

Date: September 8, 2020

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, by changing the zoning classification from "OSP", Open Space Private to "R1-5", Low Density Residential One in order to permit the development of a nine (9) lot residential subdivision.

This is a re-submission of a previous conditionally approved rezoning application, file number 751-6/16-21, which has since expired. The previous application, as well as the concurrent subdivision application, are supported by staff. The previous resolution passed by Council directed the residential lots to be rezoned "R1-5", Low Density Residential One and be subject to site plan control, with the balance of the lands zoned "OSC", Open Space Conservation, subject to a survey being provided.

There is a related subdivision, file number 780-6/16002, which was originally approved by Council on January 15, 2018. It includes a total of nine urban residential lots on a cul-de-sac along with two blocks, Block 10 and 11, in the rear having an area of 5.55 ha (13.71 acres). The subdivision was recently revised to reduce the parkland block to be dedicated to the City from 5.55 ha (13.71 acres) to 1.42 ha (3.51 acres), which is shown as Block 11 in the attached draft plan. The revision was approved on the basis that the proposal would continue to ensure the preservation of the side slopes, natural landscape and natural vegetation that is present along the westerly portion of the subject lands that transitions toward Copper Street. Additionally, the size of Block 11, being approximately 19.45% of the subject lands, exceeds the typical minimum parkland dedication of 5%, which can be required by a municipality.

Supporting studies submitted with the current rezoning application include a planning report, traffic review and Eastern Whip-Poor-Will survey.

The previous report addressing the former rezoning and draft plan of subdivision applications, and the revised subdivision, are attached to this report for reference purposes.

Existing Zoning: "OSP", Open Space – Private

The only permitted use within the currently applicable "OSP" Zone is a park.

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

The "R1-5" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, a private home daycare and a single-detached dwelling. The "R1-5" Zone may also permit the establishment of a secondary dwelling unit and/or a home occupation.

Location and Site Description:

The subject property is described as PIN 73588-0987, Part 1, Plan 53R-14036 Except Pt. 1, Plan 53R-17900 & Plan 53M-1356, Lot 8, Concession 2, Township of McKim. The subject lands are generally bounded by Copper Street to the north and to the west, Gino Street to the east, and Palladium Place and Corsi Hill to the south. Lorne Street is located further to the north. The draft-approved plan of subdivision is to be accessed from Corsi Hill to the south of the lands. The lands have a total lot area of approximately 14.44 ha (35.67 acres) and have lot frontage onto both Corsi Hill and Gino Street. The lands are currently vacant.

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The Corsi Hill area was developed in a number of phases over several decades. The lands to the immediate south of the current subject lands were granted draft plan approval in February 1990, and provided for future development of the subject lands by providing a street stub for access purposes (located six lots south of the current proposed phase of development on the east side of Corsi Hill).

Surrounding Land Uses:

The area surrounding the site includes:

North: Low-density urban residential, light and general industrial land uses.

East: Light industrial land use (ie. Wholesale and manufacturing and offices) and low-density urban residential land uses and a large block of privately owned open space in a naturally vegetated state.

South: Low-density urban residential land uses and parkland (ie. Tot Lot).

West: Low-density urban residential land use and several open space block of privately owned and conservation lands.

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

Site photos show the subject lands, as well as the adjacent residential development and park.

Public Consultation:

Notice of the application was circulated to the public and surrounding property owners on July 31, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on September 18, 2020. As of the date of this report, no formal comments, concerns, or objections have been received regarding the proposed rezoning application. The owner 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.

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.

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 of the PPS directs that settlement areas shall be the focus of growth and development.

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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Section 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

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 to the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Parks & Open Space and are identified as a Comprehensive Planned Unit Development area in the Official Plan. The policy intent for these areas is to enable flexibility in developing land with physical constraints, encourage infilling and promote innovative development. Development of these areas is subject to a rezoning and site plan control agreement being registered on title.

Section 19.7 lists the considerations applicable to residential development as a Comprehensive Planned Unit Development, beyond the normal rezoning criteria:

- i) the use of the CPUD approach enables the preservation of unique environmental features, natural landscape, natural vegetation and topography on the site;
- ii) the CPUD approach complements the natural character and built form of the surrounding area; and,
- iii) the CPUD approach shall provide the opportunity for dedicating a significant public parks and open space allotment beyond the required minimum. This is a voluntary process at the option of the proponent.

Low-density development is permitted in the Living Area 1 designation to a maximum net density of 36 units per hectare. Policy 3.2.1.6 of the Official Plan establishes the following criteria to be considered when rezoning lands within 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 3.2.2 of the Official Plan outlines phasing policies to promote the efficient use of land and achieve desirable land use patterns. Specifically, new development is to occur adjacent to existing built-up urban areas with emphasis being placed on densities that facilitate efficient use of land, infrastructure and public service facilities.

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Section 9.2.2 of the Official Plan contains policies regarding endangered and threatened species including that:

1. Development and site alteration are not permitted in habitat of endangered species and threatened species except in accordance with provincial and federal requirements.
2. Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry of Natural Resources and Forestry. This area can be modified if justified by a study completed by a qualified professional.

Zoning By-law 2010-100Z:

The proposal appears to be able to comply with the lot area, lot frontage and lot depth requirements for the requested "R1-5", Low Density Residential One zone. Development standards for the R1-5 zone require a maximum height of 11 m. The minimum required front yard is 6.0 m, and the minimum required rear yard is 7.5 m. The minimum required interior side yard is 1.2 m. The maximum lot coverage is 40%.

Parking is required to be provided at the rate of 1 space per dwelling unit. Development of the lots shall comply with the general landscaping requirements for residential lots, including maintaining 50% of the front yard as landscaped open space.

Site Plan Control:

A Site Plan Control Agreement will be required prior to development of the lands as directed by Section 19.7 of the Official Plan. It is recommended that site-specific provisions for the lands to be rezoned R1-5 Special include that the lots are designated as a site plan control area.

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

Roads and Transportation Services have indicated that this development is a cul-de-sac, which exceeds the recommended maximum number of dwelling units and recommended maximum length that should be permitted for a cul-de-sac development. Expressing concern with respect to access and egress during emergencies, Roads and Transportation Services have concluded that no further development of this subdivision should occur until a secondary access is constructed. However, at the time the subdivision was originally approved, Sudbury Fire Services have expressed that the completion of the subdivision with the final 9 lots is not expected to significantly alter the risk profile for the subdivision.

Planning Analysis:

Planning staff circulated the development application to internal departments and external agencies. 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.

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The applicant has requested that the lands be rezoned to “R1-5”, Low Density Residential Development One, and it is recommended this would be appropriate zoning for the Lots 1-9. It is recommended that Block 11, which would be transferred to the City for parkland purposes, be rezoned to “OSC”, Open Space Conservation. The balance of the lands, Block 10, are recommended to retain the current “OSP”, Open Space Private Zone.

The rezoning application is consistent with Section 1.1.3 and 1.4.1 of the Provincial Policy Statement, which directs that settlement areas shall be the focus of growth and development, and requires municipalities to provide an appropriate range and mix of housing to meet the needs of its residents. The application proposes residential development within the City’s settlement area. The rezoning application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The previous staff reports for the rezoning and draft plan of subdivision, as well as the report for the revised subdivision, both indicated that the proposed development was in conformity with the Comprehensive Planned Unit Development policies in the Official Plan. A planning report was submitted which demonstrates conformity with the Official Plan. Specifically, the subdivision layout will enable the preservation of the majority of the side slopes of the hilltop and natural vegetation of the site. While the parkland block has been reduced, there remains the opportunity for dedication of more than 19% of the subject lands for parkland, which is well beyond the required 5% minimum parkland dedication.

In terms of the general criteria for rezoning lands within the Living Area 1 designation, the proposal would result in a density of approximately 1.22 units/ha, which is below the low density development maximum of 36 units/ha, and which would align with the requested R1-5 zoning. The property is suitable in terms of size and shape to accommodate the proposed density and building form, being single-detached dwellings. The development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting and setbacks. The balance of the lands being zoned for open space proposes will provide a significant buffer to the existing development to the north. Staff is satisfied that appropriate on-site parking, lighting, landscaping and amenity areas can be provided on each lot.

The impact on traffic on local streets is expected to be minimal. Roads and Transportation Services have indicated that no further development of the subdivision should occur until a secondary access is constructed. However, Sudbury Fire Services have expressed that the completion of the subdivision with the final 9 lots is not expected to significantly alter the risk profile for the subdivision. Planning Staff notes that there is an existing street stub, which provides for access to the lands to the east, which may provide access to either Martindale Road or Southview Drive in the future. The proposal for a final nine lots and cul-de-sac at the top of Corsi Hill serves to complete the development with limited impact to local streets, which aligns with section 3.2.2 of the Official Plan regarding phasing to promote the efficient use of land and development that occurs adjacent to existing built-up urban areas.

The applicant provided an Eastern Whip-poor-will Survey, which indicates that there will be no impacts on the habitat of endangered and threatened species. The application is consistent with the Provincial Policy Statement and conforms to the Official Plan in that it does not propose development in the habitat of endangered and threatened species.

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 Amendment:

- To rezone the lands to R1-5, Low Density Residential One, in order to permit the development of a nine lot residential subdivision.

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The development of the subject lands achieves a number of policy directives related to the provision of housing and enabling flexibility in developing land with physical constraints while providing the opportunity for parkland dedication beyond the minimum requirements. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate based on the following:

- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.

Staff recommends approval of the application 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.