it transitions south-ward into a medium and low density residential area;
 - e. Staff advises that both the subdivision planning and site planning processes will ensure that the necessary infrastructure to support the proposed development of the north-easterly portions of the subject lands as an employment area allowing for a range of both commercial and residential land uses is available; and,
9. With respect to Housing Policies, staff notes that there are several existing draft approved plans of subdivision to both the east and the west that may be considered to be within the vicinity of the subject lands. The Sunrise Ridge Subdivision to the west has 66 remaining draft approved lots, while collectively there are 249 remaining draft approved lots to the east of the subject lands within the Greenwood, Keystone, Lionsgate, Moonlight Ridge and Vytis/Timestone Subdivisions. Staff advises that, if approved, the north-east portion of the subject lands would now permit a broader range of commercial uses, but at the same time would continue to maintain existing residential land use permissions. Staff would also note that the balance of the subject lands remain within a draft approved plan of subdivision that once developed is intended to include a mix of residential built-forms, densities and housing options. For example, the submitted sketch depicts 108 low-to-medium density lots along with three multiple dwelling buildings containing 160 dwelling units and six row townhouse buildings containing 42 dwelling units. Staff is therefore satisfied that should the applications be approved that a three year supply of residential units with servicing capacity and suitable zoning remains available and would include and not detract from the availability of an appropriate range and mix of housing options area; and,
10. Further to the above, staff notes that the City's [Growth and Settlement Policy Discussion Paper](#) that was completed as part of the City's Phase 1 – Official Plan Review notes that there is at present an approximate 43 year supply of residential lands in all categories of designated lands that are available to meet future demands under a high growth scenario. Staff is of the opinion that the change in land use designation from Living Area 1 to Mixed Use Commercial would produce no negative impacts on residential housing supplies and options should the Official Plan Amendment be approved by Council.

With respect to the City's Official Plan, staff in general is supportive of both the Official Plan Amendment and Zoning By-law Amendment requests. Those policies relevant to the development proposal that would facilitate the southerly expansion of an existing Mixed Use Commercial Area presently located to the immediate north of the lands thereby allowing for an expanded and site-specific range of mixed use commercial and residential uses on the subject lands are discussed below.

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With respect to Section 2.3.2, staff notes that the subject lands are within the identified Sudbury Settlement Area, but are located outside of the built boundary as depicted on Schedule 3 – Settlement Area and Built Boundary of the City's Official Plan. Staff notes however that the subject lands immediately abut the built boundary to the north at Silver Hills Drive and to the south near the Bancroft Drive and Bellevue Avenue intersections. There is an existing draft approved plan of subdivision applicable to the lands and the entirety of the subject lands are zoned at present for urban residential development. Staff acknowledges that intensification and development within the built boundary is encouraged, however, in these circumstances staff is supportive of the applications given that the lands immediately abut the built boundary and are situated within an approved draft plan of subdivision that are already zoned for urban residential development. The application for Official Plan Amendment would not have the effect of expanding urban-related land use designations into an area that is outside of a Settlement Area.

With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff notes that the subject lands form a vacant and underutilized lot within an existing and identified settlement area where all forms of intensification are encouraged. Staff advises that the proposed change in land use designation from Living Area 1 to Mixed Use Commercial, along with the rezoning to permit general commercial and urban residential land uses would together facilitate a broader range of options and possibilities for intensification in this location and is to be encouraged. While the aim to accommodate 20% of future residential growth and development through intensification within the built boundary remains, staff is mindful of the existing draft approved plan of subdivision applicable to the lands and the entirety of the subject lands already being zoned for urban residential development.

With respect to applicable criteria set out in Section 2.3.3 that are to be considered when evaluating applications that propose intensification, staff has the following comments:

1. Staff is satisfied that the portion of the lands that are to include a broader range of permitted general commercial and residential land uses are suitable in terms of the size and shape of the block of land, as well as soil conditions, topography and drainage. Staff notes that the existing draft approved plan of subdivision includes conditions relating to soil conditions, topography and drainage which serve to ensure that these lands are developed comprehensively with the above matters in mind. It is further noted that site plan control will be applicable to the development of the north-easterly portion of the subject lands given the land uses and densities that would now be permitted;
2. Staff is satisfied that the transitioning from a mixed use commercial toward a predominantly urban residential area having lower densities will not be negatively impacted should the applications which affect a north-easterly portion of the subject lands be approved. The request is not viewed as being excessive or otherwise damaging from a land use planning perspective to the overall planned character of the area;
3. Development Engineering has noted that municipal water and sanitary sewer infrastructure is available on Silver Hills Drive and that the servicing of the lands will be facilitated through the subdivision planning process. No concerns were raised in the review of the applications with respect to servicing should the permitted mix of land uses be expanded as is being proposed;
4. Staff advises that both the subdivision and site planning processes will be utilized to ensure that the provision of appropriate on-site landscaping, fencing, planting and other measures that will lessen any impacts that the broadened range of future development possibilities on the north-easterly portion of the subject lands would have on the general area are achieved;
5. Staff also have no concerns with respect to the capabilities of both the subdivision and site planning process to address matters such as the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation once any form or type of development proceeds on the lands subject to these applications;

6. Roads, Traffic and Transportation reviewed the applications and did not express any concerns with respect to negative impacts related to the traffic that would be generated by the proposed development on the road network and surrounding land uses;
7. Staff did circulate to Transit Services and while no concerns were raised with respect to the proposed change in land use designation and permitted uses, it was noted that the potential to enhance public transit and active transportation infrastructure along Silver Hills Drive and those streets interior to this future collector road between Marcus Drive and Bancroft Drive/Bellevue Avenue will continually be examined as development proceeds;
8. Staff is satisfied that no sun-shadowing and wind impacts are of concern at this moment as the applications seek only to change the land use designation of a portion of the subject lands and those uses that would be permitted under the zoning applicable to the lands. These are matters typically addressed during the site planning process should sun-shadowing and wind impacts be of concern when specific built-forms have been identified. The City's pre-consultation process would be applicable and the Sudbury Planning Application Review Team (SPART) would analyze the need for this requirement at the point when site planning is being contemplated by the owner;
9. Staff in their review of the applications did not identify any areas of concern with respect to negative impacts of the development proposal on surrounding natural features and areas and cultural heritage resources;
10. Staff in their review of the applications did not identify any areas of concern with respect to negative impacts on any relationships between the proposed development and any natural or man-made hazards;
11. Staff advises the applications do not involve or have any impacts on the provision of any facilities, services and matters pursuant to Section 37 of the Planning Act. It is noted for information purposes that Section 37 of the Planning Act permits the City to authorize increases in permitted height and/or density through the zoning by-law in return for community benefits, provided that there are related Official Plan policies in place allowing it to do so (eg. Section 19.7 – Comprehensive Planned Units Development policies in the City's Official Plan); and,
12. Staff notes that the existing zoning on this particular portion of the subject lands allows for medium density residential development up to 59 residential dwelling units per hectare. Staff notes that no further residential intensification beyond the 60 residential dwelling units per hectare density that the "C2" Zone permits is being sought. The increase in density by one residential dwelling unit per hectare is negligible and will not have any negative impacts on the surrounding area or the overall development proposal for the lands once it proceeds.

With respect to the requested Mixed Use Commercial land use designation, staff has the following comments:

1. Staff in general has no concerns with extending the existing Mixed Use Commercial south-ward in order to broaden the range of land uses that would be permitted on the north-easterly portion of the subject lands. Staff is satisfied that the submitted sketch demonstrates that a broadened range of permitted uses can be reasonably accommodated on this block of land and is a reasonable extension to the already existing and developed large commercial area to the north. Staff advises that the current development proposal provides for a balance of mixed uses including commercial, institutional, residential, and parks and open space as the lands transition south-ward toward the Bancroft Drive/Bellevue Avenue intersection;

2. Staff is satisfied that the resulting mix of permitted land uses and densities will not negatively impact the existing mix of permitted land uses to the south of the existing commercial area. It is noted that the proposed rezoning would not permit heavy, general or light industrial uses. Staff is also satisfied that potentially disruptive land uses in the parent "C2" Zone have been omitted from the owner's rezoning request. Those land uses that would not be permitted in the site-specific "C2(S)" Zone include an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, long term care facility, mobile home dealership, modular home dealership, service trade and taxi stand;
3. Staff notes that while the lands do not have direct frontage onto Kingsway Boulevard (ie. Arterial Road), the proposed change in land use designation to Mixed Use Commercial represents a reasonable rounding-out of the commercial area to the north that is accessed largely from Kingsway Boulevard, Silver Hills Drive and Marcus Drive. Staff consider the site-specific circumstances in this case to be an exception to the general policy that Mixed Use Commercial areas are located along Arterial Roads;
4. Staff is of the opinion that expanding the Mixed Use Commercial designation south-ward thereby broadening the range of permitted uses on the lands will have a positive overall land use planning impact on the surrounding area with added capability to serve a variety of needs and support the surrounding area once it is fully developed. Staff is also satisfied that the lands are capable of being supportive of active transportation options and public transit once the development proceeds;
5. Staff advises that designating the lands Mixed Use Commercial will also act to further strengthen the notion that special attention is to be given to sound urban design principles as this particular block of land develops. The site planning process will address matters such as, but not limited to, the siting of buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and providing for effective landscaping that is aesthetically pleasing.

With respect to those criteria that are to be considered when rezoning lands designated Mixed Use Commercial, staff has the following comments:

1. Municipal water and sanitary sewer is available to service the subject lands;
2. Staff has reviewed the submitted sketch and is satisfied that in general the block of land can be developed in a manner which provides for adequate parking on-site;
3. No new access onto an Arterial Road is necessary as the block of lands being rezoning would be accessed from Silver Hills Drive, which provides direct access itself to Kingsway Boulevard;
4. The block of land being rezoned would establish frontage onto a collector road (ie. Silver Hills Drive) and in their review of the development proposal the City's Road, Traffic and Transportation staff did not raise any concerns with respect to traffic carrying capacity of nearby Kingsway Boulevard should the applications be approved;
5. Staff advises that both the subdivision and site planning processes are capable of and will address any traffic improvements (eg. turning lanes) that would be required in order to facilitate proper and safe access to the block of lands being rezoned to allow for a broader range of commercial and residential land uses;
6. Staff notes that depending on how the block of land subject to the rezoning develops there may be landscaping required along entire lengths of road frontages and buffering between non-residential and residential uses. The mix of commercial and residential land uses that would be permitted versus those which will eventually be developed on the block of land will determine appropriate landscaping requirements; and,

7. Staff is generally satisfied that as development proceeds those policies contained in Sections 11.3.2 (Transit Supportive Land Use), 11.8 (Accessibility), and 14.0 (Urban Design) of the Official Plan will be adequately addressed through applicable zoning by-law provisions and the associated subdivision and site planning processes that are required in order to develop the lands.

Staff is therefore supportive of the request to change the land use designation on a portion of the subject lands from Living Area 1 to Mixed Use Commercial and further is of the opinion that the proposed rezoning present no concerns with respect to conformity to the Official Plan for the City of Greater Sudbury.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and have the following comments:

1. The owner is requesting that the existing "R3-1.D59(24)" Zone be replaced with a "C2(S)" Zone that would permit all "C2" uses except for an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, long term care facility, mobile home dealership, modular home dealership, service trade and taxi stand. The range of general commercial uses that would be otherwise permitted can be found under Section 7.2, Tables 7.1 and 7.2 of the City's Zoning By-law;
2. If approved, the residential land use permissions that would remain include multiple dwellings having a maximum of 30 residential dwelling units per building and a maximum residential density of 60 residential units per hectare with or without permitted non-residential uses provided that the lot is a fully serviced lot. Lower density residential land use permissions would include any dwelling containing not more than two residential dwelling units (ie. single-detached dwelling, semi-detached dwelling, duplex dwelling, as well as secondary dwelling units where certain parameters are satisfied). Shared housing would not be permitted in this location;
3. Staff is also in support of the existing permission for a retirement home containing a maximum of 160 guest rooms remaining. Those development standards contained within the existing "R3-1.D59(24)" Zone should be carried forward, where required and appropriate, in the amending zoning by-law. Staff is also in support removing the permission relating to a long term care facility;
4. Staff has reviewed the resulting broad range of general commercial land uses that would be permitted on the north-easterly portion of the subject lands and would note that the amending zoning by-law will include site-specific provisions restricting the uses permitted on the lands to those uses noted above. The owner has not requested any further site-specific relief; and,
5. Staff noted that a registered survey plan is not required in order to prepare the amending zoning by-law as the portion of the lands subject to the rezoning are already described legally as Part of PIN 73580-0576, Part 1, Plan 53R-20634, Lot 1, Concession 4, Township of McKim.

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 Official Plan Amendment and Zoning By-law Amendment:

- The Official Plan Amendment is site-specific and would change the land use designation on a north-easterly portion of the subject lands from Living Area 1 to Mixed Use Commercial; and,

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Date: May 12, 2020

- That the amending zoning by-law contain the following site-specific provisions:
 - That all “C2” land uses except for an animal shelter, automotive leasing establishment, automotive lube shop, car wash, dry cleaning establishment, funeral home, long term care facility, mobile home dealership, modular home dealership, service trade and taxi stand; and,
 - That a retirement home containing a maximum of 160 guest rooms also be permitted and that all relevant development standards for a retirement home be carried forward from the existing “R3-1.D59(24)” that would not otherwise be addressed by the new proposed “C2(S)” Zone.

The Planning Services Division therefore recommends that the applications for Official Plan Amendment and Zoning By-law Amendment be approved in accordance with the Resolution section of this report.