

Title: Michel Holdings Limited

Date: September 4, 2020

Staff Report

Proposal:

An application for rezoning has been submitted in order to convert a mixed-use building containing a main floor commercial unit and a second floor dwelling unit into a duplex dwelling.

Historical Zoning:

The subject property was first rezoned in 1972 to "R2-40", Two Family District Special in order to permit a credit union office (By-law 72-354). The R2 Special was subsequently modified in 1992 to allow a beauty salon and one (1) dwelling unit (By-law 92-132). Site Plan Control was implemented as a condition of approval. The special zoning was again revised in 2001 to R2-17 under Zoning By-law 95-500Z by adding a chiropractor's office to the permitted uses (By-law 2001-281Z).

Existing Zoning: "R2-2(2)", Low Density Residential Two Special

The current special zoning permits a beauty parlour, a chiropractic office and one dwelling unit subject to a Site Plan Control Agreement registered on title in 1992.

Requested Zoning: "R2-2", Low Density Residential Two

R2-2 zoning permits single detached, duplex and semi-detached dwellings. The submitted zoning sketch requires site-specific relief for an expanded landing and stairs in the westerly interior side yard.

Location and Site Description:

PIN 73596-0518, Parcel 31390 S.E.S., Part 1, Plan SR-775 in Lot 7, Concession 1, Township of McKim (431 Linda Street, Sudbury)

The subject property forms a corner lot on Linda Street in the South End of Sudbury. The area is fully serviced by municipal water and sanitary sewer. Linda Street is designated as a Local Road and is not constructed to an urban standard. The closest public transit stop is located approximately 115 metres to the south on Regent Street at Arnold Street.

Total lot area is 692 m², with 15.6 metres of frontage along the north limit and 42.9 metres along the easterly flankage lot line. The site is occupied by a two-storey mixed-use building constructed in 1949 that has a main floor commercial unit and a dwelling unit on the second floor. The commercial unit was most recently occupied by a chiropractor's office. A parking area that can accommodate up to six (6) vehicles is situated in the southerly rear yard.

Low density residential housing comprises adjacent uses. A commercial mall is located opposite the subject property (Regency Mall). Regent Street forms a mixed-use corridor with residential and commercial uses.

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Date: September 4, 2020

Surrounding Land Uses:

The area surrounding the site includes:

North: Regency Mall (mixed commercial building with retail and office uses)

East: Regent Street corridor

South: Single detached dwellings (440 & 442 Yale Street)

West: Single detached dwelling (469 Linda Street)

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 neighbours were consulted directly. As of the date of this report, no phone calls or written submissions have been received by Planning Services.

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

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.

2020 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.

Under Section 1.1 of the PPS, Planning authorities 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). The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services.

2011 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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario.

Title: Michel Holdings Limited

Date: September 4, 2020

Official Plan for the City of Greater Sudbury:

Living Area 1

The subject land is designated as Living Area 1, which permits a range of residential uses including low 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.

Residential intensification

Although minor in scale, the application is a form of residential intensification given the conversion of the building to a higher residential density. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. Intensification and development is permitted on established Living Area I lands. 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;
- 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.

Zoning By-law 2010-100Z:

Site-specific relief is required for an existing landing and stairs that are being further extended beyond the southerly building line as illustrated on the sketch. The expanded landing will be 0.23 metre from the westerly interior side lot line where 0.6 metre is required. The expansion of the existing landing is considered minor in nature.

The westerly interior side yard setback of 1.37 metres where 1.8 metres is required for a two-storey building is legal non-complying given that the existing building was constructed in 1949 and pre-dates zoning. The lot frontage of 15 metres where 17 metres is required for a corner lot is also legal non-complying as the creation of the lot pre-dates current day standards.

Title: Michel Holdings Limited

Date: September 4, 2020

Site Plan Control:

The property is subject to a Site Plan Control Agreement registered in 1992, which may be discharged once the rezoning is finalized and the duplex use is installed.

Department/Agency Review:

Commenting departments and agencies have no objections concerning this application.

Planning Analysis:

The application proposes to revert back to the original zoning, as the owner wishes to discontinue the commercial use and convert the main floor to a dwelling unit. The proposal aligns with the Living Area 1 designation in the Official Plan.

Land use compatibility

The existing building has been in place since 1949. No major redevelopment is proposed, therefore maintaining physical compatibility with adjacent uses based on the scale and built form. Residential density is 346 m² of lot area per unit, where a minimum of 230 m² is required for a duplex in an R2-2 zone.

Sufficient landscaping will be retained in the front and corner side yards and there are no concerns related to parking. The duplex will form a good fit with existing low density housing in the vicinity.

It is recommended that site-specific relief be granted for the expanded landing and stairs along the westerly interior side yard. It is further recommended that the legal non-complying components of the property be recognized under the special zoning.

2020 PPS & 2011 GPNO

The subject land is located within a fully serviced urban area that offers proximity to services including public transit. The scale of development is minor and considered appropriate based on the low density character of the area. The application is consistent with the 2020 PPS.

There is no conflict with the GPNO, as the proposal aligns with the housing policies applied to Economic and Service Hubs.

Conclusion:

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