

Title: Chemy Development Inc.

Date: May 13, 2020

STAFF REPORT

PROPOSAL:

An application for rezoning has been submitted in order to permit a 40-unit row dwelling complex comprised of eight buildings. Each unit would be one-storey in height with an attached garage. A range of site-specific relief is required as outlined on the applicant's rezoning sketch.

Existing Zoning: "C2", General Commercial

The existing C2 zoning permits multiple dwellings to a maximum density of 60 dwelling units per hectare and a maximum building height of 15 metres. It does not permit row dwellings.

Requested Zoning: "R3 Special", Medium Density Residential Special

The proposed zoning would allow row dwellings, multiple dwellings and low density housing types. Site-specific relief is required to accommodate the design, including setbacks, privacy yards, the width of planting strips, required courts and building offsets.

Location and Site Description:

Part of PIN 73349-2060, Part of Parts 2 & 3, Plan 53R-18073 in Lot 1, Concession 3, Township of Balfour (3672 Highway 144, Chelmsford)

The subject property is located on the north side of Highway 144 just east of Edward Avenue in Chelmsford. The area is fully serviced by municipal sewer and water. Highway 144 is a Provincial Highway and falls under the jurisdiction of the Ministry of Transportation. The highway is constructed to an urban standard at this location including sidewalks. Public transit service is available with transit stops located a short distance to the east and west (Route 104).

Total area of the land to be rezoned is approximately 1.28 ha, with 94 metres of road frontage and 128 metres of depth. The westerly portion of the parent parcel is developed and contains a retail use. The land has been cleared of vegetation and is relatively flat. Conservation Sudbury advised that the northwesterly portion of the subject land was removed from the flood plain as part of the development of the retail use on the westerly portion of the parent parcel.

A retail use in the form of drug store is located to the west. Medium density housing is located to the north and to the east. The remainder of the corridor contains mixed commercial uses.

Surrounding Land Uses:

The area surrounding the site includes:

North: co-operative housing complex zoned "R3.D11", Medium Density Residential.

East: vacant commercial land to the north and a ten-unit multiple dwelling to the south

South: automotive sales establishment

West: retail use (drug store)

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Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on March 6, 2020. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on May 21, 2020.

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 application indicates that a neighbourhood meeting was to be conducted prior to the public hearing. However the emergency order in effect at this time prevents public gatherings.

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.

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.

The Provincial Policy Statement was updated in 2020. Many of the core policies remain intact, including the focus on development within settlement area boundaries. Housing policies under Section 1.4.3 have been enhanced, with special emphasis on addressing both market-based and affordable housing needs. Municipalities shall permit and facilitate all housing options, which cover a broad range of housing types and housing arrangements.

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.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses, including an appropriate range of housing types.

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Official Plan for the City of Greater Sudbury:

The subject land is designated as Mixed Use Commercial, which permits a range of uses as outlined under Section 4.3 of the Official Plan.

1. All uses permitted by this Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process.
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;
 - 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 and 11.8, and Chapter 14.0, Urban Design.

Zoning By-law 2010-100Z:

A range of site-specific relief is required to accommodate the design, including the following:

- Rear yard setback of 6.1 metres for Buildings 1 and 2 where 7.5 metres is required along the northerly limit of the property;
- Privacy yard of 6.1 metres where 7.5 metres is required for Buildings 1 to 6;
- Front yard setback of 14 metres where 15 metres is required along Highway 144;
- Planting strip of 1.5 metres where 1.8 metres is required in conjunction with a fence along the westerly interior side yard abutting a C2 zone in order to accommodate driveway access;
- Planting strip of 1.2 metres for Buildings 6 and 8 where 1.8 metres is required in conjunction with a fence along the easterly interior side yard abutting a C2 zone;
- Required courts of 1.8 metres between all buildings where 3 metres is required;
- No building offset for Buildings 7 and 8 fronting onto the roadway.

Site Plan Control:

The proposed development requires a Site Plan Control Agreement prior to the issuance of a building permit.

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Department/Agency Review:

PLANNING ANALYSIS:

The subject property is located in a mixed use area on a major arterial road that is viewed as an appropriate location for residential infill development. The review of this proposal is therefore focused on the suitability of the lot to accommodate the development and the appropriateness of the built form and associated zoning relief.

Land use compatibility

There are no significant issues related to land use compatibility with adjacent uses. Existing medium density residential uses are located to the north and east. Planting strips will be required for screening and buffering along the interior side lot lines abutting C2 lands to the east and west.

In general, the proposed row dwelling development aligns with the mixed use character of the surrounding area and will enhance the residential component of the arterial corridor. The proximity to services makes the site an ideal location for medium density residential development. Retail and office uses including a grocery store are within a comfortable walking distance. The street has been fully urbanized to facilitate pedestrian access.

Suitability of lot

a) Density

The residential density is calculated at 32 dwelling units per hectare, which is less than the maximum density permitted under the existing C2 zoning (60 du/ha) and the proposed R3 zoning (90 du/ha). The application may therefore be appropriately viewed as infill development. The resultant density is tied to the proposed built form, which requires a larger building footprint and a lower building height. This essentially limits the intensity of use on this site. Higher density could be achieved with a multiple dwelling format.

b) Built form

The applicant is proposing 40 row dwelling units in eight (8), one-storey buildings constructed slab-on-grade. Each unit will have an attached garage and a designated privacy yard. No common amenity areas are proposed. The buildings are uniform in design and follow a strict pattern of placement. The one-level units will address demand for a specific type of housing, particularly for persons with mobility issues who desire rental accommodation. A key consideration relates to the interface of Buildings 7 and 8 with the arterial corridor.

Special consideration must be extended to screening and buffering along the roadway in order to mitigate traffic noise and provide privacy for tenants. Landscaping shall also be utilized to enhance the aesthetic appeal of the corridor and the development itself. The actual configuration can be addressed in greater detail as part of the site plan agreement, which shall incorporate the requirements of the Ministry of Transportation. However, in order to allow greater flexibility in design, it is recommended that relief be extended to permit a maximum two (2) metre-high opaque wall or fence in the required front yard where one (1) metre is typically permitted.

c) Servicing

The rezoning sketch indicates a proposed servicing easement along the southerly limit of the property in order to accommodate existing sewer and water connections for the abutting retail store. Such a configuration will require an improper servicing agreement at the site plan stage. The proposed easement would not impede the provision of an adequate privacy yard with appropriate screening along the street line.

d) Parking

Sixty (60) parking spaces are required for a 40-unit row dwelling development where 64 spaces are provided based on the sketch. Each unit will have an attached garage, with additional visitor parking provided along the parking aisles of the proposed development. The applicant has demonstrated that minimum parking requirements can be addressed on-site and has identified preliminary locations to accommodate refuse and snow storage areas.

e) Site-specific relief

There is a range of site-specific relief required in order to accommodate the proposed design. In general, the variances are considered minor in nature and can be incorporated into the special zoning:

- The reduced front yard setback is based on MTO requirements;
- A privacy yard with a minimum depth of 6.1 metres will provide an adequate outdoor amenity area for each unit;
- The rear yard setback of 6.1 metres for Buildings 1 and 2 aligns with the privacy yards for the other buildings;
- The reduced planting strip along the easterly boundary adjacent to Buildings 6 and 8 applies only to a small portion of the property which abuts an existing medium density residential use;
- The planting strip along the westerly boundary is reduced by only 0.3 metre in order to accommodate a sidewalk internal to the development;
- The reduced court will maintain adequate access between buildings; and,
- The building offset along the street line is not strictly required, as the row dwellings will ultimately be screened.

Official Plan

The proposal conforms with Official Plan policies applied to Mixed Use Commercial areas based on the following:

- There are no identified servicing constraints;
- Required parking can be provided on-site;
- No driveway access to Highway 144 is proposed. Vehicular access will be provided via a right-of-way connecting to Edward Avenue;
- The development will not generate significant traffic and there is no impact on the functioning of the arterial road;
- Landscaping requirements will be formalized through the site plan process, including the interface with Highway 144;
- There is direct access to public transit and the proposal enhances the feasibility of transit services;
- The one-level dwelling units will address accessibility considerations for new development; and,
- Lands have been removed from the flood plain as confirmed by Conservation Sudbury.

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2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The subject site is located in a fully serviced area within settlement area boundaries, consistent with Provincial policies that place an emphasis on residential intensification. The proposal also aligns with housing policies geared to diversification of the supply of new housing to address all housing needs. The northwest portion of the subject land has been removed from the flood plan and there is no conflict with the natural hazards policies of the PPS. 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.