

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to permit the following:

1. Rezone part of PINs 73504-3102 and 73504-2283 to R3 Special in order to permit an 80-unit row dwelling complex and related accessory uses, to include an outdoor recreation area and stormwater facilities on abutting rural lands;
2. Consolidate an approximate 1,752 m<sup>2</sup> southerly portion of PIN 73504-3102 with abutting PIN 73504-1924 (5074 Highway 69 North) and rezone to "C2", General Commercial.

**Existing Zoning:** "RU" Rural and "H43C2", Holding General Commercial.

"RU", Rural zoning permits a residential use in the form of a single detached dwelling or a mobile home on a permanent foundation.

The H43C2 zoning would permit all C2 uses subject to the removal of the holding designation. The "H43", Holding symbol shall only be removed by Council provided that the following conditions are first satisfied:

- i) The owners shall have entered into a servicing agreement with the City of Greater Sudbury respecting the extension of municipal sanitary sewer services to service the lands subject to the "H", Hold symbol, and agree to contribute towards the cost of the extension of the sanitary sewer;
- ii) Municipal sanitary services are available to service the development;
- iii) A traffic impact analysis which identifies those road improvements which are required to support the uses permitted on the lands subject to the "H", Hold symbol and that the owner enter into an agreement with the City to contribute towards the cost of any improvements or upgrades identified in the study including a paved shoulder on the west side of Deschene Road from the north limit of the lands subject to the "H" to Municipal Road 80;
- iv) Stormwater Management Report, to include details concerning a stormwater drainage outlet for the site and that the owner enter into an agreement with the City to contribute towards the cost of any drainage improvements identified in the report."

**Requested Zoning:** "R3 Special", Medium Density Residential Special and "C2", General Commercial

R3 zoning permits low and medium density residential uses, including row dwellings. The C2 zoning permits a broad range of residential and commercial use comprising more than 50 different land uses. In this case, the C2 zoning is required in order to eliminate the split zoning that results from a proposed lot addition with an existing commercial property fronting onto MR80.

### **Location and Site Description:**

PIN 73504-3102 and Part of PIN 73504-2283, Part of Parcel 11271 S.E.S., Part 3, Plan 53R-21074 in Lot 5, Concession 3, Township of Hanmer (Deschene Road and Philippe Street, Hanmer)

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

The subject lands encompass portions of two parcels located north of Philippe Street and west of Deschene Road in the community of Hanmer. Sewer and water services will have to be extended northerly on Philippe Street in order to accommodate development. Both Philippe Street and Deschene Road are constructed to a rural standard. Public transit service is located on MR80 with the closest transit stop approximately 175 metres to the east.

Total site area is 5.68 ha, which comprises 3.66 ha for the row dwelling complex and 2.02 ha for the proposed outdoor amenity area on abutting rural lands. The subject land has 60 metres of frontage on Deschene Road and 30 metres at the northerly limit of Philippe Street.

The vacant lands are relatively flat with no major changes in topography. The property is noted for its mix of open space areas and tree cover, mostly coniferous species. Informal trails are evident across the property.

The subject land is located within Wellhead Protection Areas A and B of the Philippe Well C.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: Vacant rural land (north of Philippe Street) and a rural residential lot with a single detached dwelling north of the portion currently zoned H43C2 (4705 Deschene Road);

East: Vacant rural land and grocery store on east side of Deschene Road;

South: Single detached dwellings and commercial properties on MR80;

South and east: Vacant land zoned as "H43C2", Holding General Commercial located north of Shoppers Drug Mart and McDonald's; and,

West: Rural property with garden nursery (Valley Shrubs and Trees).

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The owner advised that adjacent property owners were canvassed in advance of the public hearing.

As of the date of this report, Planning Services received one phone call seeking clarification on the application and conducted one meeting with a local resident at TD Square. No written submissions have been received.

## **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

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 (PPS):**

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.

There are three major Provincial policy areas that are directly applicable to this file as follows:

a) Housing

Under Section 1.1.1, municipalities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) to meet long-term needs.

b) Settlement areas

As outlined under Section 1.1.3.6, 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.

c) Source protection

Section 2.2.1 addresses water resources. Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and,
2. protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive groundwater features, and their hydrologic functions.

**Growth Plan for Northern Ontario (GPNO):**

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.

The GPNO encourages a broad range of housing in support of the City's designation as an Economic and Service Hub.

**Official Plan for the City of Greater Sudbury:**

A. Mixed Use Commercial

The easterly portion of the subject land is designated as Mixed Use Commercial in the Official Plan. The following policies under Section 4.3 are applied:

1. All uses permitted by this Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process.

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

2. In order to minimize the disruption of traffic flow along Arterial Roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted.
3. Subject to rezoning, new development may be permitted provided that:
  - a. sewer and water capacities are adequate for the site;
  - b. parking can be adequately provided;
  - c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
  - d. the traffic carrying capacity of the Arterial Road is not significantly affected;
  - e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
  - f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
  - g. The proposal meets the policies of Sections 11.3.2 (land use policies to support transit needs) and 11.8 (accessibility), and Chapter 14.0, Urban Design.

**B. Living Area 1**

The westerly portion of the subject land north of Philippe Street is designated as Living Area 1, which permits a range of residential use including medium density housing types. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- 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.

**C. Residential Intensification**

The application is a form of residential intensification given the increased density that is proposed. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with 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 on surrounding natural features and areas and cultural heritage resources;

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

**D. Built Boundary**

Schedule 3 of the Official Plan identifies the limits of the settlement area and the built boundaries of the City. Under Section 2.3.2 of the Official Plan, intensification and development within the built boundary is encouraged. Notwithstanding the above, development outside of the built boundary may be considered in accordance with the policies of this Plan.

In this case, most of the proposed row dwelling development will be located within the settlement area but beyond the built boundary of the Valley East urban area. A small southerly portion of the row dwelling complex, as well as the surplus land to be consolidated with the C2 lot on MR 80 are within the built boundary.

**E. Sensitive Groundwater Features (Source Protection Plan)**

The Official Plan contains various policies related to sensitive groundwater features, which are applicable to the subject land given the proximity to a municipal well. The applicable policies are outlined under Section 8.3 of the Official Plan:

1. Development, certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan.
2. Severances of lots that would require the construction of new septic systems within the WHPA A and B or the IPZ 1 areas are prohibited. Existing registered lots may be developed with an on-site individual septic system and the expansion, maintenance or replacement of existing on-site individual septic systems is allowed.
3. In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by:
  - a. encouraging the implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls;
  - b. encouraging the implementation of innovative stormwater management measures;
  - c. considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; and,
  - d. supporting the continued implementation of source control programs, which are targeted to existing areas that lack adequate stormwater controls.

**Zoning By-law 2010-100Z:**

The applicant has demonstrated general compliance with R3 zoning provisions as applied to row dwellings.

**Site Plan Control:**

The development is subject to Site Plan Control, to be implemented prior to the issuance of a building permit.

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

**Department/Agency Review:**

Commenting departments and agencies generally advised that there are no objections to the proposed development and that more detailed requirements will be outlined at the site plan stage if this application is approved. Drainage Section advised that enhanced stormwater control measures will be required due to the location in a vulnerable area. Development Engineering indicated that municipal services are adequate.

**Planning Analysis:**

The subject property offers close proximity to a major arterial road serviced by public transit and a commercial node located at the intersection of MR 80 and Deschene Road in Hanmer. The review of this application is focused on the following areas of concern:

- Land use compatibility with adjacent low density housing;
- Suitability of the lot to accommodate the proposed 80-unit development;
- Appropriateness of the outdoor amenity area proposed on adjacent lands deemed beyond the settlement area boundary; and,
- Impact on groundwater resources as the land is located within a vulnerable area identified under the Source Protection Plan.

**Land use compatibility**

The main consideration related to compatibility concerns the interface with existing low density housing on Philippe Street and MR80. Both the proposed R3 portion and the surplus lands to be consolidated with the commercial property on MR80 directly abut existing single detached dwellings. As a minimum requirement, planting strips will be required wherever a medium density residential use or a non-residential lot abuts a low density residential zone.

In this case, the owner is proposing a minimum 1.5 metre-high opaque privacy fence with a seven (7) metre-wide landscaped area abutting the rear lot lines of Lots 6 and 7, Plan M-338 and Part 1, Plan 53R-12716 on the east side of Philippe Street. A privacy fence in conjunction with a landscaped area is also proposed along the northerly limit of Part 1, Plan 53R-12716 (4616 Philippe Street).

On the west side of the street, existing vegetation will be utilized along the northerly limit of Part 3, Plan 53R-12716 to provide screening and buffering (4615 Philippe Street). Depending on the location of the existing tree line, the plantings may have to be supplemented at site plan stage, as the planting strip must be on the subject land (i.e., the proponents cannot use vegetation on the abutting property to meet their landscaping requirements).

In regards to the portion to be rezoned C2 abutting Lots 7 and 8, Plan M-338 on Philippe Street and PIN 73504-1925 on MR80, any future commercial development will be subject to site plan control, at which time landscaping requirements will be implemented.

In order to accommodate access to the site, the turnaround at the northerly limit of Philippe Street will have to be reconstructed and moved further south to align within the limits of the municipal right-of-way. The owner has provided a preliminary drawing illustrating the proposed cul-de-sac, which is attached for review. The engineering requirements will be reviewed in more detail at the site plan stage.

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

Suitability of lot

a) Density

The residential density on the R3 portion of the site is calculated at 22 dwelling units per hectare, which is less than the maximum density permitted under in low density residential areas under the Official Plan (36 du/ha). The resultant density is tied to the proposed built form, which requires a larger building footprint with fewer storeys compared to a multiple dwelling format. The density is considered appropriate given the locational context.

b) Built form

The applicant is proposing 80 row dwelling units in fifteen (15) buildings of varying size as set out on the preliminary site plan. Renderings are attached illustrating the proposed building elevations, which are two (2) storeys in height. The built form is fairly uniform with only slight variations in design. Each unit will have an attached garage and a designated privacy yard. A common amenity building is proposed in a centralized location.

The proposed built form presents compatibility with existing low density housing. The building height is similar to that applied under the abutting R1-5 zone. There will be no shadowing effects impacting adjacent dwellings.

c) Servicing

Municipal sewer and water services will be provided by extending the existing water distribution main and wastewater gravity main on Philippe Street. The owner submitted a sewer and water capacity/feasibility review as part of a complete application. Development Engineering advised that servicing is adequate for the proposed development, including fire flows.

d) Parking and on-site circulation

An 80-unit complex requires a minimum of 120 parking spaces. In this case, 136 spaces are provided to include 16 spaces for the proposed amenity building. Each unit will have an attached garage, with additional visitor parking provided throughout the development. The applicant has demonstrated that minimum parking requirements can be addressed on-site, and has identified preliminary locations to accommodate refuse areas. There are no concerns related to parking, on-site circulation and fire routes.

e) Proximity to commercial services and public transit

The proximity to commercial services and public transit are positive attributes that support medium density residential development at this location. Retail and restaurant uses including a shopping mall are within a comfortable walking distance. The presence of a grocery store directly opposite the subject land is a desirable feature of the site given the importance of geographic access to healthy foods. There is also a public transit stop directly in front of the retail development to the west.

Source Protection

The subject land is located within Wellhead Protection Areas A and B of the Philippe Well C. Water/Wastewater Services have indicated that no significant threats to the municipal drinking water source have been identified at this time, as the proposed development will be fully serviced by municipal sewer and water.

**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

Given the location in a vulnerable area, however, enhanced stormwater management requirements will be implemented at the site plan stage. On-site enhanced stormwater quality control is required for all proposed impervious areas. Snow storage areas must be directed to the quality control facility. If infiltration techniques are proposed, pre-treatment will be required along with a salt management plan for the site.

The owner is advised that a Section 59 review under the Clean Water Act is triggered at each stage of the development should this application be approved.

### Official Plan

The proposal conforms with applicable Official Plan policies as follows:

a) Living Area 1 and Mixed Use Commercial areas:

- There are no identified servicing constraints based on the submitted sewer and water feasibility/capacity review;
- Required parking can be provided on-site and no off-site impacts are anticipated;
- Access to a signalized intersection will be provided via the proposed Deschene Road driveway;
- The development will not generate significant traffic and there is no impact on the functioning of the arterial road based on comments from Traffic and Transportation;
- Landscaping requirements will be formalized through the site plan process;
- There is convenient access to public transit and the proposal enhances the feasibility of transit services; and,
- The proposed built form and resultant residential density are a good fit with existing uses, most notably the low density housing on Philippe Street.

b) Residential intensification

- The site is suitably large to accommodate the proposed 80-unit development while also addressing functional matters such as parking, on-site circulation, driveway entrances and fire routes;
- The built form and residential density are compatible with surrounding uses;
- The provision of landscaping and other measures will be implemented at site plan stage;
- There are no sun-shadow or wind impacts resulting from the development;
- There are no natural heritage or cultural heritage features that are present on the site; and,
- Residential intensification is encouraged but not restricted to areas within the built boundary.

c) Sensitive Groundwater Features (Source Protection Plan)

No restricted uses are proposed with this application. The development will be fully serviced and does not result in lot creation requiring the installation of septic systems. Enhanced stormwater techniques will be required at site plan stage.

d) Proposed outdoor amenity area

The owner is proposing an outdoor amenity area located north of the settlement boundary as delineated in the Official Plan. The open space area would serve a dual purpose: a private outdoor recreation area with walking trails and gardens for residents; and, a location for the stormwater management ponds required to address urban runoff, which must be handled on-site.



**Title: Keystone Homes Inc.**

**Date: October 13, 2020**

Staff have no objection to including the open space area as part of the development proposal provided that the lands are zoned "OSP Special", Open Space Private Special, which would permit an outdoor recreation area and the proposed stormwater facilities. No buildings other than structures accessory to an outdoor recreation area shall be permitted (gazebo, pavilion).

#### 2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The subject site is located in a fully serviced neighbourhood within settlement area boundaries, consistent with Provincial policies that place an emphasis on new development adjacent to existing built-up areas. The proposal also aligns with housing policies geared to diversification of the supply of new housing to address all housing needs, as well as contributing towards intensification targets. In regards to source water protection, no threats have been identified to the vulnerable area and enhanced stormwater controls will be implemented at the development stage. The application is consistent with the 2020 Provincial Policy Statement.

The application also conforms to the 2011 Growth Plan based on the increased housing capacity that the project will create.

#### **Conclusion:**

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report.