

Staff Report

Proposal:

The application for Zoning By-law Amendment seeks to permit a mix of single-detached, semi-detached and street-townhouse dwellings fronting Winnipeg Street (formerly Willow Crescent) and to the north of Keith Avenue in Chelmsford. The submitted sketch depicts 65 residential dwelling units.

In order to accommodate the proposed residential uses, the proposed rezoning would change the zoning classification of the subject lands from "R1-5", Low Density Residential One to "R2-2", Low Density Residential Two and "R2-3", Low Density Residential Two, along with the retention of a north-easterly portion of the lands that are to remain "R1-5", Low Density Residential One. Staff noted during pre-consultation that the "R2-3" Zone is not appropriate in this setting given that the "R2-3" Zone was created specifically for and is intended to be used only in Sudbury's Downtown and older surrounding residential neighbourhoods. Staff therefore generally advises that the "R3", Medium Density Residential Zone would be most appropriate for the street townhouses that are being proposed. The policy contained in the City's Official Plan that resulted in the creation of the "R2-3" Zone is explained in detail further on in this report. The owner has not requested any site-specific relief.

The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on April 5, 2017 (File # PC2017-038). The owner's agent met with staff following the SPART Meeting and has since returned their Pre-Consultation Understanding Agreement (PCUA) to the Planning Services Division. The owner's agent subsequently submitted a Zoning By-law Amendment application to the City for consideration. The owner has indicated to staff that they will not be submitting an application to amend an existing draft approved plan of subdivision on the lands at this time. SPART considered and provided comment and submission requirements for both a rezoning application and an application to amend the above noted and existing draft approved plan of subdivision.

The above noted application was submitted to the City on December 7, 2018, and was deemed complete on March 25, 2019, following the submission of additional required information. The application included the submission of a Concept Plan in support of the request to rezone the subject lands. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Existing Zoning: "R1-5", Low Density Residential One

The "R1-5" Zone permits a bed and breakfast establishment having a maximum of two guest-rooms within a single-detached dwelling, a group home type 1 having a maximum of ten beds and within a single-detached dwelling, a private home daycare and a single-detached dwelling.

Requested Zoning: "R1-5", Low Density Residential One, "R2-2", Low Density Residential Two and "R2-3", Low Density Residential Two

The "R1-5" Zone permits a bed and breakfast establishment having a maximum of two guest rooms within a single-detached dwelling, a group home type 1 having a maximum of ten beds within a single-detached dwelling, a private home day care, and a single-detached dwelling. The "R2-2" Zone permits a duplex dwelling, linked dwelling, and semi-detached dwelling, as well as all uses permitted in the "R1-5" Zone. The "R2-3" Zone permits a multiple dwelling containing up to four dwelling units, a row dwelling containing up to four dwelling units, and a street townhouse, as well as all uses permitted in the "R2-2" Zone. The "R2-3" Zone contains development standards the specifically implement an Official Plan policy that pertains to recognizing older neighbourhoods in the community of Sudbury. The owner has not requested any site-specific relief.

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Location and Site Description:

The subject lands are generally bounded by Pinellas Road to the north, Keith Avenue to both the south and to the east and Edward Avenue to the west in the community of Chelmsford. The southerly portion of the lands that are to be rezoned have a total lot area of approximately 3.12 ha (7.71 acres) along with approximately two existing frontages along Keith Avenue measuring approximately 65.84 m (216.01 ft) on a westerly portion and 115.02 m (377.36 ft) along an easterly portion. The lands to be rezoned are presently vacant.

Surrounding Land Uses:

- North: Low density urban residential land uses with the predominant built-form being single-detached dwellings along Armand Crescent and Pinellas Road.
- East: Low density urban residential land uses with the predominant built-form being semi-detached dwellings along Keith Avenue and a large tract of vacant urban residential land.
- South: Low density urban residential land uses with the predominant built-form being semi-detached dwellings and duplex dwellings along Keith Avenue, a medium density residential development (i.e. Co-Operative D'Habitation Vallee Ouest) and a large tract of vacant urban land.
- West: Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings along Edward Avenue, Chelmsford Community Centre and Arena to the north-west, and two public schools to the south-west.

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

Site photos depict the subject lands as viewed from Keith Avenue where Winnipeg Street would be constructed in order to provide access to the proposed residential development. Photos of the immediately surrounding residential area also illustrates the lower density urban residential nature of those lands situated to the east of Edward Avenue along both sides of Keith Avenue and along Armand Crescent.

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 25, 2019. The statutory Notice of Public Hearing dated March 4, 2021 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 application prior to the public hearing. Staff understands that the owner's agent hosted a public information session in 2019, which had many local residents in attendance. The owner's agent has also advised staff that they have fielded a number of phone calls from local residents that are generally supportive of the development proposal. There was no additional formal in-person public meetings or sessions held by the owner or their agent since this time due to the ongoing Covid-19 global pandemic.

At the time of writing this report, the Planning Services Division has received several phone calls seeking clarification on the development proposal as well as one letter.

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 PPS. The following PPS policies are pertinent to the application for 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 use 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 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions;
7. 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;
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. This is to be achieved in part by maintaining at all times a three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment. This is also applicable to lands within draft approved or registered plans of subdivision;

9. Section 1.4.3 further outlines that municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - a) Permitting and facilitating 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, as well as all types of residential intensification, including additional residential units, and redevelopment;
 - b) 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;
 - c) 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;
 - d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
 - e) 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 are satisfied that the application for Zoning By-law Amendment 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 Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Living Area 1 land use designation 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 neighborhoods, 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 of the City's Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High-density residential development is permitted only in the community of Sudbury.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's 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. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 3.2.1(6) of the City's 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 3.2.1(7) of the City's Official Plan notes that a historical pattern of residential development around the Downtown and older sections of the Sudbury community are to be recognized in the City's implementing Zoning By-law. These areas are characterized by a mixture of dwelling types on small lots often with limited off-street parking availability. The applicable zoning in these areas is also intended to facilitate infilling and redevelopment that is compatible with the existing character of these residential areas. Staff advises that this policy was implemented in the City's Zoning By-law through the introduction of the "R2-3" Zone, which has been applied only to those older sections of the Sudbury community that have traditionally smaller lots with limited off-street parking opportunities. The "R2-3" Zone also includes flexibilities that allow for infill and redevelopment to be facilitated in older residential areas that are situated within the community of Sudbury. This policy is discussed in further detail later in this report.

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. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;

5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal;
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
 - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
 - b. The compatibility proposed development on the existing and planned character of the area;
 - c. The provision of on -site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
 - d. The availability of existing and planned infrastructure and public service facilities;
 - e. The provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
 - f. The impact of traffic generated by the proposed development on the road network and surrounding land uses;
 - g. The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
 - 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 17.2.1 of the City's Official Plan generally encourages diversity in housing types and forms. Specifically, in order to encourage a greater mix of housing types and tenures it is the policy of the City's Official Plan:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- b. To encourage production of smaller (i.e. one and two bedroom) units to accommodate the growing number of smaller households;

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- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. Discourage downzoning to support increased diversity of housing options; and,
- e. Support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

Section 19.5.4 of the City's Official Plan permits the passing of amending zoning by-law under Section 36 of the Planning Act that contains a holding provision in order to specify which lands, buildings and structures may be developed at some point in the future. Specifically, a holding provision may be utilized for the following purposes:

- 1. When certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreements with the City;
- 2. When the level of community services and/or infrastructure is not yet adequate to support the proposed use;
- 3. Where environmental conditions or constraints temporarily preclude development or redevelopment; and/or,
- 4. Where required studies have not yet been approved by the City.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to "R2-2", Low Density Residential Two and "R2-3", Low Density Residential Two, along with the retention of a north-easterly portion of the lands that are to remain "R1-5", Low Density Residential One in order to permit a mix of single-detached, semi-detached and street-townhouse dwellings fronting Winnipeg Street (formerly Willow Crescent) and to the north of Keith Avenue in Chelmsford. The development proposal would total a maximum yield of 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings) should the land use permissions that are being sought utilized to the fullest extent.

Draft Approved Plan of Subdivision:

The lands are also the subject of a draft approved plan of subdivision (i.e. Bonaventure Subdivision) that was approved initially by Council on November 25, 2010 (File # 780-5/10001). The draft approval consists of 83 low density urban residential lots and no lots have been registered at the time of writing this report. The lots are to be accessed from Pinellas Road to the north and Keith Avenue to the south. The owner has opted not to request an amendment to the existing draft approval that is set to lapse on November 25, 2021. The owner is advised that the rezoning application does not act to extend the above noted lapsing date associated with the draft approved plan of subdivision that is applicable to the entirety of the owner's land.

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Part Lot Control:

The owner's agent has advised staff they intend on applying for an exemption from the part lot control provisions of the Planning Act at a later date in order to alter the existing lot fabric described as being Lots 64-95, 97-117, 127-175, Blocks D & E & Part of Block C on Registered Plan M-1058. The alterations to the existing lot fabric would arrange the lands to be rezoned into lots and blocks that are suitable for the residential development that is being proposed. The above noted part lot control provisions are generally established under Section 50(5) of the Planning Act, while Section 50(7) enables a municipality to pass a by-law exempting part lot control from all or part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring approval from the City's Consent Official. Staff would also note that if required Section 50(7.4) of the Planning Act would allow for an extension to the two-year period.

Department/Agency Review:

The application, including relevant accompanying materials, was circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify 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, Building Services, the City's Drainage Section, Fire Services, Operations, Roads, and Transit Services have each advised that they have no concerns from their respective areas of interest.

Conservation Sudbury is supportive of the rezoning, provided that a holding provision is applied to the lands and that said holding provision shall not be removed until the following requirements are satisfied. In particular, the conditions for removing the recommended holding provision would be as follows:

1. That a lot grading plan be provided that demonstrates that all proposed structures in the floodplain be flood-proofed to the satisfaction of Conservation Sudbury;
2. That all lots demonstrate safe access/egress to the satisfaction of Conservation Sudbury;
3. That any required fill in the floodplain be demonstrated to not negatively impact the flood retention capacity nor cause flooding impacts downstream to the satisfaction of Conservation Sudbury;
4. That a storm-water management plan, including both quantitative and qualitative analyses be provided to the satisfaction of Conservation Sudbury. This storm-water management plan must demonstrate no net increase in flows out-letting in the natural system;
5. That a qualified professional identify the extent of any wetland on the subject parcels. Should it be determined that wetland exists, the submission of a geotechnical report is required to the satisfaction of Conservation Sudbury that demonstrates the lands are suitable for development;
6. That a sediment and erosion control plan be provided to the satisfaction of Conservation Sudbury; and,
7. That a permit pursuant to Section 28 of the [Conservation Authorities Act](#) must be obtained.

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Development Engineering notes that there are approved construction drawings for the Bonaventure development, which date December 12, 2014. These construction drawings have not been updated to reflect the proposed changes to the lot fabric that would occur should the rezoning be approved. Development Engineering also notes that several of the proposed new street townhouse blocks as shown on the submitted Concept Plan would have approved municipal infrastructure passing through them. Development Engineering advises that the approved construction drawings and the existing lot fabric will need to be amended in order to accommodate the proposed development. The existing lot fabric and the approved construction drawings are not presently compatible and a holding provision should be placed on the lands until the above noted issues are properly addressed.

Transportation and Innovation notes that the rezoning proposes to permit semi-detached dwellings on the north-west and north-east “bulbed-out” corners along Winnipeg Street. The development of semi-detached dwellings on said “bulbed-out” corners or cul-de-sacs will result in a large percentage of the public road frontage being driveway access entrances. This arrangement is challenging for snowplowing operations, as there will be limited area for snow storage. In addition, the reduced available public road frontage limits the availability of on-street visitor parking which increases the demand for short-term parking on the remaining portion of Winnipeg Street. Transportation and Innovation recommends that only single-detached dwellings be permitted on these “bulbed-out” lots in the north-west and north-east corners of Winnipeg Street.

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 application with respect to 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 Chelmsford is an identified settlement area in the City’s Official Plan. The proposed rezoning to permit the development of 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings) would represent an improved mix of residential use and built-form permissions in this part of Chelmsford and should be promoted and is considered to be good land use planning. Staff would note however that the range of permitted residential uses and built-forms requires some restrictions given those comments received from Traffic and Innovation as it relates to semi-detached dwelling fronting “corner bulbs.” These concerns are addressed later in this report;
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 along Keith Avenue and future Winnipeg Street in the community of Chelmsford. Staff notes that the lands are generally capable of being serviced with municipal water and sanitary sewer from Keith Avenue. Access to public transportation via GOVA is available to the west along Edward Avenue (i.e. Route 104 – Azilda/Chelmsford), which provides direct route access to both the Chelmsford Community Hub and the Downtown Hub. Active transportation is also an option as there is an existing sidewalk along Keith Avenue providing a pedestrian connection to Edward Avenue to the west. Edward Avenue also has a sidewalk providing a further pedestrian connection opportunity to Highway #144 to the south of the lands. There are also a number of public open space and community facilities (e.g. Chelmsford Community Centre & Arena) that can be accessed through active transportation infrastructure that exists in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;

3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased housing opportunities in terms of promoting the intensification of a vacant and therefore underutilized lot located within the Chelmsford settlement area;
4. Staff is supportive of the opportunity for residential intensification and has noted above that public transportation is located in close proximity to the subject lands. The proposed residential intensification in this instance would facilitate the development of up to 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, and 54 street townhouse dwellings) should the proposed rezoning be approved and utilized to the fullest extent by the owner. Staff is satisfied that the proposed and resulting mix of urban residential uses and built-forms be reasonably accommodated on the lands with minimal disruption to abutting residential land uses. Suitable municipal infrastructure is also generally available subject to appropriate extensions and connections being made and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good and reasonable intensification that encourages a compact built-form, while avoiding or mitigating risks to public health and safety. Specifically, the amending zoning by-law should apply "R1-5", "R2-2" and "R3" zoning to the lands without any site-specific relief being required or necessary given the site context. Staff is therefore satisfied that this particular mix of permitted residential uses and built-forms is well suited for the lands. Further to this, the "R1-5", "R2-2" and "R3" Zones that are being recommended by staff will ensure that the resulting development is reasonably accommodated and not out of character or excessive in nature given the site context;
6. Staff notes that the subject lands are surrounded by and adjacent to an existing and built-up urban residential area. It is further noted that the lands are also within the City's existing built-boundary. Staff is therefore of the opinion that together the proposed rezoning would facilitate and encourage the possibility of development proceeding in this area with a more compact built-form having a mix of urban residential uses at a density that will utilize the subject lands efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively to minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan;
7. With respect to housing policies in the PPS, staff advises that in general the development proposal would contribute positively to the City's range and mix of housing options and densities to meet projected requirements for both current and future residents in Chelmsford. The proposed development would also continue to contribute positively to the City's required minimum three year supply of residential units with servicing capacity that are suitably zoned to facilitate residential intensification and redevelopment; and,
8. More specifically, staff would note the following with respect to housing policies:
 - a) The proposed mix of urban residential land uses and built-forms would in general provide for an expanded range and potentially mix of housing options and densities in the community of Chelmsford. 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 and inclusion of semi-detached dwellings and street townhouses as permitted uses in addition to single-detached dwellings. The mix of residential uses and built-forms that would be permitted is not considered to be excessive from the perspective of balancing intensification opportunities against ensuring that there are no disruptions to the existing character of this particular urban residential neighbourhood in this part of Chelmsford;

- c) Staff is satisfied through their review and circulation of the rezoning application that the proposed 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings) can and should be appropriately directed to the subject lands as appropriate levels of municipal infrastructure (i.e. sanitary sewer and water infrastructure, public transportation, etc.) are presently available;
- d) Staff is of the opinion that the development proposal would generally result in the efficient use of land and available municipal infrastructure. It is also noted that the improved housing options in this area would positively contribute to and encourage the use of 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. Staff would further note that the development proposal would not negatively impact other intensification opportunities that may exist in the area; and,
- f) Staff is satisfied that appropriate development standards contained within the existing standard "R1-5", "R2-2" and "R3" Zones can be utilized in an amending zoning by-law to accommodate the proposed development of the subject lands without negatively affecting 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 permit 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling and 54 street townhouse dwellings) are discussed below.

With respect to general Living Area 1 policies in the Official Plan that are applicable to the subject lands, staff notes that the proposed 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings) would yield an overall site density of approximately 21 residential dwelling units per hectare, which is permitted and within the threshold of those low density residential policies set out and permitted in the City's Official Plan.

Staff notes that the lands have frontage on a Local Road (i.e. Keith Avenue) and are directly connected to a Collector Road (i.e. Edward Avenue). It is further noted that Winnipeg Street would be considered to be a Local Road once constructed. The nearest bus stop to the lands is situated approximately 68 m (223.10 ft) to the west on Edward Avenue. The lands are also situated in close proximity at a distance of approximately 400 m (1,312.34 ft) to a Provincial Highway (i.e. Highway #144) that provides further direct access to public transportation options. Staff is of the opinion that sufficient open space areas and community/recreational activities are also available in the general area of the subject lands. Staff notes that the lands are capable of being serviced by municipal water and sanitary sewer infrastructure. It should be noted however that Development Engineering has provided comments that construction drawings will need to be reconsidered and subsequently approved for the proposed development as the Concept Plan currently shows lots and blocks having approved municipal infrastructure passing through them.

Staff further notes that the subject lands are identified as being located within the Chelmsford Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that the proposed 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings) represents an opportunity to make efficient use of existing urban land supply and planned or available municipal infrastructure and other services that are already provided for within the City's Settlement Area and Built Boundary. Staff is further satisfied that no site-specific development standards would appear to be required in order to accommodate the proposed intensified residential land uses.

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With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff has the following comments:

1. Staff notes that in general all forms of residential intensification are encouraged in the City's Official Plan. Staff further advises in this instance that the subject lands form a vacant and underutilized lot in the middle of a built-up urban residential environment. Provided that appropriate development standards (i.e. "R1-5", "R2-2" and "R3" and not "R2-3") are applied to the lands, staff is of the opinion that this form of residential intensification can be reasonably accommodated on the subject lands;
2. Staff advises that the development proposal would contribute positively to the City's aim of accommodating 20% of all future residential growth and development through intensification within the Built Boundary. Staff from the City's Development Approvals Section has also confirmed with Community and Strategic Planning staff that the proposed development would constitute development within the Built Boundary as these vacant lands are entirely surrounded by a built-up urban residential environment;
3. Staff advises that the development proposal does not amount to large or medium scale intensification that would be otherwise directed to strategic core areas, such as the Downtown of Town Centre land use designations. The lands are however designated Living Area 1 and it is noted that intensification is permitted within this land use designation; and,
4. Staff in general has no concerns with respect to the proposed intensification in terms of compatibility with the existing and planned character of the area. Additionally, staff has no concerns regarding the size and shape of the lots and blocks, or the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the development proposal that would facilitate construction of up to 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, 54 street townhouse dwellings).

In particular, 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 generally of the opinion that the subject lands are of sufficient size and shape to accommodate up to a maximum of 65 urban residential dwelling units (i.e. 3 single-detached dwellings, 8 semi-detached dwelling, and 54 street townhouse dwellings). Staff notes that the owner is not requesting any site-specific development standards in order to accommodate the above noted development on the lands. Staff is satisfied that the Concept Plan demonstrates that the proposed development can be situated on the lands without requiring any site-specific relief that may cause or introduce conflict between land uses in the area. Staff can also advise that circulated agencies and departments identified no concerns with respect to topography during the review of the rezoning application. In addition, with respect to drainage the City's Drainage Section has reviewed the rezoning application and has advised that they have no concerns with the development proposal. Building Services has also reviewed the rezoning application and has not identified any concerns with respect to soil conditions on the subject lands;
2. Staff has noted in this report that the subject lands are generally surrounded by a mix of urban residential built forms and lower residential densities in this particular area of Chelmsford. The introduction of street-townhouses in particular to the area is considered compatible with the existing residential character of the area and an appropriate transition between existing lower density residential uses (e.g. single-detached and semi-detached dwellings). Medium density built forms such as street-townhouses can be achieved through applying the appropriate development standards contained in the "R3" Zone, as well as those general provisions that require planting strips between said types of residential land uses. It is on this basis that staff are satisfied that the development proposal would not present any compatibility issues with respect to the existing and planned residential character that exists along Keith Avenue and Armand Crescent;

3. Staff is satisfied that the lands are capable of providing adequate on-site landscaping, fencing, planting and other measures that will have the effect of lessened any impacts that the development proposal would have on abutting properties or the existing urban residential character that exists along surrounding local streets. Staff would note however that the above opinion is based upon the street townhouses being zoned "R3" which properly contemplates the interface between lower density (e.g. "R1-5" & "R2-2") and medium density residential land uses in terms of minimum lot areas, minimum yard setbacks, planting strips, fencing, and so on;
4. After reviewing the rezoning application, Development Engineering notes that the lands are capable of being serviced with municipal water and sanitary sewer infrastructure from Keith Avenue. While further design and construction work is required to be completed by the owner in order to provide municipal water and sanitary sewer, municipal infrastructure is to be considered available and planned to service the lands. Development Engineering has noted that there are approved construction drawings that would facilitate urban residential development that is in keeping with the draft approved plan of subdivision (i.e. Bonaventure Subdivision); however, these approved construction drawings do not contemplate the proposed changes to the range of permitted uses and the lots/blocks that are depicted on the Concept Plan that was submitted in support of the proposed rezoning. Development Engineering is supportive of the proposed rezoning provided that a holding provision is utilized in order to ensure the lands are properly serviced with municipal water and sanitary sewer infrastructure;
5. Staff notes that the development proposal would involve the construction of a local road (i.e. Winnipeg Street) that is depicted on Plan M-1058, which was registered on August 3, 1977. Staff is of the opinion that the land uses proposed will be capable of providing adequate ingress and egress in terms of driveway entrances onto Winnipeg Street. It is further anticipated that appropriate off-street parking will be provided for each of the residential dwelling units as required under Part 5 – Parking Provisions of the City's Zoning By-law. For clarity purposes, single-detached, semi-detached and street-townhouse dwellings are required to provide one parking space per dwelling unit located outside of the required front yard. The owner has not requested any site-specific relief as it relates to parking provisions. Staff also has no concerns with safe and convenient vehicular circulation that would be facilitated along Winnipeg Street and other surrounding local streets;
6. Roads, Traffic and Innovation reviewed the rezoning application and did not express any concerns with respect to any negative impacts related to the traffic that would be generated by the proposed development on the local road network and surrounding land uses. Traffic and Innovation did provide comments that they are unable to support the proposed semi-detached dwelling lots and the "bulbed-out" corners as shown on the Concept Plan. Staff would note however that these semi-detached dwelling lots do appear to exceed the minimum lot frontage that is required for this type of built-form in the standard "R2-2" Zone. Staff would encourage the owner to consider the comments provided by Traffic and Innovation and comply with the minimum lot frontage development standard accordingly. The above is discussed in further detail later in this report;
7. As noted previously in this report, the lands are well accessed by public transportation to the west as GOVA is available to the west along Edward Avenue (i.e. Route 104 – Azilda/Chelmsford), which provides direct route access to both the Chelmsford Community Hub and the Downtown Hub. As mentioned earlier, that the nearest transit stop is situated approximately 68 m (223.10 ft) to the west on Edward Avenue. There is also an existing sidewalk along the north side of Keith Avenue providing an existing active transportation link to Edward Avenue and out toward Highway #144 to the south of the lands;

8. Staff does not anticipate that any negative sun-shadowing and/or uncomfortable wind conditions would be generated on surrounding streets, parks and open spaces should the proposed rezoning be approved. It is noted that the proposed buildings would each be permitted to have a maximum height of 11 m (36.09 ft) as per the recommended "R1-5", "R2-2" and "R3" Zone standards and sun-shadowing and/or uncomfortable wind conditions are not normally associated with buildings of this particular height;
9. In their review of the application, staff 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 has no concerns with respect to the relationship between the proposed development and any nearby-identified natural or manufactured hazards. Conservation Sudbury has reviewed the proposed rezoning and are supportive of the request, provided that a number of items are addressed prior to development by the owner. The owner is also specifically advised that development of the lands will require a permit pursuant to Section 28 of the Conservation Authorities Act as the lands are situated with a floodplain and development is regulated under Ontario. Staff is however recommending that several items be included in the holding provision in order to ensure that the lands develop in a manner that does not pose any risks to human life, health and safety. To clarify, this would be a necessary approach because the owner is wishing to utilize part lot control to adjust the lot fabric of the underlying registered plan of subdivision (i.e. Plan M-1058) in order to proceed to construction versus utilizing the more recent draft approved plan of subdivision conditions (i.e. Bonaventure Subdivision) that are applicable on the entirety of the lands;
11. There are no facilities, services or other matters associated with the development proposal that are subject to Section 37 of the Planning Act; and,
12. Staff generally concludes and would advise that the proposed residential intensification along Winnipeg Street would balance the concerns of the local community with the identified need for providing opportunities for residential intensification in the community of Chelmsford.

With respect to housing policies established under Section 17.0 of the Official Plan, staff notes that in general the development proposal would contribute positively to the range of housing types and forms available to both current and future residents of Chelmsford. Staff also understands that the proposed semi-detached dwellings and street townhouse dwellings could potentially offer and provide for a range of smaller (i.e. two bedroom) units that are capable of accommodating smaller households. Staff notes that future owners may utilize the City's secondary dwelling unit permissions to increase the range of housing options even further. The development proposal may also positively contribute to and provide for an additional housing option for senior citizens living in Chelmsford. Staff also advises that the proposed rezoning does not amount to a down-zoning of the subject lands. Staff is supportive of the rezoning from a housing perspective on the basis that it would contribute positively to the notion of creating complete communities designed to have a mix of land uses that are supportive of transit development and that offer the opportunity for providing affordable housing to people of all ages and abilities.

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

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The owner is requesting that the lands be rezoned from “R1-5”, Low Density Residential One to “R2-2”, Low Density Residential Two and “R2-3”, Low Density Residential Two, along with the retention of a north-easterly portion of the lands that are to remain “R1-5”, Low Density Residential One. As has been mentioned previously in this report, no site-specific relief has been requested by the owner and as such, development of the lands is expected to occur in compliance with the zoning that would be applicable to the lands should the application be approved. Staff in general has no concerns with the requested “R1-5” and “R2-2” zone categories, but are not able to support the requested “R2-3” zone category, as it would be an inappropriate use in this particular location.

With respect to the lots depicted on the Concept Plan that are to be rezoned to “R1-5” and “R2-2” would generally each appear to comply with applicable minimum lot area, minimum lot frontage and minimum lot depth development standards. Staff notes that a special provision relating to a reduced minimum lot frontage for Lot 94 on Registered Plan M-1058 of approximately 15 m (50 ft) whereas a corner lot here would require 17 m (55.77 ft) is required should be included in the amending zoning by-law. Lot 94 on Registered Plan M-1058 is also slightly under from a minimum lot area perspective. The special provisions required for Lot 94 on Registered Plan M-1058 can be confirmed through the registered survey plan that will be required in order to prepare an amending zoning by-law for the lands. It is noted that this lot would be undersized from the perspective of constructing a semi-detached dwelling.

In particular, staff also notes that the proposed “R2-2” lots on the “bulbed-out” corners exceeds the minimum lot frontage and minimum lot area requirements should either a single-detached dwelling or semi-detached dwelling be constructed on these lots. Further to this, at the street-line each of the “bulbed-out” lots exceed the lot line length requirements at the street-line of Winnipeg Street. Staff do however remind the owner of the comments provided from Traffic and Innovation and note that compliance with the minimum development standards of the “R2-2” Zone are of importance given the snow clearing and storage demands that these types of urban residential lots generate.

With respect to the requested “R2-3” Zone, staff are however able to support applying the “R3” Zone to these lands which would allow for a range of both low and medium density urban residential land uses. Staff would again reiterate that the “R2-3” Zone was created and directly informed by an Official Plan policy, which recognizes and implements development standards that are to be utilized in the older residential neighbourhoods in the community of Sudbury. The “R3” Zone also properly contemplates the transitioning that is appropriate between lower and medium density land uses. For instance, staff would draw attention to Section 4.15.4 a) ii) which requires that a 3 m (9.84 ft) wide planting strip be provided where a lot zoned “R3” abuts a lot zoned “R1” (i.e. “R1-1” through “R1-5”) or “R2” (i.e. “R2-1” through “R2-3”).

This development standard ensures that an appropriate level of privacy buffering and open space is provided between low and medium density built-forms. The width of said planting strip can be reduced to 1.8 m (5.91 ft) where a planting strip contains an opaque wall or opaque fence having a height of 1.5 m (4.92 ft). Staff would therefore advise that rezoning the portion of the lands that would permit medium density residential uses be zoned “R3” and not “R2-3” in order to ensure that the best possible land use planning compatibility between densities is achieved.

Staff is also recommending that the lands be zoned with a holding provision in order to address comments received by Conservation Sudbury and Development Engineering. Prior to filing the rezoning application, the owner’s agent has consulted with staff on this approach and staff advised that a holding provision could be supported as it would still act to ensure that these urban residential lands develop in an orderly manner. Specifically, the proposed holding provision would be in place and could not be removed from the lands until the following matters are addressed:

1. That the owner prepare required materials, submit said materials for review and receive all final approvals related to development of the lots and the construction of Winnipeg Street, including but not limited to erosion and sediment control, lot grading, municipal infrastructure and servicing, and storm-water management all to the satisfaction of the General Manager of Growth and Infrastructure;

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2. That the owner demonstrate that any fill to be placed in the floodplain will not negatively impact the flood retention capacity nor cause flooding impacts downstream to the satisfaction of Conservation Sudbury; and,
3. That a qualified professional identify the extent of any wetland on the subject parcels. Should it be determined that wetland exists, the submission of a geotechnical report is required demonstrating the suitability of development to the satisfaction of Conservation Sudbury.

Staff notes that the timing of the application to exempt the lands from part lot control will largely depend on the owner's progress with the above noted matters. It is not necessary however to require any part lot control approvals as part of the holding provision. Therefore, the owner is cautioned that an application for exemption from part lot control should be prepared in a manner that is complementary to the timing of construction and the above noted matters having been addressed that would allow the holding provision to be removed from the lands.

Staff also notes that a registered survey plan will be required in order to prepare the amending zoning by-law, as the resulting lot fabric would permit a mix of urban residential land uses that differs from the current legal description of the lands being Lots 64-95, 97-117, 127-175, Blocks D & E & Part of Block C, Plan M-1058, Lot 1, Concession 3, Township of Balfour.

Conclusion:

Staff has reviewed the development proposal and is generally 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 and recommended site-specific amending zoning by-law:

1. That the lands be rezoned to "R1-5", Low Density Residential One to "R1-5", Low Density Residential Special, "R1-5(S)", Low Density Residential One Special, "R2-2", Low Density Residential Two and "R3", Medium Density Residential;
2. That the only site-specific relief provided be on those lands legally described as being Lot 94 on Registered Plan M-1058 and that said lands be zoned "R1-5(S)" in order to allow for a reduced minimum corner lot frontage and minimum lot area;
3. That a holding provision be utilized in order to ensure that prior to development:
 - a) That the owner prepares required materials, submit said materials for review and receive all final approvals related to development of the lots and the construction of Winnipeg Street, including but not limited to erosion and sediment control, lot grading, municipal infrastructure and servicing, and storm-water management all to the satisfaction of the General Manager of Growth and Infrastructure;
 - b) That the owner demonstrates that any fill to be placed in the floodplain will not negatively impact the flood retention capacity nor cause flooding impacts downstream to the satisfaction of Conservation Sudbury; and,
 - c) That a qualified professional identify the extent of any wetland on the subject parcels. Should it be determined that wetland exists, the submission of a geotechnical report is required demonstrating the suitability of development to the satisfaction of Conservation Sudbury.

The Planning Services Division therefore recommends approval of the application for Zoning By-law Amendment in accordance with the Resolution section of this report.