

Date: January 11, 2021

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit 22 semi-detached dwellings, with local commercial uses also permitted on a portion of the lands.

The current C1 zoning permits any dwelling containing not more than two (2) dwelling units, which would permit the proposed semi-detached built form. However, the C1 zone requires a minimum 18 m lot frontage and other provisions more appropriate for local commercial uses, which does not align with the applicant's proposed semi-detached dwellings. The R2-2 zone would enable the proposed built form and lot fabric.

The applicant has also requested to maintain the current permission for local commercial uses on a portion of the property, identified on the applicant's sketch as Lot 30, 35, 36, 37 and 38. This would maintain the flexibility to accommodate a local commercial use should the opportunity arise.

The applicant's site sketch shows the proposed lot fabric to accommodate the semi-detached dwellings.

Existing Zoning: C1, Local Commercial

The C1 zone permits a limited range of commercial uses restricted to 150 square metres per lot. Residential uses are permitted in the form of any dwelling containing up to 2 dwelling units, group home (type 1), and a home daycare.

Requested Zoning: R2-2 and R2-2(S), Low Density Residential Two and Low Density Residential Two Special

The proposed R2-2 zone would permit the same residential uses permitted in the C1 zone, but with development standards that would enable the proposed built form. The proposed R2-2(S) zone would additionally permit local commercial uses on the portion of the property identified on the applicant's sketch as Lot 30, 35, 36, 37 and 38.

Location and Site Description:

The subject property is described as PINs 02115-0262 & 02118-0225, Blocks H & I, Plan M-1044, Lot 2, Concession 6, Township of McKim. The subject lands are located at the northeast and southeast corner of the road allowances for Montrose Avenue and Woodbine Avenue, and are currently vacant. Construction of both Montrose Avenue and Woodbine Avenue has not been fully completed at this location. Block I on the north side of Woodbine is 0.6 ha in size and Block H on the south side is 0.5 ha in size. Each has approximately 61 m of frontage. The lands are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Woodbine Avenue approximately 400 m to the east of the subject lands.

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Surrounding Land Uses:

The area surrounding the site includes:

North:	electricity transmission corridor, and vacant medium density residential land
East:	Residential use, single and semi-detached dwellings
South:	Residential Use, medium density
West:	Montrose Avenue road allowance (partially constructed), vacant low-density residential land

The location map indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the Montrose and Woodbine road allowances and the existing residential uses adjacent to the subject lands.

Public Consultation:

Notice of Complete Application was circulated to the public and surrounding property owners on November 20, 2020 and December 2, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on January 21, 2021. The applicant mailed out letters to neighbouring residents in the area on January 4, 2021. As of the date of this report, the Planning Services Division has received one phone call and two letters regarding this application. The caller raised concerns regarding drainage behind the homes fronting on Chestnut Crescent. One letter raises a range of concerns with commercial development and requests that only residential use be permitted. The second letter from the neighbouring condominium development to the south requests that a buffer of trees be provided along the lot line that abuts the condominium.

Policy & Regulatory Framework:

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

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

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

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 Provincial Policy Statement.

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents.

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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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

Official Plan for the City of Greater Sudbury:

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan.

Policies 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

- a) the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b) the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c) adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) the impact of traffic on local streets is minimal.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

Zoning By-law 2010-100Z:

The development standards for the requested R2-2 zone require a minimum lot area of 275 square metres and 9.0 m frontage (plus 1.5 m for corner lots) for a semi-detached dwelling, and permits a maximum height of 11 m. The minimum required front yard is 7.5 m along Montrose and 6.0 m along Woodbine, the minimum required rear yard is 7.5 m, the minimum required interior side yard is 1.2 m, and the minimum required corner side yard along Montrose is 7.5 m. The maximum lot coverage is 40%. A minimum of 50% the required front yard is to be maintained as landscaped open space.

Parking is not permitted in the front or corner side yard in the R2-2 zone. Parking for a single, semi-detached or duplex dwelling is required and has to be provided at a rate of one space per unit. Parking for local commercial uses varies by the specific type of use, but is generally one space per 20 square metres net floor area.

The applicant has requested to maintain the permission for local commercial uses on a portion of the property. The zoning for the C1 Local Commercial Zone would typically require a minimum 650 square metre lot area, and 18 m frontage. A 3.0 m wide planting strip adjacent to the full length of the lot line would be required abutting any residential zone, and could be reduced to 1.8 m where an opaque fence 1.5 m in height is provided. Parking would be permitted within 3.0 m of a road or residential zone, excluding the sight triangle measured 9 m along Montrose and 7.5 m along Woodbine.

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Site Plan Control and Lot Creation:

A Site Plan Control Application is not required for the development of semi-detached residential dwellings. Site plan control would be required if commercial uses are proposed, with or without residential use on the same lot.

The land currently exists as two separately transferrable blocks with one being on the north side of Woodbine and one on the south side. The owner has indicated that they intend to request an exemption from part lot control in order to create the proposed lots, which would enable the City the opportunity to apply conditions to be met prior to lot creation.

Department/Agency Review:

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

Development Engineering has commented that site servicing to lots 28 to 35 has been addressed through an addition to the approved current construction drawings for the development of Montrose and Woodbine Avenues. Site servicing to lots 36 to 38 would occur when the development of Montrose Avenue north of Woodbine Avenue occurs, which may be subject to a cost sharing agreement. It is required that a lot grading plan be submitted as part of the development process.

Building Services has commented that the proposed commercial use may be subject to site plan control, and that geotechnical soils report will be required.

Conservation Sudbury has commented that as part of the land division process they may have conditions of approval including appropriate stormwater management subject to their approval.

Infrastructure Capital Planning Services has commented that prior to issuance of a building permit, road construction work on Montrose Avenue and Woodbine Avenue must be completed.

These comments have been addressed to the satisfaction of reviewing department and agencies.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies in November 2020. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The application is consistent with the PPS direction to direct development to fully serviced settlement areas. Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure. The proposal to construct semi-detached dwellings in this location represents an opportunity to provide a potentially more affordable form of housing.

The Montrose Avenue road allowance has been a significant topic of discussion as part of the City's Transportation Master Plan and Phase 2 of the Official Plan Review. The Montrose Avenue Road allowance along the west side of the subject lands is owned by the City. The Official Plan currently shows Montrose Avenue north of Forestdale as a proposed road extending to Maley Drive.

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Council approved Dalron's applications for cost sharing and development charge credit for the portion of Montrose from Forestdale Drive to Woodbine Avenue on August 22, 2017. There are approved construction drawings for the development of Montrose up to and including Woodbine Avenue. Montrose Avenue as currently constructed extends from Lasalle Boulevard to approximately 140 metres north of Forestdale Drive just south of the subject lands. The remaining portion of Montrose to Woodbine is partially constructed, as is the portion of Woodbine that extends through the subject lands.

Area residents have raised concerns with the traffic from the future connection of Montrose to Maley Drive. This has resulted in a series of Council resolutions directing staff to work to identify a recommended alignment/design for Montrose Avenue as a complete street that protects the residential character of the neighbourhood. The recommendation will be brought forward as part of Phase 2 of the Official Plan review process, which is currently underway. Given the location of the subject lands, it is expected they would not be impacted by the recommended alignment/design for Montrose Avenue, but if so, the proposed lots would have sufficient depth to accommodate any changes.

The subject lands are currently designated Living Area 1 and are zoned C1, which would enable local commercial uses. The Living Area 1 designation permits a range of uses including residential uses and small-scale commercial intended to serve the needs of local residents to a maximum of 150 square metres per location.

The applicant has indicated the purpose of the rezoning application is due to an inability to find tenants for the commercial lands. The proposed rezoning to R2-2 to permit residential development is recommended to be compatible with the adjacent residential uses. The proposed 22 semi-detached units would result in a residential density of 21 dwelling units per hectare, which is below the threshold of 36 units per hectare permitted in low-density residential areas. The minimum area required by the zoning by-law for each semi-detached unit can be provided. There is a mix of residential densities permitted in this part of New Sudbury, though the built form generally consists of semi-detached or row dwellings in close proximity to the subject lands along Montrose and Woodbine. The proposed density and built form is therefore considered appropriate in this location and is compatible with the adjacent residential uses, and no special development standards are recommended.

The loss of commercially-zoned land is also a consideration in the review of this application. The Living Area 1 designation permits small-scale commercial uses intended to serve the needs of local residents, to a maximum of 150 square metres per location. The Official Plan directs that local commercial uses are intended to be isolated rather than forming a group or cluster that could potentially change the residential character of an area. The site of the subject lands, being at the corner of Montrose Avenue and Woodbine Avenue, is where local commercial lands are typically located. Zoning to enable local commercial uses can promote the development of a mix of land uses that can serve the daily needs of residents.

Given the proposed rezoning would reduce the lands available for local commercial uses, the applicant has provided supplementary information with their application describing the availability of local commercial uses in proximity to the subject lands. There are two convenience stores within 1 km of the subject lands, and there is a large pharmacy at the corner of Lasalle and Montrose. A home daycare, personal services and pet grooming are permitted within residential dwellings on a small scale as home occupations.

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The applicant has also requested to maintain the current permission for C1 local commercial uses on a portion of the subject lands, identified on the applicant's sketch as Lot 30, 35, 36, 37 and 38. The remainder of the lands are proposed to be rezoned to R2-2, specifically all the lands adjacent to the existing residential uses on the south side of Woodbine, and the first two lots on the north side of Woodbine that front on Windermere Crescent. This will prohibit new local commercial development to occur adjacent to these existing residential uses but enable commercial development on the corner lots or those that front on Montrose on the north portion of the subject lands, still within walking distance of nearby residents.

In terms of development standards, the standards for the C1 zone would be appropriate for the portion of the subject lands where local commercial uses are proposed to be maintained. These minimum standards would serve to prevent a situation where a semi-detached unit is separately owned and used for local commercial purposes sharing a common wall with a separately owned residential unit. It is recommended that local commercial uses continue to be restricted to a maximum net floor area of 150 square metres per lot and subject to the minimum area, minimum frontage, location of parking, and provision of landscaping. This will also serve to promote compatibility with existing adjacent residential uses that front on Windermere Crescent and the residential use proposed on the subject lands themselves.

It is recommended to require paired driveways for the lots proposed to front on Montrose, and the first two lots on the north and south side of Woodbine closest to the corner. This is intended to minimize the number of entrances onto an arterial road or close to the intersection with an arterial. The applicant is advised that no driveways or parking is permitted in the sight triangle, measured 9 m along Montrose and 7.5 m along Woodbine.

While the current rezoning application would enable the proposed uses, there would be other approvals required in order to enable the proposed development. Firstly, the owner has indicated they intend to request to create the lots by way of exemption from part lot control. Such a request would necessitate circulation to City departments and Conservation Sudbury, and passage of a by-law by Council prior to the creation of lots. Secondly, a site plan control agreement would be required if commercial uses are proposed. Matters such as road construction, site servicing, lot grading and stormwater management can be addressed through the part-lot control exemption process and, where applicable, through preparation of a site plan control agreement.

Conclusion:

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

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

- To rezone the lands from C1 to R2-2 and R2-2(S), in order to permit 22 semi-detached dwellings, with local commercial uses also permitted on a portion of the lands.

Staff have considered a full range of factors through a detailed review when forming the recommendation of approval for this application.

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Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed development will contribute to the range and mix of housing available in the area, while maintaining the opportunity for local commercial uses on a portion of the lands.
- The site is suitable for the uses proposed, including the proposed residential density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses in terms of scale, massing, height, siting and setbacks, and the location of parking and amenity areas, and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.