

Presented To:	Planning Committee
Presented:	Monday, Aug 08, 2016
Report Date	Thursday, Jul 14, 2016
Type:	Public Hearings
File Number:	751-3/14-2

## Request for Decision

**City of Greater Sudbury - Application for rezoning in order to permit the construction of a five (5) storey, 55 unit apartment building, Elm Street, Coniston**

### Resolution

THAT the City of Greater Sudbury approves the application by the City of Greater Sudbury to amend Zoning By-law 2010-100Z by changing the zoning classification from "OSC", Open Space Conservation and "FD", Future Development to "R3-1(S)", Medium Density Residential One Special on those lands described as Part of PINs 73561-0035 and 75360-1248, Lot 4, Concessions 3 & 4, Township of Neelon, subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law.
2. That the amending by-law includes an "H" Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H" Holding symbol. The "H" Holding symbol shall only be removed by Council upon the owner agreeing to the satisfaction of the General Manager of Infrastructure Services and the City Solicitor to carry out any improvements to the municipal water supply system that may be required to provide adequate flows for domestic water and fire protection.
3. That no main buildings or structures shall be permitted within any portion of the lands located west of Part 5, as shown on the applicant's sketch as included in the report from the General Manager of Infrastructure Services dated July 12, 2016, the location of which will be finalized in the registered survey plan to be provided to the Development Approvals Section.

### Signed By

**Report Prepared By**

Alex Singbush  
Senior Planner  
*Digitally Signed Jul 14, 16*

**Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Jul 14, 16*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Jul 14, 16*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure Services  
*Digitally Signed Jul 15, 16*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jul 18, 16*

### STAFF REPORT

**Applicant:**

City of Greater Sudbury

**Location:**

Part of PINs 73561-0035 and 75360-1248, Lot 4, Concessions 3 & 4, Township of Neelon, Elm Street, Coniston

**Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "OSC", Open Space Conservation and "FD", Future Development to "R3-1(S)", Medium Density Residential One Special in order to construct a non-profit senior housing development.

**Proposal:**

The application proposes the development of a five (5) storey 55 unit apartment building.

The City of Greater Sudbury has entered into an agreement of purchase and sale with the Coniston Non-Profit Seniors Housing Corporation for the sale of the subject lands.

**Official Plan Conformity:**

The majority of the property is designated "Living Area 1" in the Official Plan for the City of Greater Sudbury. Section 3.2 Living Area Designations, states:

2. Medium density housing is permitted in all Living Area 1 designations where full municipal services are available. High density housing is only permitted in the community of Sudbury.
3. New residential development must be compatible with the existing physical character and size of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law.

Section 3.2.1 Living Area 1 Communities, states:

1. Low density development permits single detached dwellings, semi-detached dwellings and duplexes to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the City.
2. In medium density developments, all low density housing forms are permitted, as well as townhouses and small apartment buildings no more than five storeys in height to a maximum net density of 90 units per hectare.
4. Medium and high density housing should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services.
5. Medium and high density housing is to be located in areas with adequate servicing capacity and a road system that can accommodate growth. Sites should be of a suitable size to provide adequate landscaping and amenity features.
6. In considering applications to rezone land in Living Area 1, Council will ensure among other matters that:
  - 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.

As detailed in the Planning Considerations section of this report, the application is considered to conform to the policies in Sections 3.2 and 3.2.1 of the Official Plan respecting medium density developments.

The northwest corner of the site is designated “Parks & Open Space” in the Official Plan for the City of Greater Sudbury. Section 7.2.1 Parks and Open Space – Public Ownership, states:

1. Permitted uses in *Parks and Open Space* areas may include active and passive recreational uses, arenas, recreation centres and accessory uses, Conservation Areas and cemeteries.
2. Development is generally prohibited in public *Parks and Open Space* areas except for accessory buildings and other compatible structures.

Section 7.2.2 Parks and Open Space – Private Ownership, states:

1. Private lands designated *Parks and Open Space* primarily consist of:
  - a. lands with natural hazards such as flood plains that are not suitable for development;
  - b. lands that are difficult and uneconomical to develop and service;
  - c. lands that are intended to be left undeveloped to serve as buffers between mining or heavy industrial uses and built-up areas;
  - d. hydro corridors; and,
  - e. lands occupied by private outdoor recreational facilities such as golf courses.
2. Permitted uses on privately owned *Parks and Open Space* may include conservation, passive and active recreational uses, agriculture, forestry or other activities where buildings are incidental to those uses.

Staff notes that the portion of the site designated parks and open space is not proposed to be developed and is proposed to transfer from public ownership to private ownership. As a part of the site plan control agreement for the subject lands, uses on the lands designated Parks and Open Space can be limited. As detailed in the Planning Considerations section of this report, the application is considered to conform to the policies in Section 7.2 of the Official Plan respecting the Parks and Open Space Designation.

### **Site Description & Surrounding Land Uses:**

The subject property is located at the west end of Elm Street in Coniston. The property forms a part of the Living Area I and Parks and Open Space designations in the Official Plan. The majority of the site is zoned Future Development, however a small portion at the north east corner of the site, approximately 728 m<sup>2</sup> (7,836 sq. ft.) in area, at the end of Elm Street is zoned Open Space Conservation. A significant portion of the lands are located within the Floodplain Overlay zone. The total area of the subject lands is approximately 6.47 ha (15.99 acres), with approximately 20.1 m (66 ft.) of frontage on Elm Street.

The lands are currently vacant, and occupied by a regrowth of vegetation. The topography of the site varies widely and includes table lands, rocky hills and marshy lowlands. The property is bisected by the Jean

Tellier Trail, which serves as a portion of the Trans Canada Trail connecting Rideau Avenue to Elm Street and Edward Avenue.

To the north and west are vacant lands owned by the City of Greater Sudbury that are zoned "OSC", Open Space Conservation. To the south are lands occupied by the Coniston Cemetery and to the east are lands occupied by a telecommunications tower, also owned by the City of Greater Sudbury, that are zoned "FD", Future Development. To the east with frontages on John and Aubrey Streets, are single detached dwellings and one duplex dwelling (16 Aubrey, per MPAC data) located in "R1-5", Low Density Residential One zone.

## **Departmental & Agency Comments:**

### Building Services

Building Services has no objections to this application. However, a building permit application to the satisfaction of the Chief Building Official is required. Drawings submitted for permit application must be prepared by a qualified designer showing all floor layouts, exits and all fire and life safety requirements.

The following comment is for the applicant's information:

- The fire flow in this area will have to be addressed. The required fire flow may be insufficient for fire protection purposes for the proposed 5-storey, 55-unit apartment building.

### Development Engineering

Municipal water and sanitary sewer are available at the intersection of Elm Street and John Street.

A water model capacity analysis conducted using the City's theoretical water model indicates that there is a lack of available fire flow at this location. The City has planned infrastructure upgrades along Second Avenue; the developer will be required to upgrade the watermain along Concession Street and Elm Street from Second Avenue to the site to provide sufficient fire flow. Further to this, the developer has submitted a cost sharing application with respect to the upgrades required along Concession Street and Elm Street from Second Avenue to the site. This application is being dealt with as a separate report at a future Planning Committee meeting.

A sanitary sewer model capacity analysis and a field review regarding capacity concerns were conducted. There are no sanitary sewer capacity issues with respect to servicing this site.

We have no objection to changing the zoning classification from "OSC", Open Space Conservation and "FD", Future Development to "R3-1(S)", Medium Density Residential One, to permit a non-profit seniors housing development provided development proceeds under Site Plan Control. The Site Plan Control Agreement will deal with such things as water and sewer servicing, fire protection, and stormwater management. A separate offsite servicing agreement will be required to address the required upgrades to the watermain.

### Environmental Planning Initiatives

Environmental Planning Initiatives have reviewed the latest report prepared by Tulloch Environmental (June 14, 2016) for this application as well as the reply correspondence by Mr. Mike Hall, Management Biologist, Ministry of Natural Resources and Forestry (MNRF) Sudbury District (June 21, 2016). Based on the findings of this report and other reports and correspondence since December 2014, we conclude that the proponent has satisfied all requirements set out by the MNRF under the Endangered Species Act.

### Roads and Transportation Services

#### Roads

A 55 unit seniors housing complex is not expected to generate a high volume of traffic. Therefore, we have no objection to the proposed use of the property. As a condition of approval, we require that the developer extend Elm Street and construct a cul-de-sac to City standards.

#### Traffic & Transportation and Drainage

No concerns.

#### Nickel District Conservation Authority

The Nickel District Conservation Authority has issued a Section 28 permit to allow this development to satisfy the issues of ingress and egress to the property. Therefore, we can support the subject application.

#### **Neighbourhood Consultation:**

A notice of complete application was mailed to property owners and tenants within the surrounding area on July 29, 2014. 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 240 metres of the property.

The applicant was advised of the City's policy which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. On Thursday June 26, 2014 the Coniston Non-Profit Seniors Housing Corporation held a public meeting at St. Paul's Church in Coniston. The applicant's agent has advised that approximately 63 people attended the meeting and that no concerns with respect to the rezoning were received.

As of the date of this report one letter, identifying concerns with respect to the portion of the site located within the floodplain, green space and trail connectivity, has been received by the Planning Services Division.

#### **Planning Considerations:**

##### Provincial Policy Statement, 2014

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 (PPS).

The proposed rezoning is consistent with the Provincial Policy Statement for the following reasons:

1. Municipalities are to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in area where it exists. Staff is satisfied that the medium density residential building makes efficient use of a parcel of land designated for future development and that sufficient urban infrastructure can be made available to service the subject lands.
2. Municipalities are further encouraged to provide for a range of uses and opportunities for intensification and redevelopment. The proposed 55 unit apartment building will positively contribute to ensuring that a range of residential housing opportunities in the form of medium density apartment dwelling units are available in this part of the City.
3. Municipalities are encouraged to avoid unjustified or uneconomical expansion of infrastructure. Upgrades to municipal infrastructure required to service the subject lands will be borne by the developer with the potential for cost-sharing with the City of Greater Sudbury.
4. Municipalities are not to permit development and site alteration in the habitat of endangered

and threatened species, except in accordance with provincial and federal requirements. Ecological site assessments have been conducted by the proponent for the subject lands and it has been determined that the proposed development and site alteration will not impact the habitat of endangered and threatened species.

5. Municipalities are to generally direct development to areas outside of those impacted by flooding. The Nickel District Conservation Authority (NDCA) has issued a permit for works to allow access and egress to the property. Additionally, the site plan will be reviewed with NDCA to ensure that floodplain matters are addressed.

### Parking

The Zoning By-law requires that 1.5 parking spaces be provided for each unit in a multiple dwelling. Based on 55 dwelling units a total of 83 parking spaces will be required for the proposed building. The By-law provides that the required parking spaces shall be located outside of the required front yard which in this case requires the parking to be setback 6 m from the front lot line. The sketch provided by the applicant indicates that 83 parking spaces will be provided to the north of the proposed building.

One loading space is required for multiple dwellings containing 5 or more dwelling units. The sketch provided does not indicate the location of the required loading space and the applicant is advised that a loading space is required and the location identified through the development of a site plan control agreement for the property. Similarly, the provision of the required 28 bicycle parking spaces will need to be addressed through the development of the site plan control agreement.

### Official Plan and Land Use

The subject lands are designated Living Area 1 in the Official Plan permitting the full range of residential dwelling types and densities, subject to certain requirements.

The proposal for the construction of a 55 unit multi-family building at a density of approximately 8.5 units per ha, is within the range for low density development.

The Official Plan provides that in medium density developments, all low density housing forms are permitted, as well as townhouses and small apartment buildings no more than five storeys in height to a maximum net density of 90 units per hectare. The proposed development of one five storey building with a density of 8.5 units per hectare complies with the medium density policies.

In accordance with the Official Plan, the subject lands are located adjacent to open space areas and in proximity Coniston's commercial area.

The Official Plan indicates that the municipality will continue to seek arrangements with landowners to provide public access to privately-held lands in order to expand the open space network including the trail system. Accordingly, the sketch plan submitted by the applicant shows an easement (Part 8) will be retained by the City for the existing trail.

The sketch provided by the applicant shows compliance with the minimum front, side and rear yard setbacks for a multiple dwelling in excess of 2 storeys in height. 3.0 metre wide planting strips are required where the site abuts lands zoned R1-5, which may be reduced to 1.8 metres in width if an opaque fence with a minimum height of 1.5 metres is provided. Sufficient space appears to be available to provide a landscape strip in compliance with the standards of the zoning by-law.

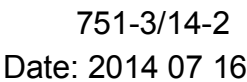
Planning staff are satisfied that the site is suitable in terms of size and shape to accommodate the proposed density and building form and that the proposal is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. Adequate on-site parking can be provided on site. Given the scale of the development, staff is of the opinion that the

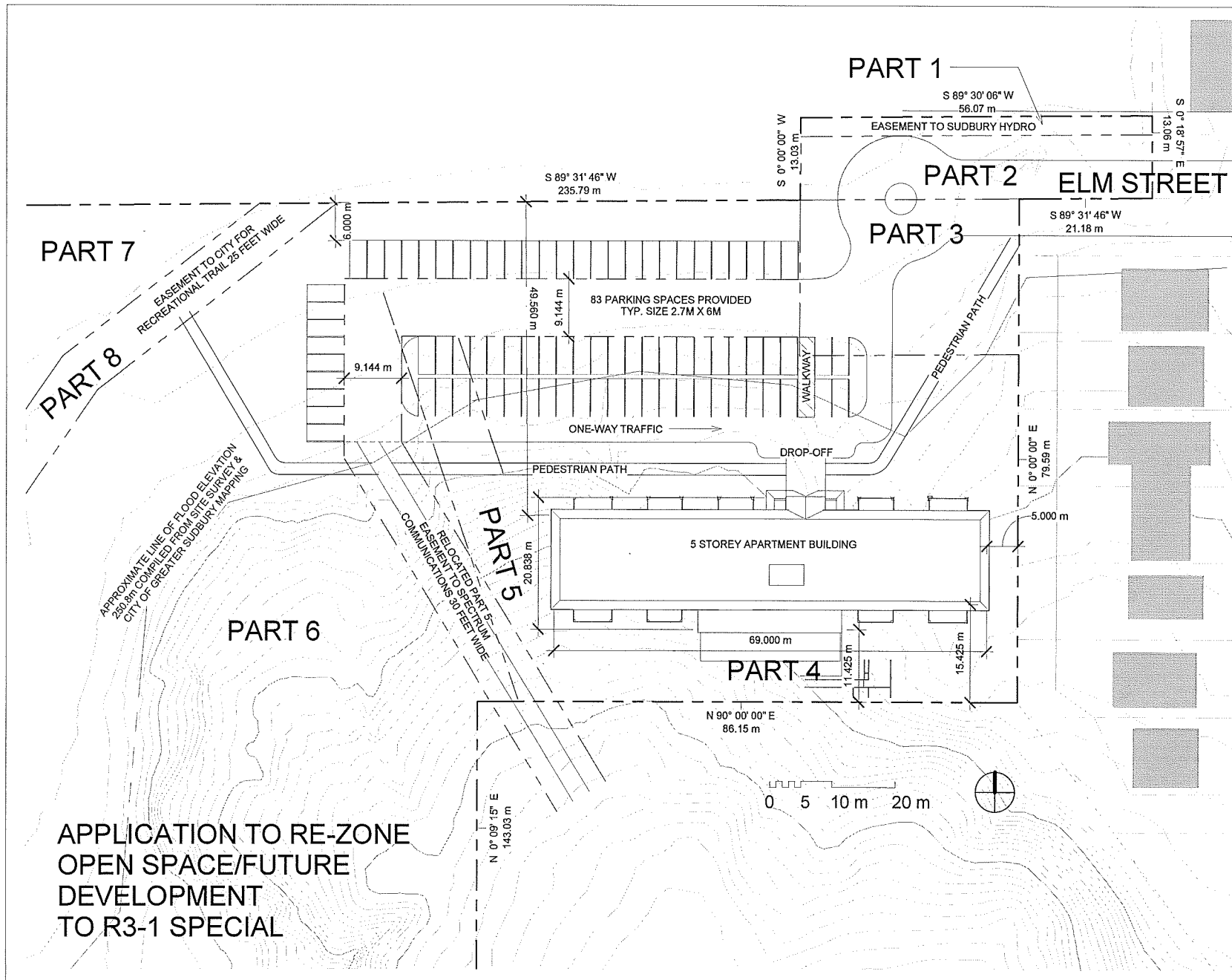
proposed use will not result in any appreciable impacts on traffic on local streets.

Conditions which limit the location of structures on the property to the north east portion of the site have been proposed in order to limit the footprint of the development and to promote the preservation of undeveloped portions of the property that will remain in the floodplain. An "H" Holding provision has been proposed in order to address the requirement for an offsite servicing agreement for required upgrades to the municipal water supply in order to address the comments provided by Development Engineering.

Additionally, staff notes that the development of the subject lands will be subject to site plan control which will address additional issues raised by Development Engineering and Roads and Transportation Services.

In conclusion, there do not appear to be any adverse impacts that will result from the approval of the application, and it is therefore recommended for approval subject to the conditions as noted.





**DRAWING SHOULD NOT BE SCALED**  
 The Contractor must verify all dimensions and be responsible for the same. Report any discrepancies to the Architect before commencement of the work. All drawings are the property of the Architect and are instruments of service. They are for use only on the project for which they were prepared, and must be returned upon request. Reproduction of drawings in part or in whole is forbidden without the Architect's permission. The Contractor is to be familiar with the Ontario Building Code and its latest revisions.

#### General Notes

No.	Date	Description

**coolearth**  
 architecture inc.

366 Pacific Avenue, Toronto, ON M2P 7R1  
 T 416 858 9774 F 416 858 1023 e info@coolearth.ca

#### Revised Set

Project	Author
Preliminary	13019
05/17/14	13019
13019	13019
13019	13019

Coniston Seniors

City of Greater Sudbury

Plot

SITE PLAN

Scale

**A100**



Official Plan  
Designations Detail  
File: 751-3/14-2

Land Use

General Industrial

Living Area 1

Mixed Use Commercial

Parks & Open Space

Rural

Town Centre



Subject Lands

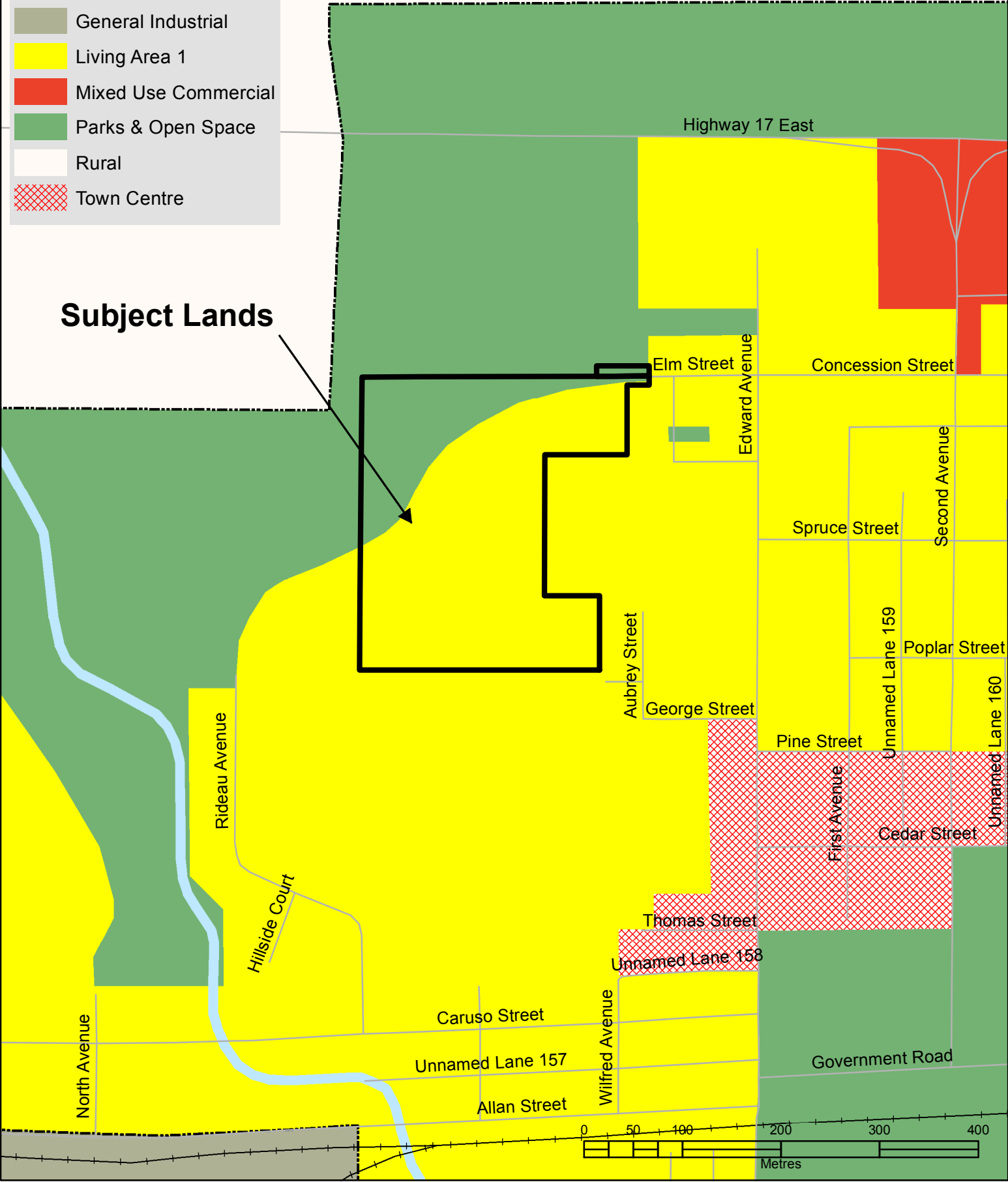
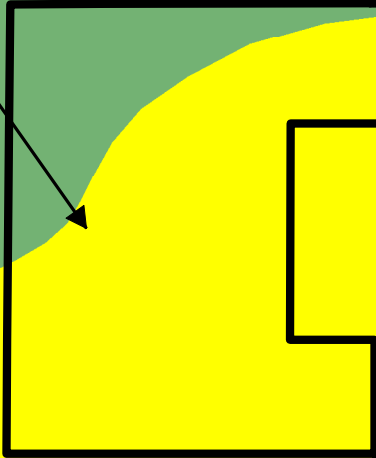
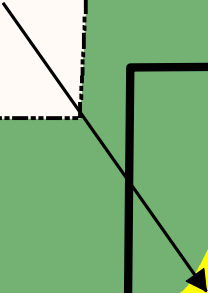




PHOTO 1 SUBJECT LANDS VIEWED LOOKING WEST FROM THE WEST  
END OF ELM STREET, CONISTON



PHOTO 2 SUBJECT LANDS VIEWED LOOKING SOUTH FROM THE  
VICINITY OF THE NORTH EAST CORNER OF THE SITE

751-3/14-2 PHOTOGRAPHY MAY 27, 2016



PHOTO 3 20 AND 22 JOHN STREET, CONISTON, EAST OF THE SUBJECT LANDS, VIEWED LOOKING WEST FROM JOHN STREET



PHOTO 4 16 JOHN STREET, CONISTON, EAST OF THE SUBJECT LANDS, VIEWED LOOKING WEST FROM JOHN STREET

751-3/14-2 PHOTOGRAPHY MAY 27, 2016



PHOTO 5 12 AND 14 JOHN STREET, EAST OF THE SUBJECT LANDS,  
VIEWED LOOKING WEST FROM JOHN STREET



PHOTO 6 22 AND 24 AUBREY STREET, CONISTON, EAST OF THE  
SUBJECT LANDS, VIEWED LOOKING WEST FROM  
AUBREY STREET

751-3/14-2 PHOTOGRAPHY MAY 27, 2016



PHOTO 7 20 AUBREY STREET, EAST OF THE SUBJECT LANDS,  
VIEWED LOOKING WEST FROM AUBREY STREET



PHOTO 8 16 & 18 AUBREY STREET, EAST OF THE SUBJECT LANDS,  
VIEWED LOOKING WEST FROM AUBREY STREET

751-3/14-2 PHOTOGRAPHY MAY 27, 2016

File: 751-3/14-02  
Elm Street,  
Coniston  
2009 Orthophotography

**Subject Property**



Elm Street

John Street

King Street

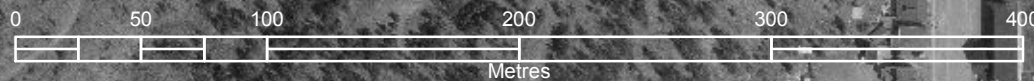
Edward Avenue

Aubrey Street

George Street

Pine Street

Rideau Avenue



RECEIVED

JAN 27 2015

PLANNING SERVICES



Coalition for a  
**Liveable**  
Sudbury

Making connections. Working toward sustainability.

January 26, 2015

City of Greater Sudbury  
City Clerk  
P.O. Box 5000 Station A  
200 Brady Street  
Sudbury ON P3A 5P3

Re: Application:

1. To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "OSC", Open Space Conservation and "FD", Future Development to "R3-1(S)", Medium Density Residential One in order to construct a non-profit senior housing development.

File Number: 751-3-14-002

### **Written submission from Coalition for a Liveable Sudbury**

**The Coalition for a Liveable Sudbury (CLS) would like to bring attentions to the floodplain area on this site.**

#### **Floodplain**

A decision on this application must have regard to:

- Provincial Policy Statement, 2005 , Policy 3.1.2.d: *Development and site alteration shall not be permitted within a floodway (the floodway is the entire contiguous flood plain) regardless of whether the area of inundation contains high points of land not subject to flooding.*
- Official Plan Policy 10.2.1: *Because flooding and related hazards may cause loss of life and may result in damage to property, development in Flood Plains is generally restricted. In addition, no development is permitted within 15 metres of the Flood Plain boundaries illustrated on Schedule 4, Hazard Lands.*

These policies are in place because flooding and related hazards can cause loss of life and damage to property. Removal of vegetation and an increase of hard surfaces have the potential to further aggravate flooding on this site, and adjacent sites.

Therefore, the building and parking areas must be placed outside of the floodplain. In addition, low impact development measures should be used to mitigate impacts of

stormwater run-off from the site on adjacent properties and the natural function of the floodplain.

**Green space, trail connectivity, and community consultation**

The community and the Coniston Community Action Network should be engaged in meaningful consultation to address local concerns and needs such as green space and trail connectivity.

**Request for Notice**

In keeping with subsections 17(35) and 51(37) of the Planning Act, I request to receive notice of any decision of Council related to this development proposal.

Regards,

Naomi Grant, Chair  
Coalition for a Liveable Sudbury  
78 Roxborough Drive  
Sudbury, Ontario  
P3E 1J7