



PLANNING COMMITTEE AGENDA

Planning Committee Meeting
Monday, January 6, 2020
Tom Davies Square - Council Chamber

COUNCILLOR FERN CORMIER, CHAIR

Robert Kirwan, Vice-Chair

12:00 p.m. CLOSED SESSION, COMMITTEE ROOM C-12

1:00 p.m. OPEN SESSION, COUNCIL CHAMBER

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Resolution to meet in Closed Session to deal with three (3) Proposed or Pending Acquisition or Disposition of Land Matters:

- Purchase of Property - Mountain Street, Sudbury
- Purchase of Vacant Land - Anna Street, Chelmsford
- Purchase of Property - Mountain Street, Sudbury

in accordance with the *Municipal Act, 2001*, s. 239(2)(c).

(RESOLUTION PREPARED)

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

PUBLIC HEARINGS

1. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding 1085937 Ontario Inc. – Application for Zoning By-law Amendment in order to facilitate the approval of related Validation of Title request under Section 57 of the Planning Act, Municipal Road #15, Chelmsford. **9 - 18**
(RESOLUTION PREPARED)
 - Glen Ferguson, Senior Planner
2. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding 1582628 Ontario Ltd. – Application for Zoning By-law Amendment in order to prevent a split-zoning, 488 Falconbridge Road, Sudbury. **19 - 28**
(RESOLUTION PREPARED)
 - Glen Ferguson, Senior Planner
3. Report dated December 16, 2019 from the General Manager of Growth and Infrastructure regarding Marc & Louise Menard - Application for rezoning in order to permit a four-unit multiple dwelling, Emily Street, Hanmer. **29 - 40**
(RESOLUTION PREPARED)
 - Mauro Manzon, Senior Planner

MATTERS ARISING FROM THE CLOSED SESSION

At this point in the meeting, the Chair of the "Closed Session", will rise and report the results of the "Closed Session". The Committee will then consider any resolutions.

CONSENT AGENDA

(For the purpose of convenience and for expediting meetings, matters of business of repetitive or routine nature are included in the Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any Councillor. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda, and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Each and every matter of business contained in the Consent Agenda is recorded separately in the minutes of the meeting.)

ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA

(RESOLUTION PREPARED FOR ITEMS C-1 to C-4)

ROUTINE MANAGEMENT REPORTS

- C-1. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding Oldenburg Inc. – Request to extend a conditional approval on a rezoning application, 185 & 227 Lorne Street, Sudbury. **41 - 73**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the extension to the rezoning approval at 185 & 227 Lorne Street, Sudbury by Oldenburg Inc.)
- C-2. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding Rogers Communications Inc. – Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 2345 Regent Street, Sudbury. **74 - 84**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the antenna system for property at 2345 Regent Street, Sudbury.)
- C-3. Report dated December 13, 2019 from the General Manager of Growth and Infrastructure regarding Walden Lands Inc. - Application to extend draft plan of subdivision approval, Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730 in Lot 8, Concession 4, Township of Waters, Municipal Road 55, Lively (Pineridge Subdivision). **85 - 98**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the Walden Lands Inc. extension to the draft plan of subdivision approval, Pineridge Subdivision, Lively.)
- C-4. Report dated December 20, 2019 from the General Manager of Growth and Infrastructure regarding Rheal Belanger – Request to extend a conditional approval on a rezoning application, 3171 & 3181 Highway #144, Chelmsford. **99 - 115**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the extension to the rezoning approval at 3171 & 3181 Highway 144, Chelmsford by Rheal Belanger.)

REGULAR AGENDA

MANAGERS' REPORTS

- R-1. Report dated December 12, 2019 from the General Manager of Growth and Infrastructure regarding Provincial Planning Reform: Bill 108 Implementation. **116 - 121**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding Bill 108 - The More Homes, More Choices Act which is now in effect and describes the implications for land use planning policy and service delivery in Greater Sudbury.)

MEMBERS' MOTIONS

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

ADJOURNMENT

COMITÉ DE PLANIFICATION ORDRE DU JOUR

Réunion du Comité de planification
6 janvier 2020
Place Tom Davies - Salle du Conseil

COUNCILOR FERN CORMIER, PRÉSIDENT(E)

Robert Kirwan, Vice-président(e)

12H 00 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-12

13H 00 SÉANCE PUBLIQUE, SALLE DU CONSEIL

Les réunions du Conseil de la Ville du Grand Sudbury et de ses comités sont accessibles et sont diffusés publiquement en ligne et à la télévision en temps réel et elles sont enregistrées pour que le public puisse les regarder sur le site Web de la Ville à l'adresse <https://agendasonline.greatersudbury.ca>.

Sachez que si vous faites une présentation, si vous prenez la parole ou si vous vous présentez sur les lieux d'une réunion pendant qu'elle a lieu, vous, vos commentaires ou votre présentation pourriez être enregistrés et diffusés.

En présentant des renseignements, y compris des renseignements imprimés ou électroniques, au Conseil municipal ou à un de ses comités, vous indiquez que vous avez obtenu le consentement des personnes dont les renseignements personnels sont inclus aux renseignements à communiquer au public

Vos renseignements sont recueillis aux fins de prise de décisions éclairées et de transparence du Conseil municipal en vertu de diverses lois municipales et divers règlements municipaux, et conformément à la *Loi de 2001 sur les municipalités*, à la *Loi sur l'aménagement du territoire*, à la *Loi sur l'accès à l'information municipale et la protection de la vie privée* et au *Règlement de procédure* de la Ville du Grand Sudbury.

Pour obtenir plus de renseignements au sujet de l'accessibilité, de la consignation de vos renseignements personnels ou de la diffusion en continu en direct, veuillez communiquer avec le Bureau de la greffière municipale en composant le 3-1-1 ou en envoyant un courriel à l'adresse clerks@grandsudbury.ca.

Résolution pour tenir une réunion à huis clos afin de traiter de trois acquisitions ou dispositions projetées ou en cours de terrains:

- l'achat d'un terrain vacant – rue Anna, Chelmsford
- l'achat d'une propriété – rue Mountain, Sudbury
- l'achat d'une propriété – rue Mountain, Sudbury

aux termes de la *Loi de 2001 sur les municipalités*, alinéa 239 (2) c).

(RÉSOLUTION PRÉPARÉE)

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

AUDIENCES PUBLIQUES

1. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur 1085937 Ontario Inc. – Demande de modification d'un règlement municipal de zonage afin de faciliter l'approbation de la demande de validation du titre connexe aux termes de l'article 57 de la Loi sur l'aménagement du territoire, route municipale 15, Chelmsford. **9 - 18**
(RÉSOLUTION PRÉPARÉE)
 - Glen Ferguson, planificateur principal
2. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur 1582628 Ontario Ltd. – Demande de modification d'un règlement municipal de zonage afin d'éviter un zonage multiple, 488, chemin Falconbridge, Sudbury. **19 - 28**
(RÉSOLUTION PRÉPARÉE)
 - Glen Ferguson, planificateur principal
3. Rapport directeur général, Croissance et Infrastructure , daté du 16 décembre 2019 portant sur Marc et Louise Ménard – Demande de rezonage afin de permettre un immeuble résidentiel de quatre logements, rue Emily, Hanmer. **29 - 40**
(RÉSOLUTION PRÉPARÉE)
 - Mauro Manzoni, planificateur principal

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

Le président de la séance à huis clos, se lève maintenant et en présente les résultats. Le Comité examine ensuite les résolutions.

Ordre du jour des résolutions

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions, et on vote collectivement pour toutes les questions de ce genre. À la demande d'une conseillère ou d'un conseiller, on pourra traiter isolément d'une question d'affaires de l'ordre du jour des résolutions par voie de débat ou par vote séparé. Dans le cas d'un vote séparé, la question d'affaires isolée est retirée de l'ordre du jour des résolutions ; on ne vote collectivement qu'au sujet des questions à l'ordre du jour des résolutions. Toutes les questions d'affaires à l'ordre du jour des résolutions sont inscrites séparément au procès-verbal de la réunion)

ADOPTION, APPROBATION OU RÉCEPTION D'ARTICLES DANS L'ORDRE DU JOUR DES CONSENTEMENTS

RAPPORTS DE GESTION COURANTS

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur Oldenburg Inc. – Demande de prorogation de l’approbation conditionnelle d’une demande de rezonage, 185 et 227, rue Lorne, Sudbury. **41 - 73**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant la prorogation de l’approbation de rezonage du 185 et du 227, rue Lorne, Sudbury, par Oldenburg Inc.)
- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur Rogers Communications Inc. – Demande de consultation publique sur un système terrestre proposé d’antennes de radiocommunications et de radiodiffusion, 2345, rue Regent, Sudbury. **74 - 84**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant le système d’antennes pour la propriété du 2345, rue Regent, à Sudbury.)
- C-3. Rapport directeur général, Croissance et Infrastructure , daté du 13 décembre 2019 portant sur Walden Lands Inc. – Demande de prorogation de l’approbation de l’ébauche du plan de lotissement, parcelle 13763 S.-O.-S., troisièmement, soit la partie 1, plan 53R-8730 du lot 8, concession 4, canton de Waters, route municipale 55, Lively (lotissement Pineridge). **85 - 98**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant la prorogation de l’approbation de l’ébauche du plan de lotissement de Walden Lands Inc., lotissement Pineridge, Lively.)
- C-4. Rapport directeur général, Croissance et Infrastructure , daté du 20 décembre 2019 portant sur Rhéal Bélanger – Demande de prorogation de l’approbation conditionnelle d’une demande de rezonage, 3171 et 3181, route 144, Chelmsford. **99 - 115**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant la prorogation de l’approbation de rezonage du 3171 et du 3181, route 144, à Chelmsford, par Rhéal Bélanger.)

Ordre du jour ordinaire

RAPPORTS DES GESTIONNAIRES

- R-1. Rapport directeur général, Croissance et Infrastructure , daté du 12 décembre 2019 portant sur Réforme provinciale de l’aménagement du territoire : mise oeuvre de la loi 108. **116 - 121**
(RÉSOLUTION PRÉPARÉE)

(Dans ce rapport, on formule une recommandation concernant la loi 108 – Loi de 2019 pour plus de logements et plus de choix, maintenant en vigueur. On y décrit les implications pour les politiques d'aménagement du territoire et la prestation de services au Grand Sudbury.)

MOTIONS DES MEMBRES

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

LEVÉE DE LA SÉANCE

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Public Hearings
File Number:	751-5/19-6

Request for Decision

1085937 Ontario Inc. – Application for Zoning By-law Amendment in order to facilitate the approval of related Validation of Title request under Section 57 of the Planning Act, Municipal Road #15, Chelmsford

Resolution

THAT the City of Greater Sudbury approves the application by 1085937 Ontario Inc. to amend Zoning By-law 2010-100Z, by changing the zoning classification on the subject lands from “A”, Agricultural to “A(S)”, Agricultural Special on those lands described as PIN 73345-0004, Parcel 1036, Lot 1, Concession 5, Township of Rayside, as outlined in the report entitled “1085937 Ontario Inc.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020, subject to the following condition:

1. That the amending zoning by-law contain the following site-specific provisions:
 - a) That a minimum lot frontage of 22 metres be permitted; and,
 - b) That all residential uses and all uses accessory to a residential use are to be prohibited.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

Report Summary

This report reviews an application for Zoning By-law Amendment that is intended to recognize an existing reduced minimum lot frontage and prohibit residential uses on the lands in order to facilitate the approval of a related application to the City’s Consent Official to validate title of the lands under Section 57 of the Planning Act. Staff is supportive of the rezoning and it is required in order to validate title to lands, as it is typical that the current and in-force planning policy and regulatory framework documents (eg. PPS, Official Plan and Zoning By-law) are examined in terms of

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 16, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

conformity and compliance when such a request is made. In this particular instance, the validation of title would require relief from the City's Zoning By-law in terms of recognizing a reduced minimum lot frontage and prohibiting any future residential uses on the retained lands that were consolidated with another farming operation. The Planning Services Division is recommending that the application be approved as outlined and noted in the resolution section of this report.

Financial Implications

This report has no financial implications.

STAFF REPORT

PROPOSAL:

This application for Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from “A”, Agricultural to “A(S)”, Agricultural Special. The proposed rezoning is intended to recognize an existing reduced lot frontage and prohibit the use of the lands for residential purpose on the subject lands.

Section 57 of the Planning Act allows for a certificate of validation to be issued in order to validate or correct a prior registered document, such as a transfer of land or mortgage, that was completed in contravention of the subdivision provisions of the Planning Act. Validation of title is not used to create new lots. In this particular case on Municipal Road #15, the lot that was severed (ie. residential dwelling) and retained (ie. farm remainder) was done so by way of a previous and approved consent application, however the transfers to facilitate the lot creation were not completed correctly during two transfers of title. When a validation of title request is made, municipalities review the request through the current and in-force planning policy and regulatory framework. It is not uncommon for relief to be required in these circumstances and in this particular instance a rezoning application would help facilitate issuance of a validation certificate that would validate a lot fabric that is in compliance with Zoning By-law 2010-100Z.

The lands were incorrectly transferred twice on January 8, 1987 and later on March 21, 1995 in contravention of the Planning Act, and the rezoning would therefore also facilitate the approval of an application to the City’s Consent Official to validate title of the lands under Section 57 of the Planning Act. When title to lands are validated it is typical that the current and in-force planning policy and regulatory framework documents (eg. PPS, Official Plan and Zoning By-law) are examined in terms of conformity and compliance. In this particular instance, the validation of title would require relief from the City’s Zoning By-law.

The owner has submitted an old zoning map which outlines that properties that were incorrectly transferred in support of the proposed rezoning that would recognize an existing reduced lot frontage and prohibit the use of the lands for residential purpose on the subject lands.

Existing Zoning: “A”, Agricultural

The “A” Zone permits a single-detached dwelling, mobile home dwelling if mounted on a permanent foundation, a bed and breakfast establishment within a single-detached dwelling having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling having a maximum of ten beds, and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use with buffer setback requirements to residential buildings and zones, garden nursery, kennel with buffer setback requirements to residential buildings and zones, a public utility, and a veterinary clinic.

Requested Zoning: “A(S)”, Agricultural Special

The proposed rezoning would recognize an existing reduced lot frontage and prohibit the use of the lands for residential purposes. Non-residential uses would continue to be permitted.

Location and Site Description:

The subject lands are located on the south side of Municipal Road #15 and to the east of Montee Rouleau in the community of Chelmsford. Martin Road is located further to the east with the Whitson River being located along the southerly lot line of the lands. The lands are bisected by a hydro utility corridor, which is owned by Hydro One Networks. The lands have an approximate total lot area of 36.12 ha (89.39 acres) with approximately 22 m (72.18 ft) of lot frontage on Municipal Road #15. The lands at present contain no residential land uses and are used for agricultural purposes.

Surrounding Land Uses:

North: Rural residential uses and agricultural lands.

East: Rural residential uses, agricultural lands and vacant rural lands.

South: Whitson River, agricultural uses, cluster of residential dwellings along St. Laurent Street.

West: Rural residential uses, agricultural lands and vacant rural lands.

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on October 31, 2019. The statutory Notice of Public Hearing dated December 19, 2019 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

The owner was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner indicated on their application form that given the technical nature of the rezoning request that they would contact abutting neighbours to explain the application and answer any questions that they may have ahead of the public hearing at Planning Committee.

At the time of writing this report, no emails or letter submissions have been received by the Planning Services Division. Staff did receive one phone call seeking clarification on the application to rezone the lands to ensure that no new residential development or intensified commercial or industrial use of the subject lands was being proposed.

POLICY AND REGULATORY FRAMEWORK:

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

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2014 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 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 6.0 provides a definition for a “Residence surplus to a farming operation” as being, “... an existing habitable farm residence that is rendered surplus as a result of a farm consolidation (the acquisition of additional farm parcels to be operated as a one farm operation); and,
2. Section 2.3.4.1 addresses lot creation and lot adjustments in prime agricultural areas and specifically outlines that a residence surplus to a farming operation as a result of a farm consolidation is permitted provided that the municipality ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by severance.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated both Agricultural Reserve and Rural in the Official Plan for the City of Greater Sudbury. The majority of the lands are however designated Agricultural Reserve and in particular the deficient lot frontage onto Municipal Road #15 is entirely within the Agricultural Reserve. The lot in question also resulted from the prior owner utilizing residence surplus to a farming operation land use planning rationale as the retiring farmer would live on the created residential lot and a purchaser to farm the remainder had been secured. This application is therefore being assessed purely on the basis that the validation of title seeks to correct a contravention that took place through two land transfers under the Planning Act that had a related consent approval (File # B0275/1986) that relied on the above noted policy framework.

Section 6.2.2 addresses lot creation in the Agricultural Reserve land use designation. Specifically:

1. Agricultural Reserve areas are to be preserved in large parcels. Lot creation in the Agricultural Reserve designation will only be permitted for:
 - a. Agricultural uses;
 - b. Agricultural-related uses;
 - c. A residence surplus to a farming operation as a result of a farm consolidation; and,
 - d. Infrastructure purposes.

2. In the case of a farm consolidation, a new lot may be created for a residence surplus to a farming operation. The proposed lot creation must meet the following criteria:
 - a. The new lot will be limited to a minimum size required to accommodate the dwelling and appropriate sewage and water services;
 - b. The new lot is separated from agricultural uses in accordance with the Minimum Distance Separation formulae; and,
 - c. That new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

Zoning By-law 2010-100Z:

The lands are presently zoned "A", Agricultural in the City's Zoning By-law. The owner is requesting that the subject lands be rezoned to "A(S)", Agricultural Special and is intending to recognize an existing reduced lot frontage and to prohibit residential uses on the lands in order to facilitate the approval of an application to the City's Consent Official to validate title of the lands under Section 57 of the Planning Act. No additional site-specific relief has been requested by the owner.

Department/Agency Review:

The application including relevant accompanying materials was been circulated to the City's Legal Department and the Ministry of Agriculture, Food and Rural Affairs. The rezoning application is largely technical in nature and will facilitate a validation of title that would be issued in the form of a Validation of Title Certificate following the completion of the rezoning of the land by the City's Consent Official. No concerns were identified through the circulation of the rezoning application.

PLANNING ANALYSIS:

The 2014 PPS, the 2011 Growth Plan, and the City of 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 and department circulation.

The proposed rezoning is consistent with the PPS for the following reasons:

1. Staff understands that the consent application in 1987 intended to sever a surplus residential dwelling in order to transfer the remaining farmed lands to an abutting farming operation. The PPS today continues to allow for this practice from a good agricultural land use planning perspective; and,
2. The owner has indicated in their rezoning application form that they intend on and are agreeable to prohibiting any residential uses on the lands in order to validate title of the lands. The City in this case would be required to prohibit residential uses in the amending zoning by-law in order to ensure consistency with this policy direction.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable Agricultural Reserve policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal which is intended to recognize an existing reduced lot frontage and prohibit the use of the lands for residential purpose on the subject lands are discussed in detail below.

With respect to general Agricultural Reserve policies in the Official Plan, staff has the following comments:

1. The resulting parcel once rezoned and validated would have a total lot area of approximately 36.17 ha (89.39 acres) and is considered by staff to be a viable farming parcel. Aerial photography of the lands indicates the resulting parcel is presently being farmed and staff understands farming operations are intended to continue;
2. The rezoning would facilitate the validation of title of a lot having good title on a parcel of land that was intended originally to be created through consent in order to allow for a residential dwelling lot deemed surplus to a farming operation as a result of a farm consolidation;
3. The new lot that was intended to be created by consent in 1986 (File # B0275/1986) appears to have been mindful of ensuring the residential lot to be created is of the minimum size required to accommodate the residential dwelling, including appropriate space for private sewage infrastructure. The lands were at the time serviced with municipal water infrastructure. Staff has no concerns with the original consent decision;
4. The new lot was created on the basis it contained a residential dwelling considered to be surplus to a farm operation following a consolidation. Minimum Distance Formulae (MDS) today would not be applicable as described in Figure 3 – Implementation Guideline #9 under the MDS Publication 853 document published by the Ministry of Agriculture, Food and Rural Affairs because the original lot intended to be severed did not contain a livestock barn. Where a new lot is proposed with an existing dwelling, and that dwelling is already located on a different lot from surrounding livestock facilities or anaerobic digesters, MDS is not applied as a potential odour conflict is already present between the surrounding livestock facilities or anaerobic digesters and the existing dwelling because they have the ability for separate ownership. There are also no livestock barns on the resulting retained lands after the surplus dwelling lot was created; and,
5. Staff is recommending that residential uses be prohibited on the vacant remnant parcel of viable farmland that was intended to be created at the original time of severance. This meets both PPS and Official Plan criteria for creating agricultural lots in this particular circumstance.

Staff is therefore of the opinion that the proposed rezoning conforms to the Official Plan for the City of Greater Sudbury.

The owner is requesting that the subject lands be rezoned from “A”, Agricultural to “A(S)”, Agricultural Special. Staff has no concerns with the requested zone category provided that two site-specific provisions are applied through the amending zoning by-law. Firstly, that a reduced lot frontage of 22 m (72.18 ft) be permitted and, secondly, that residential uses on the subject lands be prohibited. These site-specific provisions ensure that the resulting lot would be consistent with agricultural land use planning directions in the PPS and conformity with the intent of the City’s Official Plan would be maintained.

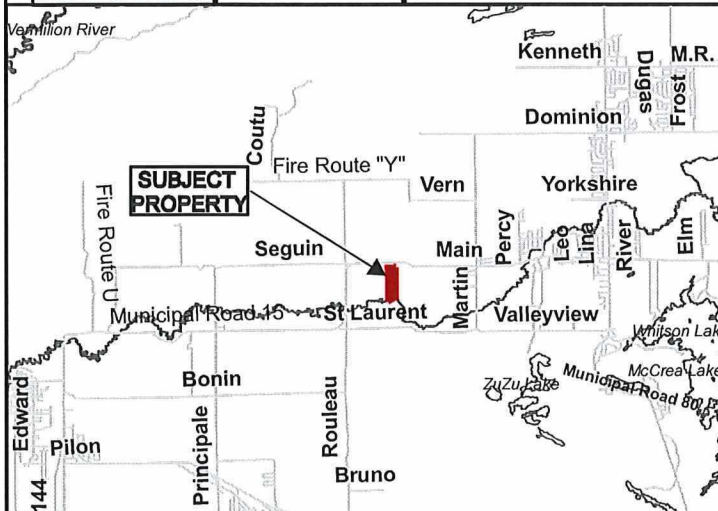
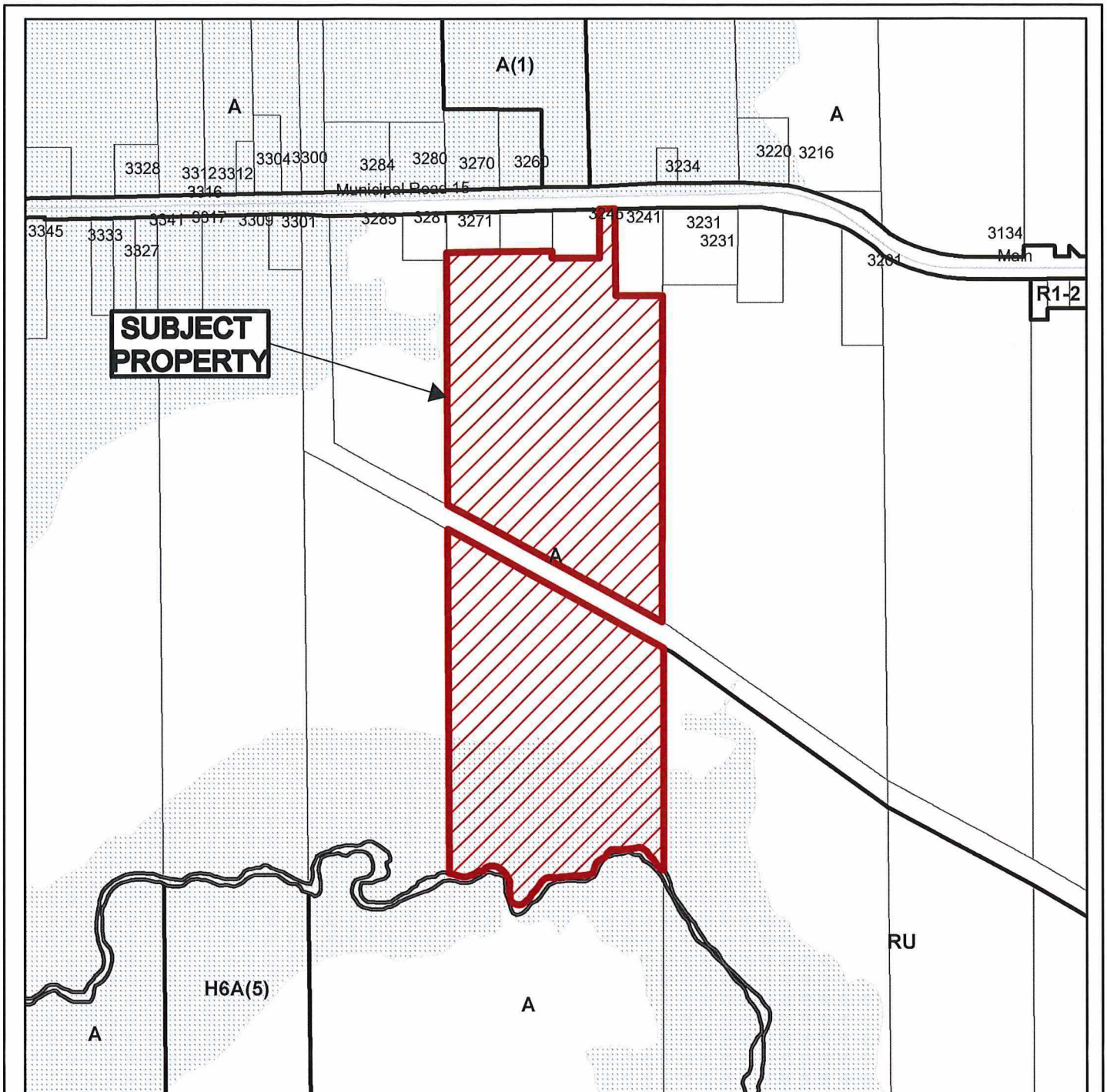
CONCLUSION:

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. It is to be noted that should the rezoning application be approved, it would facilitate a validation of title certificate from the City's Consent Official and would correct two previous contraventions that inadvertently took place in 1987 and later in 1995 under the Planning Act. Staff understands that the intent at the time of the original consent was to create a lot containing a residential dwelling that would be surplus to a farming operation following a farm consolidation.

The following are the principles of the proposed site-specific amending zoning by-law:

- That residential uses be prohibited;
- That a minimum lot frontage of 22 metres; and,
- That non-residential uses continued to be permitted.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.



Growth and Infrastructure Department



Subject Property being PIN 73345-0004,
Parcel 1036
Lot 1, Concession 5,
Township of Rayside,
Municipal Road 15, Chelmsford
City of Greater Sudbury

NTS
Sketch 1

751-5/19-6
Date: 2019 10 10

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Public Hearings
File Number:	751-6/19-15

Request for Decision

1582628 Ontario Ltd. – Application for Zoning By-law Amendment in order to prevent a split-zoning, 488 Falconbridge Road, Sudbury

Resolution

THAT the City of Greater Sudbury approves the application by 1582628 Ontario Ltd. to amend Zoning By-law 2010-100Z, by changing the zoning classification on the subject lands from “M1-1”, Business Industrial to “M1(41)”, Mixed Light Industrial/Service Commercial Special on a portion of those lands described as PIN 73570-0545, Lot 11, Concession 5, Township of Neelon, as outlined in the report entitled “1582628 Ontario Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding.

Report Summary

This report reviews an application for Zoning By-law Amendment intended to prevent a split-zoning that would result from an approved consent application that is intended to facilitate a lot boundary re-alignment between two abutting properties having frontage on Falconbridge Road in Sudbury. The lands being acquired do not permit an automotive body shop which is a use that is permitted on the benefitting lands. There is a related application for consent (File # B0101/2019) which was approved by the City’s Consent Official on November 4, 2019 which required that the lands being acquired were rezoned accordingly to avoid non-compliance with Section 4.23 of the Zoning By-law. The agent for the owner has submitted a registered survey plan in advance with the rezoning application, which describes the lands to be rezoned in order to prevent a split-zoning from occurring as a result of the related lot boundary re-alignment. The Planning Services Division is recommending that the application be approved.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 16, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

Financial Implications

This report has no financial implications.

STAFF REPORT

PROPOSAL:

The application for the Zoning By-law Amendment seeks to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "M1-1", Business Industrial to "M1(41)", Mixed Light Industrial/Service Commercial Special.

The application is intended to facilitate a lot boundary re-alignment with abutting lands known municipally as 440 Falconbridge Road and would address the split-zoning provisions found under Section 4.23 of the City's Zoning By-law whereby the more restrictive zone applies. The lands being acquired do not permit an automotive body shop which is a use that is permitted on the benefitting lands. There is a related application for consent (File # B0101/2019) which was approved by the City's Consent Official on November 4, 2019 which required that the lands being acquired were rezoned accordingly to avoid non-compliance with Section 4.23 noted above.

The owner has submitted a registered survey plan of the lands to be transferred in support of the proposed rezoning that would permit special needs facility on the subject lands. Staff would note that as a result no condition of approval related to having a registered survey plan is required should the Planning Committee and Council choose to approve the rezoning application.

Existing Zoning: "M1-1", Business Industrial

The "M1-1" Zone permits a range of business industrial uses ranging from an auctioneer's establishment to a warehouse. Land uses that are more intensive from an industrial perspective are excluded from the land use permissions found in the standard "M1-1" Zone. The lands being severed and added to those lands known municipally as 440 Falconbridge Road are therefore more restrictive in terms of permitted uses than the abutting "M1(41)" Zone insofar as an automotive body shop would not be permitted on the portion being acquired by the abutting landowner.

Requested Zoning: "M1(41)", Mixed Light Industrial/Service Commercial Special

The existing "M1(41)" Zone is site-specific and in addition to those uses permitted in the "M1" Zone an automotive body shop is also permitted. The requested zoning to "M1(41)" would prevent a split-zoning from occurring on the lands known municipally as 440 Falconbridge Road, which are the benefitting lands in the related consent application.

Location and Site Description:

The subject lands are located on the east side of Falconbridge Road at Auger Avenue in the community of Sudbury. Frobisher Street is located further to the south of the lands. The lands subject to the rezoning application have a total area of 781 m² (0.19 acres) and are being consolidated with lands which presently have lot frontage onto Falconbridge Road. The lands being acquired through consent presently contain an asphalt paved driveway and parking area.

Surrounding Land Uses:

North:	Commercial use at Auger Avenue intersection of Falconbridge Road, lower density urban residential uses and a small park use accessed from Summerhill Crescent.
East:	Automotive uses and further to the east vacant, well vegetated and vacant lands.
South:	Light industrial uses, including municipally-owned facilities on Frobisher Street.
West:	Commercial uses along Falconbridge Road and lower density residential uses along Churchill Avenue.

The existing zoning and location map attached to this report indicates the location of the subject lands to be rezoned, as well as the applicable zoning in the immediate area.

Site photos depict four existing buildings located on the subject lands. Abutting lands to both the east and to the west on the south side were also photographed to provide contextual background.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on November 27, 2019. The statutory Notice of Public Hearing dated December 19, 2019 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner and agent opted to not engage in any public consultation prior to the public hearing at Planning Committee on the basis that the application is technical in nature and further notice of the proposed lot boundary re-alignment was already been provided during the consent process.

At the time of writing this report, no phone calls, emails and/or letter submissions have been received by the Planning Services Division.

POLICY AND REGULATORY FRAMEWORK:

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

- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision and site plans.

2014 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 2014 (PPS). Staff has reviewed the PPS 2014 and is satisfied that no matters of provincial interest are impacted should the rezoning be approved.

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. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to rezone the lands conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury

The subject lands are designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury.

Lands designated Mixed Use Commercial are generally concentrated along certain stretches of Arterial Roads (eg. Primary Arterial – Falconbridge Road). Mixed uses include commercial, institutional, residential, and parks and open space and may in each case be considered and permitted through the rezoning process. General industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors.

Subject to a rezoning application, new development may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads will be permitted where reasonable alternate access is available;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The proposal meets the policies related to supporting transit needs, accessibility, and urban design.

Zoning By-law 2010-100Z:

The owner is requesting that the lands be rezoned to “M1(41)” in order to avoid split-zoning the lands at 440 Falconbridge Road once a lot boundary re-alignment has been completed. No other site-specific relief is being requested by the owner. The rezoning seeks only to address the provisions of Section 4.23 of the City’s Zoning By-law and to ensure that after transfer of the lands there are no areas of non-compliance created.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

During the review of the proposal, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, the City's Drainage Section, Operations, Roads, Traffic and Transportation have each advised that they no concerns from their respective areas of interest.

Development Engineering has noted that the lands are presently serviced with municipal water and sanitary sewer infrastructure.

Water/Wastewater has advised that the lands are within a Vulnerable Area identified in the Greater Sudbury Source Water Protection Plan. Water/Wastewater has however advised that no activity or activities engaged in or proposed to be engaged in on the lands are considered to be significant drinking water threats at this time.

PLANNING ANALYSIS:

The 2014 PPS, the 2011 Growth Plan, and the City of 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 and department circulation.

Staff in general has no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Staff notes that the rezoning is largely technical in nature and that none of the criteria identified in the Official Plan when rezoning lands zoned Mixed Use Commercial have identified any areas of concern with respect to the proposed lot boundary re-alignment. Staff is therefore of the opinion that the rezoning application conforms to the Official Plan for the City of Greater Sudbury.

The applicant is requesting that the subject lands be rezoned from "M1-1", Business Industrial to "M1(41)", Mixed Light Industrial/Service Commercial Special. Staff has no concerns with the requested zone category. The requested zone category prevents a split-zoning of the lands that would otherwise cause the benefitting lands to fall out of compliance with Section 4.23 of the Zoning By-law. Staff would note that no condition related to the submission of a registered survey plan is required as a condition of approval as a copy of Registered Plan 53R-21281 has already been provided to the Development Approvals Section.

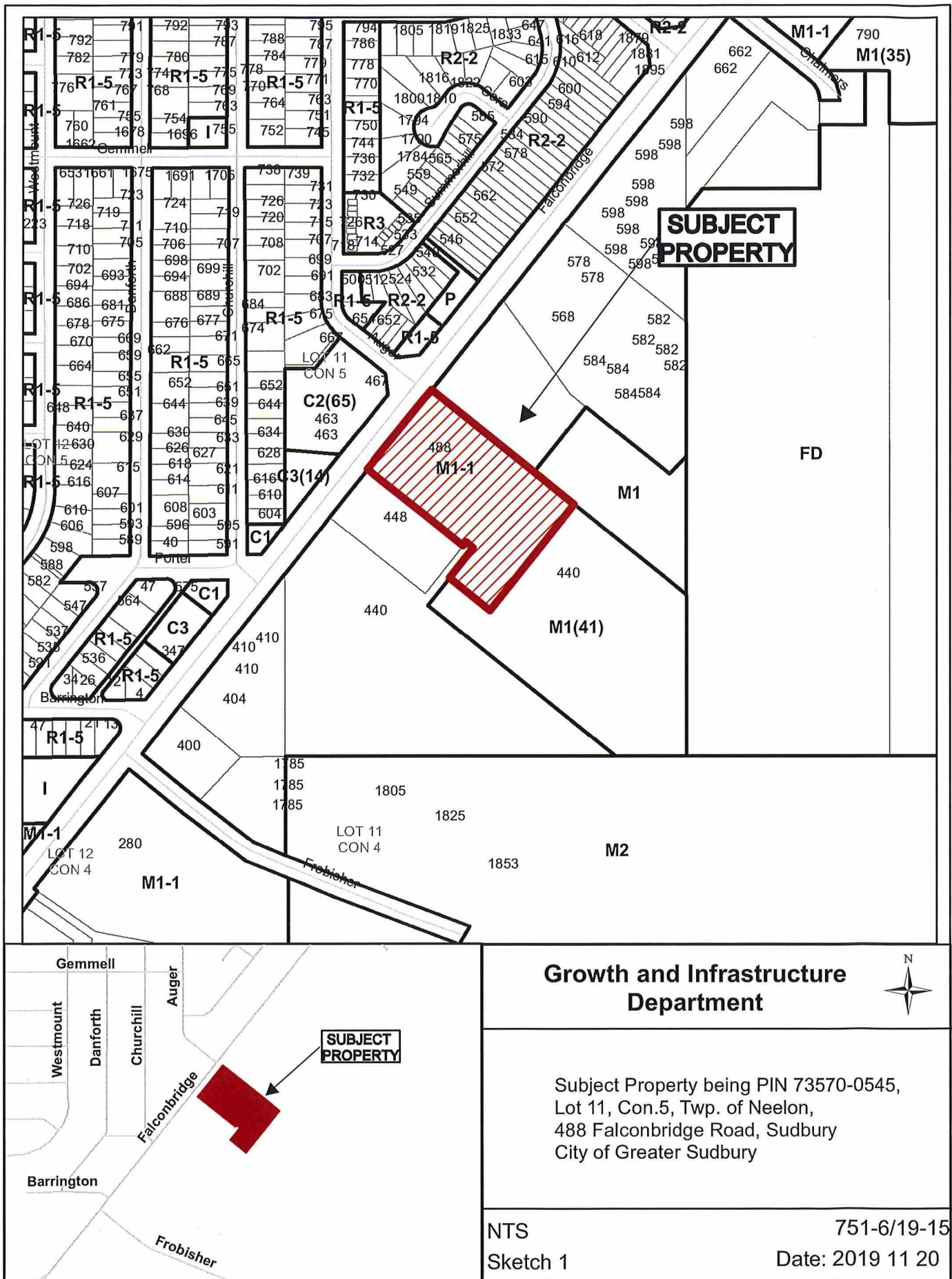
CONCLUSION:

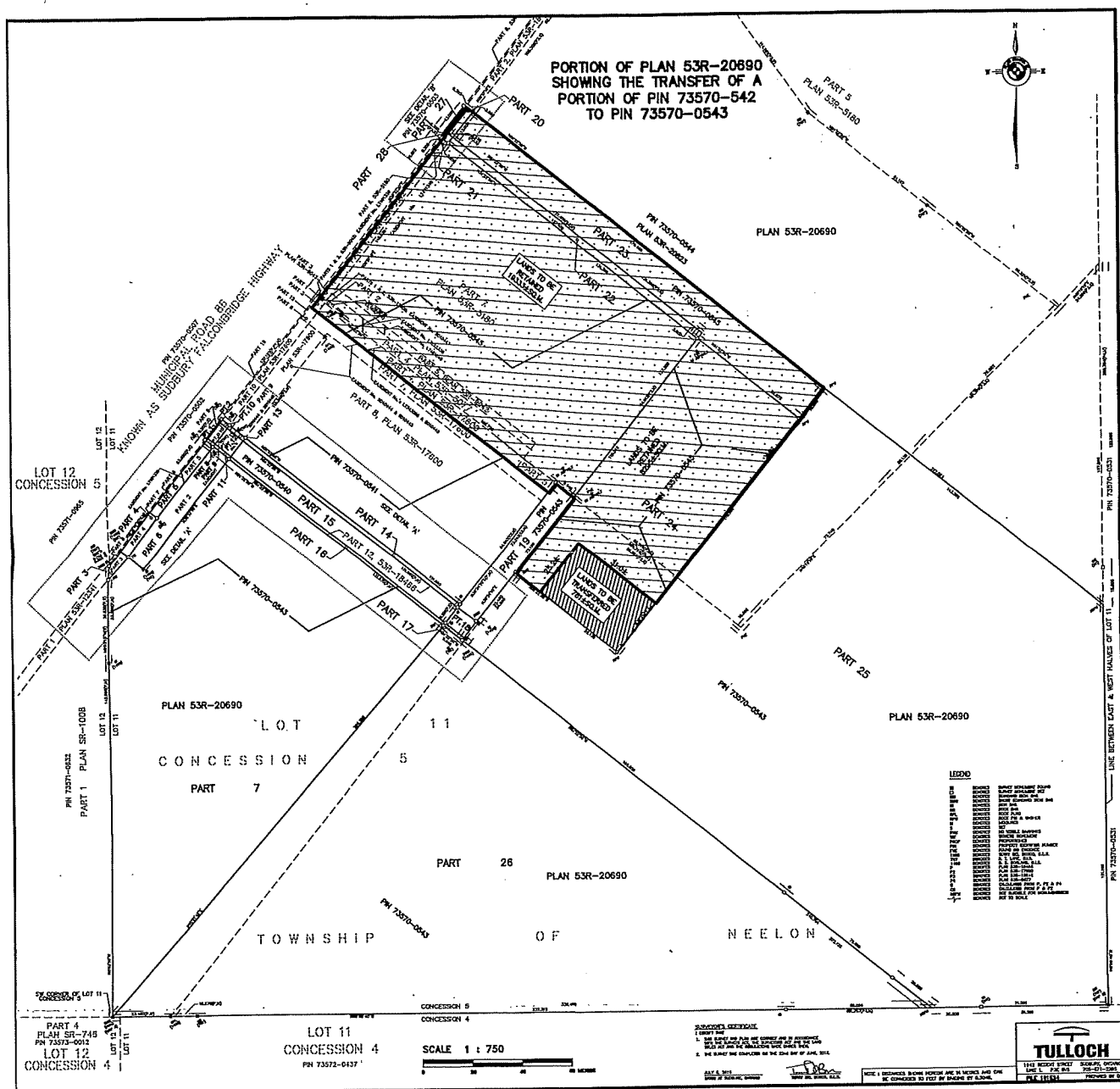
Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning be approved. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

The following are the principles of the proposed site-specific amending zoning by-law:

- The amending zoning by-law will prevent a split-zoning on the benefitting lands known municipally as 440 Falconbridge Road;
- The rezoning ensures compliance with Section 4.23 of the City's Zoning By-law; and,
- No additional land use permissions or site-specific relief is being provided.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the resolution section of this report.





OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	N 5150620.996	E 505256.812
ORP B	N 5150714.364	E 505331.379

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B,
BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (2010.0).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY
THE COMBINED SCALE FACTOR OF 0.99956106

SCHEDULE				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF LOT 11	5	PART OF PIN 73570-0545	781±SQ.M.
TOWNSHIP OF NEELON				

PLAN 53R-21281

RECEIVED AND DEPOSITED

DATE November 29, 2019

"Sylvie Guénette"
REPRESENTATIVE FOR THE LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF SUDBURY (No. 53)

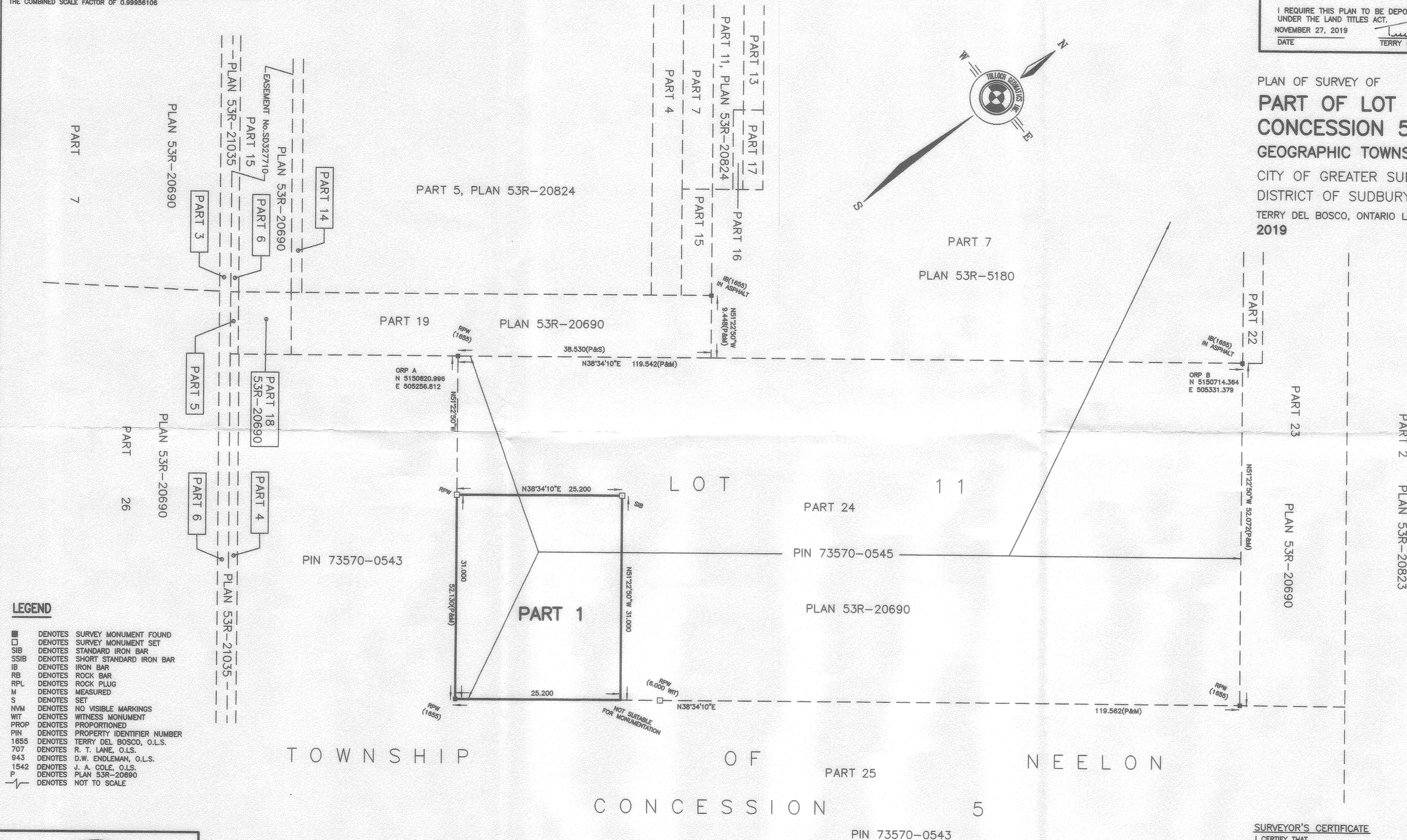
I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT.

NOVEMBER 27, 2019

DATE

TERRY DEL BOSCO, O.L.S.

PLAN OF SURVEY OF
PART OF LOT 11
CONCESSION 5
GEOGRAPHIC TOWNSHIP OF NEELON
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY
TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2019



LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- RB DENOTES ROCK BAR
- RPL DENOTES ROCK PLUG
- M DENOTES MEASURED
- S DENOTES SET
- NVM DENOTES NO VISIBLE MARKINGS
- WIT DENOTES WITNESS MONUMENT
- PROP DENOTES PROPORTIONED
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- 1655 DENOTES TERRY DEL BOSCO, O.L.S.
- 707 DENOTES R. T. LANE, O.L.S.
- 943 DENOTES D.W. ENDLEMAN, O.L.S.
- 1542 DENOTES J. A. COLE, O.L.S.
- P DENOTES PLAN 53R-20690
- DENOTES NOT TO SCALE

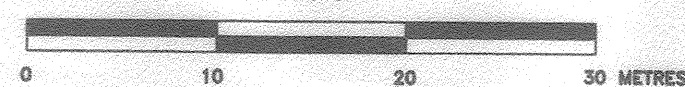
TULLOCH

1942 REGENT STREET SUDBURY, ONTARIO
UNIT L P3E 5V5 705-671-2295

FILE 191524 R PLAN PREPARED BY TDB

NOTE : DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCALE 1 : 400



SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE
WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND
TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 20th DAY OF
NOVEMBER, 2019

NOVEMBER 27, 2019

DATE

Terry Del Bosco
TERRY DEL BOSCO, O.L.S.

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Monday, Dec 16, 2019
Type:	Public Hearings
File Number:	751-7/19-12

Request for Decision

Marc & Louise Menard - Application for rezoning in order to permit a four-unit multiple dwelling, Emily Street, Hanmer

Resolution

THAT the City of Greater Sudbury approves the application by Marc & Louise Menard to amend Zoning By-law 2010-100Z, by changing the zoning classification from "R2-2(34)", Low Density Residential Two Special to "R3(S)", Medium Density Residential Special on lands described as Part of PIN 73503-1678, Part 1, Plan 53R-20643 in Lot 3, Concession 3, Township of Hanmer, as outlined in the report entitled "Marc & Louise Menard", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020, subject to the following conditions:

1. A maximum of four dwelling units shall be permitted; and
2. A minimum landscaped open space area of 28% shall be permitted.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Report Summary

An application for rezoning has been received in order to permit a four-unit multiple dwelling on Emily Street, Hanmer. The subject property is currently zoned for low density residential use including semi-detached dwellings. Site-specific relief is required for a reduction in landscaped open space.

The proposal presents conformity with the Official Plan and consistency with the 2014 Provincial Policy Statement based on the location in a settlement area, proposed built form, resultant residential density

Signed By

Report Prepared By

Mauro Manzoni
Senior Planner
Digitally Signed Dec 16, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 16, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 16, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

access to public transit, and the adequacy of servicing. The application will also contribute towards residential intensification targets.

Financial Implications

If approved, staff estimate approximately \$13,000 in taxation revenue, based on the assumption of four multiple dwelling units at an estimated assessed value of \$275,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$41,000 based on assumption of four multiple dwelling units and based on the rates in effect as of the date of this meeting.

STAFF REPORT

PROPOSAL:

An application for rezoning has been received in order to permit a four-unit multiple dwelling. The applicant has indicated that there is no separate private independent access proposed from each unit to the northerly interior side yard. Based on Zoning By-law definitions, the housing type is therefore defined as a multiple dwelling.

Existing Zoning: "R2-2(34)", Low Density Residential Two Special

The property is currently zoned "R2-2(34)", Low Density Residential Two Special under [Zoning By-law 2010-100Z](#), which permits singles, semis and duplexes subject to the following provision:

- (i) The driveway for each pair of semi-detached dwelling units shall be centred at the common lot line.

Requested Zoning: "R3", Medium Density Residential

"R3", Medium Density Residential zoning permits a range of dwelling types, including singles, semis, duplexes, multiple dwellings and row dwellings. The minimum lot area required for a multiple dwelling is 110 m² per unit, which is equivalent to a maximum density of 90 dwelling units per hectare.

Location and Site Description:

Part of PIN 73503-1678, Part 1, Plan 53R-20643 in Lot 3, Concession 3, Township of Hanmer (Emily Street, Hanmer)

The subject property is located on the east side of Emily Street in the community of Hanmer. The area is fully serviced by municipal water and sanitary sewer. Emily Street is designated as a Local Road and is constructed to a rural standard (no sidewalks, curbs or gutters). Public transit is available on MR 80, with transit stops located south of the subject land on both sides of MR 80.

The subject lot forms an interior lot and not a corner lot, as there is a remnant strip of land tied to the parent parcel that extends along MR 80. Total area is 1 070 m², with 21 metres of frontage on Emily Street and a depth of 50 metres. The land is relatively flat and currently vacant.

Adjacent uses comprise low density housing on Emily Street, predominantly single detached dwellings. Vacant residential lands zoned for semi-detached dwellings abut to the north. Vacant rural lands are located to the east.

The subject property falls within Wellhead Protection Area (WHPA) B of the Valley Well Michelle (H).

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.

Title: Marc & Louise Menard

Date: December 13, 2019

The owner advised that adjacent property owners on Emily Street would be canvassed prior to the public hearing.

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:

- [2014 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.

2014 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.

Section 1.1.3.3 addresses residential intensification within settlement area boundaries. Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Under Section 1.1.3.5, Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas.

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.

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.

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 medium density developments, which are encouraged along major arterial roads. 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

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:

The rezoning sketch demonstrates general compliance with the applicable provisions of the “R3”, Medium Density Residential zone, with one exception. Relief is required for a landscaped open space area of 28% where 30% is required.

A planting strip is required along the northerly interior lot line where it abuts the R2-2 zone. The sketch illustrates a 1.8 metre-wide landscaped side yard in conjunction with a minimum 1.5 metre opaque fence, which meets the minimum standards for a planting strip. No separate access is proposed to the northerly side yard, and as such a privacy yard with a minimum depth of 7.5 metres is not required.

Title: Marc & Louise Menard

Date: December 13, 2019

Site Plan Control:

A four-unit multiple dwelling is not subject to Site Plan Control.

Department/Agency Review:

Building Services advised of their requirements at the building permit stage. Water/Wastewater Section (Source Protection Plan) indicated no concerns related to the proposed use of the site.

Roads Section and Development Engineering provided detailed comments addressing their requirements as part of the concurrent consent process.

BACKGROUND:

In 2015, the subject land was rezoned from "RU", Rural to "R1-5", Low Density Residential One in order to permit single detached dwellings on six (6) lots to be created through the consent process. The entire block on the east side of Emily Street was subsequently severed from the parent parcel, which extended north to Gravel Drive (Files 751-7/15-6 & B0019/2016).

The land was sold in April 2017 and the new owner (current applicant) obtained approval to rezone the entire block from "R1-5", Low Density Residential One to "R2-2(34)", Low Density Residential Two Special in order to permit semi-detached dwellings (File 751-7/17-6). The site-specific zoning requires driveways to be paired and centred at the common wall.

In 2019, the owner submitted applications for consent in order to sever to the two most southerly lots, including the land subject to this application (Files B0038/2019 & B0039/2019).

PLANNING ANALYSIS:

Land use compatibility

a) Density

The residential density is calculated at 38 dwelling units per hectare, which is appropriate given the existing low density character of the surrounding area. The resultant density aligns with the maximum density applied to low density areas under the Official Plan (36 du/ha). The size of the lot and the proposed built form, ultimately limit the intensity of use on this site.

b) Built form

The applicant is proposing a housing type that has become prevalent in recent years, being a one-storey, four-unit building in a row dwelling format constructed slab-on-grade. No common areas are proposed and curbside garbage and recycling pick-up is available for buildings with less than seven units. The one-level design is also suitable for persons with mobility issues. The proposed housing type forms a good fit with the existing physical character of the surrounding area.

c) Traffic impact

There is no significant traffic impact based on the small number of units. The subject site is directly adjacent to MR 80, which is designated as a Primary Arterial Road. Traffic and Transportation Section have no concerns related to traffic generation or off-site parking impacts.

Title: Marc & Louise Menard

Date: December 13, 2019

Parking

Six (6) parking spaces are required for a four-unit multiple dwelling. In this case, each unit will have an attached garage, with two additional parking spaces provided in the easterly rear yard. The applicant has demonstrated that minimum parking requirements can be addressed on-site.

Stormwater management

As a condition of the concurrent consent process, the owner submitted a Stormwater Design Brief prepared by exp Services Inc. The report addresses stormwater management for the entire block owned by the applicant, which will be subject to future consents for lot creation, with the intent to implement stormwater controls on-site. This approach has received preliminary approval by Drainage Section.

Source Protection

The subject property is located within Wellhead Protection Area (WHPA) B of the Valley Well Michelle (H). Given that the development will be fully serviced, there are no significant drinking water threats that have been identified. The owner is advised that a Section 59 application under the [Clean Water Act](#) will be required at the building permit stage as a matter of procedure.

Official Plan conformity

The proposal conforms to Official Plan policies related to residential intensification as follows:

- The site has sufficient area to accommodate the proposed fourplex and required on-site parking, excluding a minor reduction in the amount of landscaped open space;
- The subject property is directly adjacent to a Primary Arterial Road serviced by public transit;
- The area is fully-serviced by municipal water and sanitary sewer with no servicing constraints identified including adequate fire flows;
- The proposed lot is located at the entrance to an existing low density subdivision, which is a preferred location for residential intensification;
- The intensity of use and scale of development is appropriate given the proximity to low density housing, thereby addressing compatibility with the existing and planned character of the area.

2014 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

The subject property is located within settlement area boundaries in a fully serviced area designated for residential development and serviced by public transit. As an infill development, the project will contribute towards residential intensification targets required under the PPS. Furthermore, existing infrastructure is adequate to support development including sewer and water services.

The proposal will contribute towards the diversification of the housing supply in the Valley East Urban Area, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO.

The application is consistent with the 2014 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

CONCLUSION:

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

Appendix 1

Departmental & Agency Comments

File: 751-7/19-12

RE: Application for Rezoning – Marc & Louise Menard
Part of PIN 73503-1678, Part 1, Plan 53R-20643 in Lot 3, Concession 3, Township of
Hanmer (Emily Street, Hanmer)

Development Engineering

This area is presently serviced with municipal water and sanitary sewer. A Design Lot Grading Plan for this development has been approved.

Traffic and Transportation

No concerns.

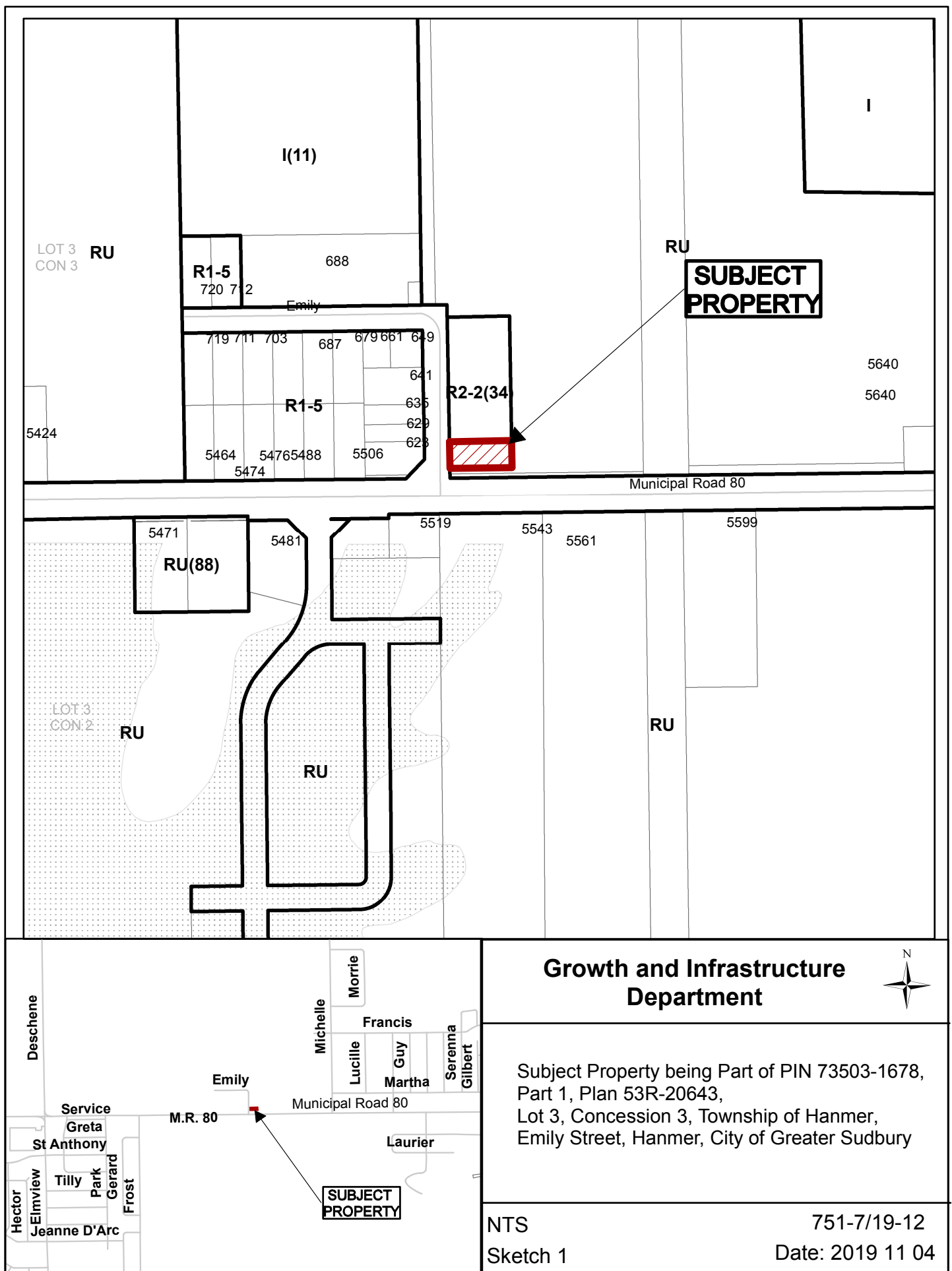
Building Services

Building Services has reviewed the application noted above dated November 4, 2019 and can advise that Building Services has the following comments:

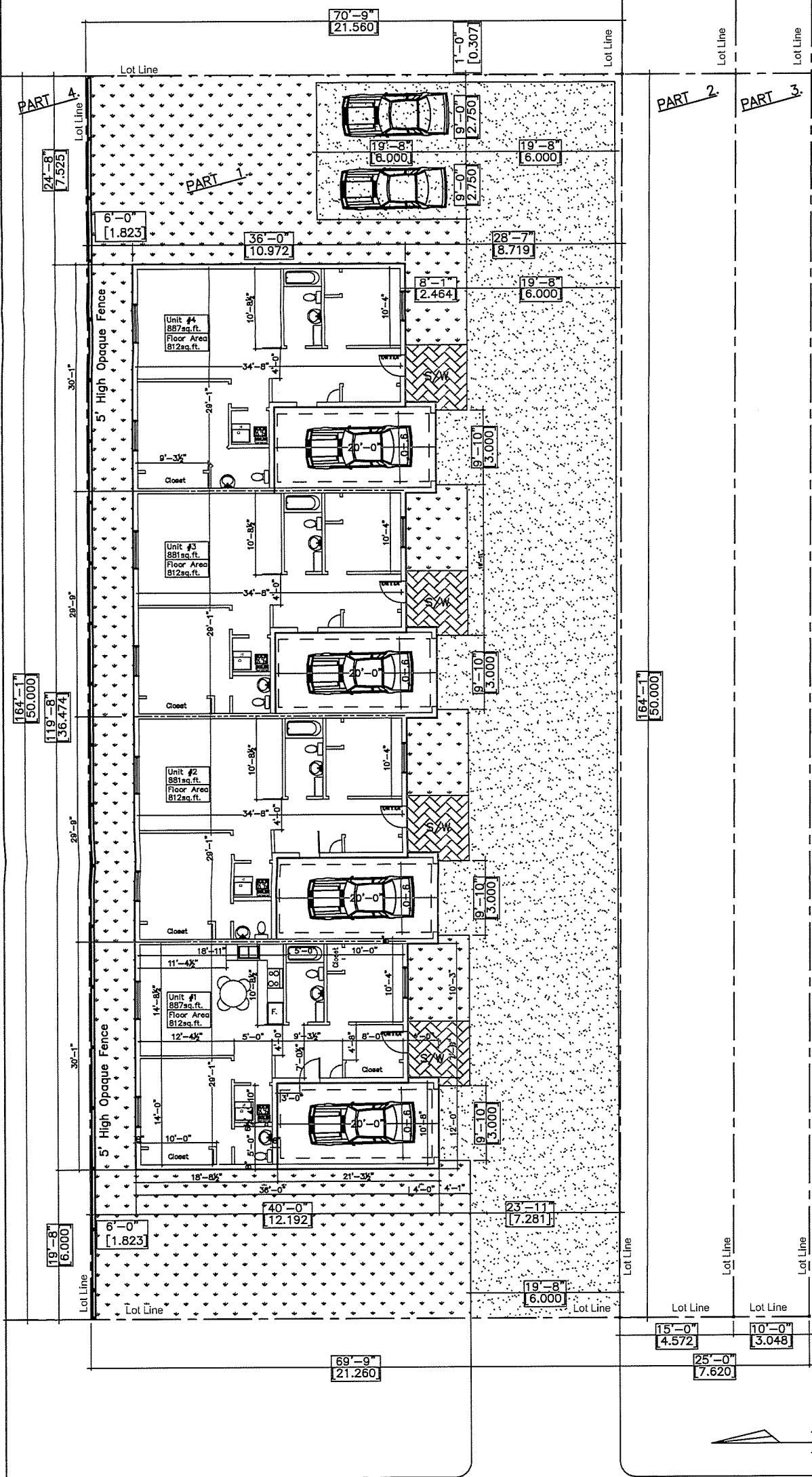
- 1) The building is located in the Source Water Protection area and approvals will be required.
- 2) The site will require a geotechnical report prepared by an Engineer licensed in the Province of Ontario.
- 3) The structure will require a building permit to the satisfaction of the Chief Building Official.

Water/Wastewater Services (Source Protection Plan)

No activity or activities engaged in or proposed to be engaged in on the above noted property are considered to be significant drinking water threats.



NOTE :
ALL DIMENSIONS SUPPLIED BY OWNER. METRIC DIMENSIONS IN BRACKETS, [].
**IT IS THE SOLE RESPONSINILITY OF THE OWNER TO ENSURE PROPER SETBACKS
OF ALL BUILDINGS TO LOT LINES AS PER LOCAL AUTHORITIES & BYLAWS.



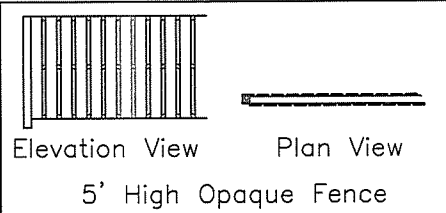
RECEIVED

DEC 09 2019

PLANNING SERVICES

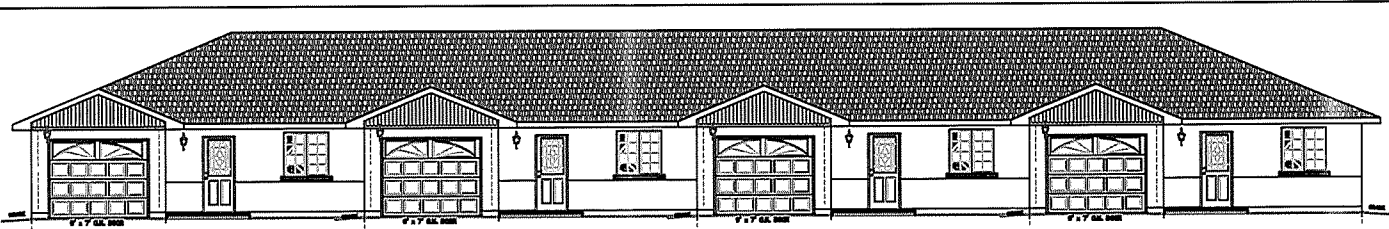
ZONING REQUIREMENTS:

LOT AREA	11,521 sq.ft.	[1,070.3]	
BUILDING ENVELOPE	4,500 sq.ft.	[418.1]	39.1 %
LANDSCAPED AREA,	3,296 sq.ft.	[306.2]	28.6 %
DRIVEWAYS & PARKING	3,725 sq.ft.	[346.0]	32.3 %



MUNICIPAL ROAD # 80

EMILY ST. V-E, SUDBURY



SITE PLAN
SCALE: 1 = 200



PHOTO 1 EMILY STREET, HANMER – VIEW OF SUBJECT PROPERTY
ON EAST SIDE OF EMILY STREET FACING NORTH



PHOTO 2 EMILY STREET, HANMER – VIEW OF STREET LINE
ON MR 80

751-7/19-12 PHOTOGRAPHY AUGUST 25, 2017



PHOTO 3 EMILY STREET, HANMER – SINGLE DETACHED
DWELLINGS OPPOSITE SUBJECT LAND

Request for Decision

Oldenburg Inc. – Request to extend a conditional approval on a rezoning application, 185 & 227 Lorne Street, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Routine Management Reports
File Number:	751-6/15-26

Resolution

THAT the City of Greater Sudbury approves the application by Oldenburg Inc. to extend the approval of a Zoning By-law Amendment Application, File # 751-6/15-26, on those lands described as PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim, for a period of one year until November 22, 2020, as outlined in the report entitled “Oldenburg Inc.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend the approval of a Zoning By-law Amendment from Council is an operational matter under the Planning Act to which the City is responding.

Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the conversion of a former industrial building along with a five-storey addition as a mixed use development having 50 residential dwelling units along with a mix of commercial and light industrial uses and a separate one-storey parking garage in Sudbury. It is noted that a registered survey plan is to be provided as a condition of approval in order to enact an amending zoning by-law with holding provisions as outlined in the original resolution and accompanying staff report on the proposed rezoning of the lands. The fee for the requested extension has been provided by the owner. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until November 22, 2020.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 13, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

Financial Implications

The financial implications previously presented in the report dated November 21, 2016 have since been updated using 2019 rates.

If approved, staff estimate approximately \$178,000 in taxation revenue, based on the assumption of 50 apartment dwelling units at an estimated assessed value of \$275,000 per dwelling unit at the 2019 property tax rates.

In addition, this development would not result in any development charges as the property is within the designated exemption area within the Development Charges By-Law. Also, the building permit fees are estimated at approximately \$137,000 for the residential portion of development only based on rates in effect as of this report.

Financial implications of the commercial portion of the development (taxes and building permit fees) has not been calculated as additional information would be required and would be received at the time of building permit application.

Date: November 26, 2019

STAFF REPORT

Applicant:

Oldenburg Inc.

Location:

PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim (185 & 227 Lorne Street, Sudbury)

Application:

The original application for rezoning for which an extension is now being applied for sought to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "R3-1(S)", Medium Density Residential Special.

Proposal:

Staff received an email from the owner dated November 22, 2019, requesting that the rezoning approval be extended for a period of one year until November 22, 2020. The owner has previously advised staff that they intend to continue to work on the conditions of approval that were ratified by Council initially on November 22, 2016. The rezoning once completed would facilitate the conversion of a former industrial building along with a five-storey addition as a mixed use development having 50 residential dwelling units along with a mix of commercial and light industrial uses and a separate one-storey parking garage in Sudbury. The development proposal also includes a request to close Alder Street between Victoria Street and Willow Street.

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Lorne Street with Victoria Street being to the north and Hazel Street to the south in the community of Sudbury. The lands subject to the rezoning includes the property along Lorne Street, the portion of Alder Street between Victoria Street and Willow Street that is proposed to be closed and a vacant lot at the corner of Victoria Street and Alder Street. The lands have a total lot area of approximately 8,000 m² (86,114 ft²) with approximately 148 m (487 ft) of frontage along Lorne Street and 117 m (384 ft) of continuous lot frontage along Victoria Street. The lands contain a former industrial building. The portion of the lands that are proposed to contain a parking garage are presently vacant.

Surrounding uses are mixed with urban residential uses of varying built-forms being to the west along with general commercial uses along Regent Street. Hazel Street to the south of the lands includes a small cluster of general commercial uses including a hotel, restaurant and hair salon. There are also a number of light industrial uses in the area along Lorne Street. There is an operating rail-yard owned by Canadian Pacific Railway across Lorne Street to the immediate east of the subject lands. The downtown area of Sudbury is located to the north-east of the lands.

Date: November 26, 2019

Planning Considerations:

The application for rezoning was originally approved by Planning Committee through recommendation PL2016-190 on November 21, 2016 and ratified by Council on November 22, 2016. The approval was conditional upon the owner providing a registered survey of the lands to be rezoned in order to allow for the preparation of an amending zoning by-law. The lands are also to be the subject of a holding provision that would not be removed from the lands until certain conditions were satisfied including the following items:

1. That the owner enter into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City Solicitor;
2. That the owner complete a Transportation Demand Management report to the satisfaction of the Director of Planning Services;
3. That the owner complete and submit a noise and vibration study to the satisfaction of the Director of Planning Services; and,
4. That Council for the City of Greater Sudbury declare the lands as a Class IV Area under the Ministry of the Environment's NPC-300-Environmental Noise Guideline for Stationary and Transportation Sources.

The owner has indicated to staff that they wish to continue to pursue the rezoning of the subject lands. At the time of writing this report, a registered survey necessary for the purposes of enacting the amending zoning by-law has not been submitted. Those items relating to the holding provision have not been provided to the Planning Services Division.

A copy of the approved resolution from Planning Committee, which was ratified by Council on November 22, 2016, is attached to this report (Appendix 1) for reference purposes. A copy of the original staff report which recommended approval of the rezoning request is also further attached to this report for reference purposes.

Staff has reviewed the current request and has no concerns with a further one year extension at this time, but would reiterate that the amending zoning by-law with holding provisions can be enacted once a registered survey plan is provided which describes the lands being rezoned.

Summary:

The owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate conversion of a former industrial building along with a five-storey addition as a mixed use development having 50 residential dwelling units along with a mix of commercial and light industrial uses and a separate one-storey parking garage in Sudbury. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division in order to allow for the preparation of an amending zoning by-law. The amending zoning by-law would include a holding provision tied to further conditions as outlined in this report. The owner has provided the fees necessary for this extension request. Staff therefore has no concerns and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until November 22, 2020.

PH 6
Ward 1
Signorelli

APPENDIX 1



Planning Committee Resolutions

Moved By

Whitney Alb

No.

PL2016- 190

Seconded By

Al Signorelli

Date

Monday, November 21, 2016

THAT the City of Greater Sudbury approves the application by Oldenburg Inc. to amend Zoning By-law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "HR3-1(S)", Medium Density Residential Special – Holding on those lands described as PINs 73585-0909 & 73585 1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim subject to the following conditions:

A) That prior to the enactment of the amending zoning by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow for the preparation of the amending zoning by-law;

B) That a holding provision be applied to the lands and that the holding provision not be removed from the lands until such time as:

i. The owner has entered into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City Solicitor;

ii. The owner has completed a Transportation Demand Management report addressing the approved reduction in parking space requirements to the satisfaction of the Director of Planning Services;

iii. The owner has completed and submitted noise and vibration studies relating to the development of the lands to the satisfaction of the Director of Planning Services; and,

iv. City of Greater Sudbury Council declares the lands a Class IV area under the Ministry of the Environment's NPC -300 – Environmental Noise Guideline for Stationary and Transportation Sources.

C) That the amending zoning by-law contain the following site-specific provisions:

i. That the only permitted uses on the subject lands be a multiple dwelling with a maximum of 50 residential dwelling units and non-residential uses be limited to an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office, custom print or copy shop, financial institution, food processing plant in the form of a brewery, light industrial use, institutional use, medical office, office, personal service shop, pharmacy, private club, professional office, retail store, commercial recreation centre, restaurant, scientific or medical laboratory, commercial school and service trade.

ii. That no residential units shall be permitted on the ground floor;

iii. That all non-residential uses shall have a maximum net floor area of 1 673m²;

iv. That the minimum parking requirements shall be 1.25 spaces per dwelling unit and 1 space per 30m² of net floor area for non-residential uses;

- v. That reduced setback requirements where required for the existing building and the addition be provided;
- vi. That the maximum building height for a mixed use building shall be 22 metres and the maximum building height for the accessory parking garage shall be 7 metres;
- vii. That the maximum lot coverage for the overall development shall be 60%;
- viii. That the minimum landscaped open space for the overall development shall be 27%;
- ix. That parking areas be permitted in the required front yard and corner side yard;
- x. That the only permitted use on Lots 88 and 89, Plan M31S shall be a parking garage accessory to the permitted residential and non-residential uses;
- xi. That a minimum setback to the parking garage on Lots 88 and Lot 89, Plan M31S from the westerly lot line shall be 1.2m, 0m from the lane to the south and 1.1m from Victoria Street; and,
- xii. The minimum landscape strip abutting Victoria Street shall be 1.1m next to the parking garage.



Yes
Landy Attmann
Al Sizer
Jakub
Lapierre
McIntosh

Request for Decision

Oldenburg Inc. - Application for rezoning in order to permit the conversion of the former industrial building along with a five-storey addition as a mixed use development containing 50 residential dwelling units and a mix of commercial and light industrial uses, 185 & 227 Lorne Street, Sudbury

Presented To: Planning Committee
 Presented: Monday, Nov 21, 2016
 Report Date: Wednesday, Nov 02, 2016
 Type: Public Hearings
 File Number: 751-6/15-26

Resolution

THAT the City of Greater Sudbury approves the application by Oldenburg Inc. to amend Zoning By-law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "HR3-1(S)", Medium Density Residential Special – Holding on those lands described as PINs 73585-0909 & 73585 1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim subject to the following conditions:

- A) That prior to the enactment of the amending zoning by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow for the preparation of the amending zoning by-law;
- B) That a holding provision be applied to the lands and that the holding provision not be removed from the lands until such time as:
 - i. The owner has entered into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City Solicitor;
 - ii. The owner has completed a Transportation Demand Management report addressing the approved reduction in parking space requirements to the satisfaction of the Director of Planning Services;
 - iii. The owner has completed and submitted noise and vibration studies relating to the development of the lands to the satisfaction of the Director of Planning Services; and,
 - iv. City of Greater Sudbury Council declares the lands a Class IV area under the Ministry of the Environment's NPC -300 – Environmental Noise Guideline for Stationary and Transportation Sources.

Signed By

Report Prepared By

Glen Ferguson
 Senior Planner
Digitally Signed Nov 2, 16

Reviewed By

Eric Taylor
 Manager of Development Approvals
Digitally Signed Nov 2, 16

Recommended by the Division

Jason Ferrigan
 Director of Planning Services
Digitally Signed Nov 3, 16

Recommended by the Department

Tony Cecutti
 General Manager of Infrastructure Services
Digitally Signed Nov 4, 16

Recommended by the C.A.O.

Ed Archer
 Chief Administrative Officer
Digitally Signed Nov 9, 16

C) That the amending zoning by-law contain the following site-specific provisions:

- i. That the only permitted uses on the subject lands be a multiple dwelling with a maximum of 50 residential dwelling units and non-residential uses be limited to an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office, custom print or copy shop, financial institution, food processing plant in the form of a brewery, light industrial use, institutional use, medical office, office, personal service shop, pharmacy, private club, professional office, retail store, commercial recreation centre, restaurant, scientific or medical laboratory, commercial school and service trade.
- ii. That no residential units shall be permitted on the ground floor;
- iii. That all non-residential uses shall have a maximum net floor area of 1 673m²;
- iv. That the minimum parking requirements shall be 1.25 spaces per dwelling unit and 1 space per 30m² of net floor area for non-residential uses;
- v. That reduced setback requirements where required for the existing building and the addition be provided;
- vi. That the maximum building height for a mixed use building shall be 22 metres and the maximum building height for the accessory parking garage shall be 7 metres;
- vii. That the maximum lot coverage for the overall development shall be 60%;
- viii. That the minimum landscaped open space for the overall development shall be 27%;
- ix. That parking areas be permitted in the required front yard and corner side yard;
- x. That the only permitted use on Lots 88 and 89, Plan M31S shall be a parking garage accessory to the permitted residential and non-residential uses;
- xi. That a minimum setback to the parking garage on Lots 88 and Lot 89, Plan M31S from the westerly lot line shall be 1.2m, 0m from the lane to the south and 1.1m from Victoria Street; and,
- xii. The minimum landscape strip abutting Victoria Street shall be 1.1m next to the parking garage.

Finance Implications

If approved, staff estimate approximately \$90,000 in taxation revenue based on the assumption of 50 apartment dwelling units (and estimated assessed value of \$150,000 per unit) at the 2016 property tax rates. In addition, this development would not result in any development charges as the property is within the designated exemption area within the Development Charges By-Law. Also, the building permit fees are estimated at approximately \$75,000 for the residential portion of development only and based on rates in effect as of this report.

Financial implications of the commercial portion of the development (taxes and building permit fees) has not been calculated as additional information would be required and would be received at the time of building permit application.

STAFF REPORT

Applicant:

Oldenburg Inc.

Location:

PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim (185 & 227 Lorne Street, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Lorne Street with Victoria Street being to the north and Hazel Street to the south in the community of Sudbury. The lands subject to the rezoning includes the property along Lorne Street, the portion of Alder Street between Victoria Street and Willow Street that is proposed to be closed and a vacant lot at the corner of Victoria Street and Alder Street. The lands have a total lot area of approximately 8,000 m² (86,114 ft²) with approximately 148 m (487 ft) of frontage along Lorne Street and 117 m (384 ft) of continuous lot frontage along Victoria Street. The lands contain a former industrial building. The portion of the lands that are proposed to contain a parking garage are presently vacant.

Surrounding uses are mixed with urban residential uses of varying built-forms being to the west along with general commercial uses along Regent Street. Hazel Street to the south of the lands includes a small cluster of general commercial uses including a hotel, restaurant and hair salon. There are also a number of light industrial uses in the area along Lorne Street. There is an operating rail-yard owned by Canadian Pacific Railway across Lorne Street to the immediate east of the subject lands. The downtown area of Sudbury is located to the north-east of the lands.

Alder Street:

In 2004 the City approved the closure of the portion of Alder Street from Victoria Street south to the lane on the west side of the street. By-law 2004-316 was subsequently enacted by Council on December 16, 2004 closing this portion of Alder Street as a public road. The closure of the street was part of an impending sale to the then owner of the subject lands. The sale was not completed and the street physically remained open. The applicant is proposing to acquire the closed portion of Alder Street as well as the portion south of the lane to Willow Street.

The closure of Alder Street and its sale will be the subject of a separate report from the City's Real Estate Section to the Planning Committee.

Official Plan Conformity & Zoning By-law:

Official Plan

The portion of the subject lands east of Alder Street are designated Mixed Use Commercial and the lands west of Alder Street are designated Living Area 1 in the Official Plan for the City of Greater Sudbury.

The Mixed Use Commercial designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General Industrial uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on mixed use corridors. All uses are permitted in the Mixed Use Commercial designation except for Heavy Industrial.

Given the high visibility of Mixed Use Commercial areas, special attention to sound urban design principles is essential. Siting buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and effective landscaping can aesthetically enhance the appearance of mixed use corridors. In order to attract viable, high quality residential development, emphasis will also be placed on creating a safe and attractive pedestrian environment, as well as convenient access to public transit and green-space.

Subject to rezoning, new development may be permitted in the Mixed Use Commercial designation provided

that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads will be permitted where reasonable alternate access is available;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided.

Section 10.5 of the Official Plan addresses the redevelopment and intensification of abandoned industrial sites in built-up areas of the City. Although such lands represent a potential hazard due to real or perceived environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification in built-up areas.

Section 10.7 of the Official Plan addresses noise, vibration and odours associated with development and notes that incompatible land uses will be appropriately buffered from each other in order to prevent adverse effects from noise, vibration and odours. Potential sources include major roads, railways and industrial operations. The proponent of a development proposal is required in these cases to assist the City in identifying the necessary mitigation measures through conducting a study in accordance with provincial guidelines.

Section 11.3.2 of the Official Plan is intended to encourage land use policies that are supportive of public transit needs. Relevant policies under Section 11.3.2 to the subject development proposal include:

1. Urban design and community development that facilitates the provision of public transit will be promoted;
2. Development proposals will be reviewed to ensure efficient transit routing so that all dwellings in the development are ideally within 500 metres walking distance of a bus stop;
3. Mixed uses and higher density housing along Arterial Roads and at other strategic locations are encouraged as a means of enhancing the feasibility of transit services, increasing ridership, alleviating traffic congestion and reducing reliance on the automobile;
4. Buildings should be sited as close to the street as possible to reduce walking distances for transit users; and,
5. Pedestrian walkways, intersections of major roads, and pedestrian access systems are to be integrated with transit stops, and wherever possible, connected to trail systems.

Section 11.4 of the Official Plan notes that new development should provide for adequate supply parking in order to meet anticipated demand. However, opportunities to reduce parking standards for mixed use projects or groups of uses that share parking facilities will be reviewed and implemented if reasonable in parts of the City, such as the Mixed Use Commercial designation.

Section 18.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 18.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 18.2.1 which are relevant to the development proposal include:

1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
2. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households; and,

3. To promote a range of housing types suitable to the needs of senior citizens.

Section 18.2.2 is supportive of and promotes intensified residential development at main commercial nodes in the City as a means of promoting urban redevelopment and achieving effective residential intensification.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations provided later in this report.

Zoning By-law

The subject lands are zoned "M1-1", Business Industrial and "R2-3", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "M1-1" Zone permits a range of business industrial uses as outlined in Table 8.1 of the Zoning By-law. The "R2-3" Zone permits a bed and breakfast establishment, duplex dwelling, group home type 1, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, row dwelling containing a maximum of four dwelling units, semi-detached dwelling, single-detached dwelling and a street townhouse dwelling. It is noted that the portion of the lands zoned "R2-3" is a part of the Alder Street road allowance. The proposed mixed use development containing 50 residential dwelling units along with approximately 1,673m² (18,008 ft²) of commercial and light industrial uses and a parking garage are not permitted uses on the subject lands at this time.

Application:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial and "R2-3", Low Density Residential Two to "R3-1(S)", Medium Density Residential Special.

Proposal:

The application is to permit the conversion of the former industrial building along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1 673 m² (18,008 ft²) of commercial and light industrial uses. A one-storey parking garage is proposed on the lands located west of Alder Street. The application proposes the closure of Alder Street between Victoria and Willow Streets.

Departmental & Agency Circulation:

Building Services has identified a number of areas where site-specific relief will be required when the amending by-law is considered for passage. In order to ensure that the proper relief is provided it is also requested that a legal survey of the entirety of the lands being rezoned be provided. Building Services has also noted spatial separation and exposure protection requirements, as well as fire-fighting and flow matters that will need to be satisfied under the Ontario Building Code and that a Record of Site Condition will be required prior to issuance of any building permits. It is further noted that the City will need to designate the development as a Class IV area as defined under Environmental Noise Guideline – Stationary and Transportation Sources NPC-300.

Canadian Pacific Railway (CPR) has noted concerns with siting the proposed development in close proximity to their rail-yard located to the immediate east of the subject lands. CPR advises that the rail-yard is active 24 hours a day and that CPR is entitled to increase or alter their operations at any point in time. CPR has stressed the importance of ensuring that future residents are protected against these adverse conditions. CPR has therefore recommended that certain warning clauses be inserted in any future offers to purchase and/or agreements of sale and purchase or lease and in the title deed or lease of each residential dwelling unit.

Development Engineering has noted that municipal sanitary sewer and water infrastructure is available to service the development and that the site planning process will further address connections. The site

planning process will also address storm-water management although the site is already developed and quantities would not increase as the plans submitted would result in impervious surfaces being replaced with landscaping. Development Engineering also notes that appropriate noise and vibration clauses should be included in any future site plan agreements and purchases of sale or leases and further that the development will need to be designated as a Class IV area as defined under Environmental Noise Guideline – Stationary and Transportation Sources NPC-300.

Operations notes that the City will require a 7 metre by 7 metre square block to be retained where Alder Street is proposed to be closed for winter control purposes. The block is to be positioned at the easterly end of the lane running between the Montessori School of Sudbury and Alder Street.

Roads, Traffic and Transportation have reviewed the submitted Traffic Impact Study (TIS) and have minor concerns, but are in general agreement with its findings and recommendations. Roads, Traffic and Transportation staff have noted that there will be increased traffic volume and turning movements in the area resulting from the proposed development and have identified that a contribution to a future north-bound left turn lane on Lorne Street at Victoria Street should form a condition of approval. The request to allow for on-street parking along Lorne Street is not supported as it is a designated Primary Arterial Road in the Official Plan and staff is concerned with increased potential for collisions.

The detailed comments from circulated departments and agencies are included as Appendix 1 to this report.

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with an initial courtesy mail-out to landowners and tenants within a minimum of 120 m (400 ft) of the subject lands. The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. At the time of writing this report, several phone calls and no written submissions with respect to this application have been received by the Planning Services Division.

Staff understands that the owner has held two Public Information Sessions regarding the development proposal. Notification for both meetings was provided by the owner to landowners by mail. The first Public Input Session was held at St. Andrew's Place in December of 2015 and was attended by approximately 60 residents. At the time of writing this report, the second Public Input Session is scheduled to be held at the Lecture Theatre at the School of Architecture for Laurentian University on Elm Street on November 9, 2016 commencing at 6:30PM.

Planning Considerations:

Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting land use planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The community of Sudbury is an identified settlement area in the City's Official Plan and the mixed use redevelopment as proposed in this urban setting and location should be promoted;
2. Municipalities are required to provide for an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged. Staff is of the opinion that the proposed rezoning would positively contribute to the range, mix and density of residential housing options in the area in the form of mixed use development containing a total of 50 residential dwelling units; and,
3. Intensification and redevelopment is generally to be directed to appropriate locations, including

brownfield sites, where the wise use and management of infrastructure and other resources can be achieved. Staff notes the subject lands can be fully serviced with municipal infrastructure that is available in the area and further that the lands are currently under utilized as an abandoned former industrial building within an existing built-up residential neighbourhood of Sudbury. The opportunity for residential intensification as proposed in this particular location is viewed as being appropriate.

Official Plan

With respect to Mixed Use Commercial policies and more specifically those policies addressing resort and shoreline commercial uses, staff have the following comments:

1. Development Engineering has advised that sewer and water capacities are adequate for the proposed development and advise that site plan control will be applicable to the lands which will address how the development connects to existing municipal infrastructure that exists in the area;
2. Staff is generally satisfied that adequate parking can be provided on the lands. Staff is recommending that the residential units be zoned with a parking rate of 1.25 parking spaces per dwelling unit which would therefore require a total of 63 parking spaces based on there being 50 residential dwelling units in the building. It is further recommended that the range of permitted commercial and light industrial uses requested by the owner be required to provide parking at a rate of one parking space per 30 m² (322 ft²) net floor area of commercial or light industrial floor space. Staff would note that the Official Plan does allow for the reduction of parking standards for mixed use buildings where reasonable in the Mixed Use Commercial designation. The owner has provided calculations using the above rates and advises staff that only 120 parking spaces can physically be provided. Staff recommends that part of the rezoning approval include a holding symbol on the lands requiring the submission of a Transportation Demand Management report addressing strategies to reduce travel demand from single-occupancy vehicles to the site thereby reducing parking demand. It is expected that this report would address the context of the site, the proposed mix of uses and the amount of parking relief that is reasonable and would ensure that the site functions well. Staff is however generally satisfied that given the location and mix of uses being proposed that some degree of relief from parking standards in this particular case is warranted;
3. The development proposal would utilize an existing driveway entrance onto Lorne Street, which is designated as a Primary Arterial. Staff notes however that no new driveway entrances onto Lorne Street are being proposed;
4. Roads, Traffic and Transportation have reviewed the submitted TIS and are in general agreement with the opinion that the traffic carrying capacity of Lorne Street will not be significantly impacted should the rezoning be approved. Improvements to Lorne Street have been recommended by Roads, Traffic and Transportation which can be dealt with accordingly through site plan control. Staff would note that the request to permit parking on Lorne Street is not supported for safety reasons as Lorne Street is a busy Primary Arterial Road in the City; and,
5. The development proposal represents a unique opportunity to improve upon the landscaping and buffering along Lorne Street, Victoria Street and Alder Street. The closure of Alder Street is expected to provide opportunity for additional landscaping. Site plan control would be applicable to the proposed development and it is expected that the site planning process will result in improved landscaping and buffering on a presently abandoned and underutilized site in the City.

With respect to public transit policies in the Official Plan, staff has the following comments:

1. Staff is satisfied that the site planning process will further refine the development proposal and ensure that a high quality of urban design which contributes positively to the community and is connected to and supportive of public transit is achieved;
2. Staff notes that the lands front Lorne Street which is directly served by the Gatchell/Copper Cliff bus route. The West End bus route runs to the west of the lands along portions of Regent Street and Eyre

Street. There are also a number of bus routes running along Elm Street. The development proposal would therefore have direct access to a number of bus routes in the City including bus stops on both sides of Lorne Street including at the south end of the site at Hazel Street;

3. The mixed use development proposal would front a Primary Arterial being Lorne Street and represents an opportunity to achieve higher densities at a strategic location where the feasibility of transit services, increasing ridership and reducing reliance on the automobile can be realized and encouraged;
4. A survey of the lands indicates that the existing building is constructed to the lot line along portions of Lorne Street and Alder Street. The location of the building on the lot would allow those entering and exiting the proposed mixed use building to readily access sidewalks and nearby bus stops; and,
5. Staff advises that site plan control will address pedestrian connectivity and walkways to nearby streets including access to nearby bus stops.

With respect to housing policies in the Official Plan, staff has the following comments:

1. The development proposal would include 50 residential dwelling units in a mixed use building and would offer a type and form of housing which contributes positively to the mix of housing options in this part of the City for current and future residents;
2. The submitted sketches for the proposed building included estimated residential unit type counts, which include studio/bachelor, one bedroom and two bedroom dwelling units. Staff advises that the proposed development would offer and positively contribute to the production of smaller units to accommodate smaller households in the City;
3. While the development proposal would not provide exclusive residential living options for senior citizens, staff notes that the lands are located in a part of the City with easy access to public transit, shopping and recreational uses that could be readily accessed by senior citizens from the subject lands; and,
4. Staff is satisfied that the development proposal would positively contribute to economic development in the City by contributing to the improvement and creation of a positive living environment and quality of life near the downtown and along Lorne Street which collectively forms an important commercial node in the City.

With respect to abandoned industrial site policies in the Official Plan, staff acknowledges that the development proposal represents an opportunity for brownfield redevelopment. The owner has submitted a Phase I and Phase II Environmental Site Assessments completed by EXP Services Inc. which did note exceedances beneath the surface that will require remediation prior to construction of the mixed use development. Building Services has also noted that a Record of Site Condition is to be submitted as part of the building permit issuance process. The Official Plan remains supportive of taking advantage of opportunities to redevelop and rehabilitate abandoned industrial sites in the City. Staff would advise that the subject lands once rehabilitated offers a positive opportunity to achieve intensification in an existing built-up area of the City.

With respect to noise, vibration and odour policies in the Official Plan, staff notes that the lands directly abut a rail-yard owned and operated by CPR. CPR has provided comment that the operations may increase at any time and further that residential development in close vicinity to the rail-yard should be managed carefully. The owner has submitted a preliminary environmental noise and vibration analysis report and an updated summary of work conducted to-date and work that remains outstanding. The first report notes that based on preliminary analysis and the incorporation of an enclosed-noise barrier into the building design and the provision of central air conditions that the sound levels for the residential units would be within the applicable and acceptable environmental noise criteria. Staff advises that part of the development approval would need to include the municipality designating the development as a Class IV area as defined under the Ministry of the Environment's NPC-300 – Environmental Noise Guideline for Stationary and Transportation

Sources document. Staff is therefore recommending that the amending zoning by-law contain a holding provision relating to the satisfactory completion of all noise and vibration studies. The proposed holding provision would also be in place until Council designates the subject lands as a Class IV area under NPC-300.

Zoning By-law

The applicant is requesting that the subject lands be rezoned from “M1-1”, Business Industrial and “R2-3”, Low Density Residential Two to “R3-1(S)”, Medium Density Residential Special in order to permit the conversion of the former brewery along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1,673 m² (18,008 ft²) of commercial and light industrial uses. A one-storey parking garage is proposed on the lands located west of Alder Street. As noted previously, the application also proposes the closure of Alder Street between Victoria and Willow Streets. Staff has reviewed the request and has no concerns with the requested zone category, however staff is recommending that the lands be zoned with a holding provision until such time as:

1. The owner has entered into an agreement to acquire or has acquired the portion of Alder Street to be closed to the satisfaction of the City's Real Estate Section;
2. The owner has completed and submitted a Transportation Demand Management report addressing the parking space reduction being proposed to the satisfaction of the Director of Planning Services;
3. The owner has completed and submitted noise and vibration studies relating to the development of the lands to the satisfaction of the Director of Planning Services; and,
4. Council declares the lands a Class IV area under the Ministry of the Environment's NPC-300 – Environmental Noise Guideline for Stationary and Transportation Sources.

The amending zoning by-law would limit the use of the lands to a maximum of 50 residential dwelling units along with a ranged mix of commercial and light industrial uses. Staff has also met with the owner to discuss the requested land uses that would be permitted on the lands in an effort to allow for a range of uses with appropriate flexibility. The list of requested non-residential lands uses was refined by the owner and, if approved, the only permitted non-residential uses on the subject lands in the amending zoning by-law would include an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office, custom print or copy shop, financial institution, food processing plant in the form of a brewery, light industrial use, institutional use, medical office, office, personal service shop, pharmacy, private club, professional office, retail store, commercial recreation centre, restaurant, scientific or medical laboratory, commercial school and service trade. The amending by-law would also restrict the permitted use on Lots 88 and 89, Plan M31S on the west side of Alder Street, to a parking garage accessory to permitted residential and non-residential uses.

Staff also notes that the amending zoning by-law will also need to incorporate some additional site-specific development standards based on the submitted concept plan as follows:

1. Reduced building setback requirements where required for the existing building and the addition that is proposed to said building;
2. Maximum building height for the mixed use building of 22 m (72.18 ft);
3. Maximum building height for the accessory parking garage of 7 m (23 ft);
4. Maximum lot coverage for the overall development of 60%;
5. Minimum landscaped open space for the overall development of 27%;
6. Parking rates of 1.25 spaces per residential dwelling unit and 1 space per 30 m² (322 ft²) of non-residential use net floor area;
7. Parking areas are to be permitted in the existing front and corner side yards;
8. Minimum setbacks of 1.2m, 0m and 1.1m from the westerly lot line, the lane and Victoria Street respectively to the parking garage.

9. Minimum landscape strip of 1.1m width between the parking garage and Victoria Street.
10. No residential units shall be permitted on the ground floor; and,
11. All non-residential uses shall have a maximum net floor area of 1 673m² (18,008 ft²).

Site Plan Control

Staff advises that site plan control will apply to the lands. The site planning process will be utilized to ensure appropriate landscaping, buffering and screening and fencing where appropriate is provided. In addition, the location of parking areas, bicycle parking, refuse storage areas and access to-and-from the site amongst other matters that will be addressed through the site planning process.

Summary:

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury. The development proposal is also consistent with the land use planning policy directions identified in PPS. The development proposal offers an opportunity to redevelop a former industrial building into a mixed use development near the downtown. Staff has noted that a number of matters should be addressed prior to the enactment of an amending zoning by-law and are therefore also recommending that a holding provision be placed on the lands until these outstanding matters are addressed to the City's satisfaction. The Planning Services Division therefore recommends that the rezoning to permit the conversion of the former industrial building along with a five storey addition as a mixed use development with 50 dwelling units and approximately 1,673 m² (18,008 ft²) of commercial and light industrial uses and a parking garage be approved subject to the recommendations set out in this report.

Appendix 1 – Departmental & Agency Comments

File: 751-6/15-26

RE: Application for Rezoning – Oldenburg Inc. – PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim (185 & 227 Lorne Street, Sudbury)

Building Services

Based on the drawings submitted, we can advise that Building Services has the following comments:

1. The height of the proposed building appears to be approximately 23.3 m, where a maximum of 19 m is permitted. The applicant should provide the actual height in order for it to be included in this site specific zoning amendment.
2. The height of the proposed garage building appears to be approximately 6.8 m, where a maximum of 5 m is permitted for an accessory structure. The applicant should provide the actual height in order for it to be included in this site specific zoning amendment.
3. The total Site Area indicated on Drawing # 01.2 is 8,008.2 m².

The approximate Site Area is as follows:

• LOTS 88 & 89 (vacant)	= 1114.8 m ²
• LOT 6 (brewery)	= 5139.5 m ²
• PART 1 (CGS Alder St. Closure)	= 735.8 m ²
• <u>PROPOSED (Alder St. Closure)</u>	<u>= 858.43 m²</u>
Total approximate Site Area	= 7848.53 m ²

4. The estimated Building Areas are as follows:

• RESIDENTIAL/COMMERCIAL	= 3214.38 m ²
• OFFICE BUILDING	= 102.5 m ²
• <u>GARAGE BUILDING</u>	<u>= 1232.44 m²</u>
Total Ground Floor Area	= 4549.32 m ²

5. The resulting Lot Coverage is approximately 57.9% where a maximum of 50% is permitted.
6. The estimated Landscaped Area is approximately 27.5% where a minimum of 30% is required.
7. Pursuant to CGS Zoning By-law 2010-100Z, parking is not permitted within the required front or corner side yards.
8. Based on the areas submitted, the total parking required is 153 spaces.

However, the actual numbers are as follows:

- INTERIOR STACKED PARKING = 18
- PARKING GARAGE = 42
- SURFACE PARKING LOT = 11 (6 on street not permitted)
- Total Parking Spaces Provided = 71

9. Pursuant to CGS Zoning By-law 2010-100Z, a minimum 3 m wide planting strip or 1.8 m wide with a 1.5 m high opaque wall or fence is required along the lot line of the garage where it abuts the R2-3 Zone. Also, a 3 m wide landscaped area is required along the full length of the lot line, of the garage building, which abuts Victoria Street. A 1.2 m minimum setback is required from the lot line abutting the lane.
10. Pursuant to CGS Zoning By-law 2010-100Z, the minimum size of a parking space within a parking structure is 2.6 m wide by 5.5 m long, 3 m wide adjacent a wall and drive aisles remain 6 m wide. The size of the proposed garage building will not accommodate these minimums for the number of spaces indicated. Additionally, the area of the garage building will be further reduced by providing the required yards and planting strips.
11. We require a legal survey from the applicant, prepared by an Ontario Land Surveyor, indicating the actual lot dimensions, lot areas, locations and sizes of existing structures, including Alder Street portions, for this site specific zoning amendment and Lot Consolidation.
12. We require a revised Site Plan, based on the legal survey, that complies with CGS Zoning By-law 2010-100Z, in order to proceed with this site specific zoning amendment.
13. The intended use of the retained building labeled Basement House, is not clearly indicated and the floor plans are not specific. The applicant should be made aware that this building, in whole or in part, is not permitted for residential use.
14. The applicant should be made aware of the provisions under **3.2.3. Spatial Separation and Exposure Protection** of the Ontario Building Code. Of particular concern is the *exposing building face* of the North façade of the residential tower, due to the close proximity to the existing 2-storey building.
15. A Record of Site Condition (RSC) will be required prior to the issuance of a building permit, pursuant to the Environmental Protection Act. To satisfy the RSC, a Risk Assessment is required to develop site specific criteria or a remedial plan to remove the soil and groundwater impacts.
16. As part of the site specific Zoning By-law, the CGS will need to designate this development as a CLASS 4 area as defined by NPC-300 and appropriate warning clauses will be required advising occupants of this designation.
17. The residential building addition (sprinklered/non-combustible construction) requires approximately 146.7 L/s of water for firefighting purposes. The available water at the site (Lorne/Victoria St.) is 265.9 L/s, as verified by Development Engineering.

Canadian Pacific Railway

Canadian Pacific Railway is concerned with the siting of a new residential development in close proximity to our Sudbury Yard. The proposed land use is definitely not compatible with the continuous shunting activities at a railway yard such as this. The yard is active 24 hours per day. Current operations are both at the east and west end of the yard, CP can increase or alter their operations at any time.

We cannot stress enough the importance of ensuring that future residents are protected against the inherent adverse conditions facing those living adjacent to the railway yard.

Notwithstanding any other warning clauses recommended in the noise and vibration studies, a clause should be inserted in all offers to purchase, agreements of sale and purchase or lease and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

An additional clause should be inserted in all offers to purchase, agreements of sale and purchase and in the title deed or lease of each dwelling, warning prospective purchasers or tenants of the close proximity of the Railway Yard; that its operations are conducted 24 hours a day, 7 days a week which includes the shunting of trains and idling of locomotives; and the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the whole development and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.

Development Engineering

Water distribution mains surround the subject property with the most significant main being a 250mm diameter main located on Lorne Street. To obtain sufficient flows for fire and domestic use, the building's connection must be made to the main on Lorne Street. The portion of Alder Street that the developer is requesting to have closed does not have municipal watermain present. As part of the Site Plan process, all water services, save for the one connection, must be capped and abandoned to the satisfaction of the General Manager of Infrastructure Services.

The sanitary sewer servicing for this location was reviewed. The sanitary sewer service for the main building must utilize a service connection to the municipal system on Lorne Street. If, during the Site Plan process an alternate connection is proposed, or if deficiencies are discovered with the existing service to the sanitary sewer main on Lorne Street, all replacement of existing municipal mains and associated remedial work would be at the developer's cost. The existing building addressed 227 Victoria Street has a sanitary sewer service and this service would remain. The location for the parking garage proposed on Victoria Street is serviced with sanitary sewer; if this service requires upgrading or replacement, this would be at the developer's cost.

The subject property is being redeveloped from the existing condition to suit the creation of the development as proposed. This would, as shown on the plans submitted by the developer, result in the removal of impervious surfaces and the placement of landscaping. As such, the stormwater quantity generated on site will result in no increase. We will require, as part of the Site Plan Agreement process, that the developer provide stormwater quality control for this development to the satisfaction of the General Manager of Infrastructure Services.

A noise and vibration analysis was performed as part of this application. All noise abatement measures put forth in this report and associated warning clauses must form part of the Site Plan Control Agreement and this information must be provided to all subsequent purchasers and/or tenants. We also understand that this development will be classified as a Class 4 area as defined by NPC-300 and as such appropriate warning must be provided to all subsequent purchasers and/or tenants.

We have no objection to the application for zoning by-law amendment provided that the development of this site proceeds by way of the Site Plan Control Agreement process. This process will review but is not limited to water and sanitary sewer servicing, site lot grading, stormwater quality control, and noise abatement requirements.

Roads and Traffic & Transportation

The owner has submitted a Traffic Impact Study (TIS) in conjunction with this application. While we have some minor concerns with the study, we are in agreement with most of the findings and recommendations.

The TIS identified that the northbound left turn lanes are warranted at the intersections of Lorne Street at Victoria Street and Lorne Street at Hazel Street. It also identified that there have been a number of collisions involving left turn vehicles at these intersections where the occupants of the vehicles were injured. With the proposed closure of Alder Street, the majority of traffic accessing this site will utilize the Lorne Street at Victoria Street intersection. It is anticipated that 30 percent of the vehicles turning left at this intersection will be accessing the proposed development. This increased volume of left turning vehicles will likely increase the frequency of collisions at this intersection.

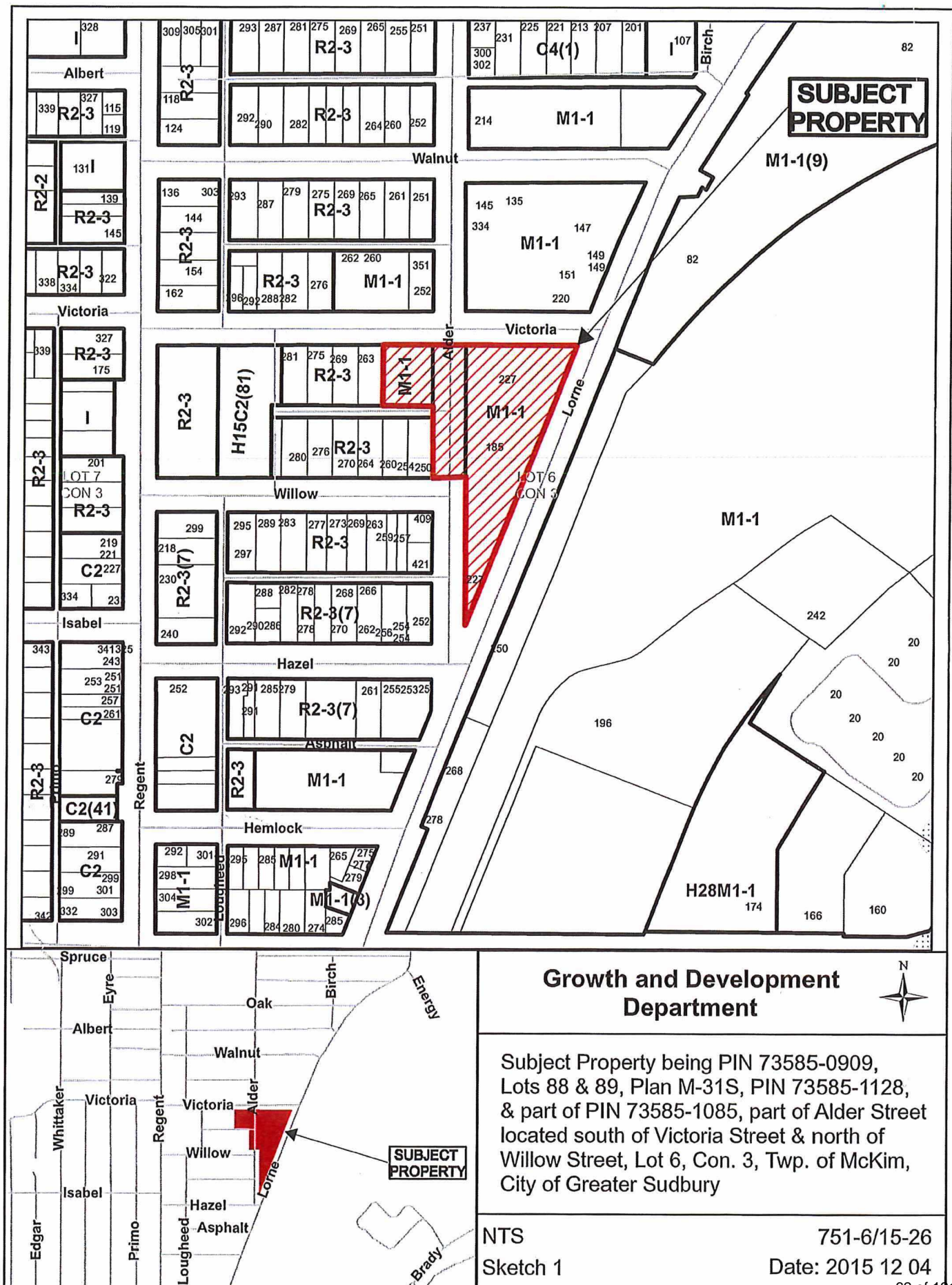
As a condition of approval, we ask that the owner contribute \$57,000 towards the construction of a northbound left turn lane on Lorne Street at Victoria Street. This sum represents 30 percent of the estimated construction costs of the left turn lane (excluding property acquisition and utility relocation costs).

The TIS indicates that on-street parking could be permitted on Lorne Street adjacent to the site between 7:00 p.m. and midnight (12:00 a.m.) from April to December. This area of Lorne Street (M.R. 55) is classified as a Secondary Arterial roadway and parking is prohibited on both sides of the street from Elm Street to the west limit where it meets Highway 17 in Whitefish.

As previously mentioned, collisions are a concern in this area and the introduction of on-street parking will likely increase the frequency of collisions while reducing the capacity of the roadway. In addition, with only one lane of traffic available for southbound vehicles, it will become more difficult for northbound left turning vehicles to find a sufficient gap in opposing traffic to be able to turn safely. Staff strongly recommend against the allowance of on-street parking adjacent to this development.

Operations

The Operations Section requires that a 7m square block (in addition to the lane width) be retained for winter control purposes. The block may be positioned in any configuration at the eastern most end of the laneway running between the Montessori School of Sudbury and Alder Street.



Growth and Development Department

Subject Property being PIN 73585-0909,
Lots 88 & 89, Plan M-31S, PIN 73585-1128,
& part of PIN 73585-1085, part of Alder Street
located south of Victoria Street & north of
Willow Street, Lot 6, Con. 3, Twp. of McKim,
City of Greater Sudbury

NTS
Sketch 1

751-6/15-26
Date: 2015 12 04



VIEW FROM LORNE ST, LOOKING SOUTH WEST



VIEW FROM VICTORIA AND ALDER ST, LOOKING SOUTH WEST

THE BREWER LOFTS

1. The purpose of this plan is to show the proposed development and its relationship to the surrounding area. It is not to be used for any other purpose.

2. The plan is based on the information provided by the applicant and is not to be used for any other purpose.

3. The plan is not to be used for any other purpose.

4. The plan is not to be used for any other purpose.

5. The plan is not to be used for any other purpose.

6. The plan is not to be used for any other purpose.

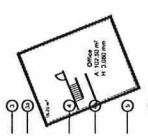
7. The plan is not to be used for any other purpose.

8. The plan is not to be used for any other purpose.

9. The plan is not to be used for any other purpose.

10. The plan is not to be used for any other purpose.

NO. 01
ISSUANCE 01
DATE 07/02/2015



Office Basement
SCALE: 1:250

architectsAlliance
205-217 Adelaide St. West
Toronto, Ontario M5V 1P9
416 593 4871
info: architectsalliance.com



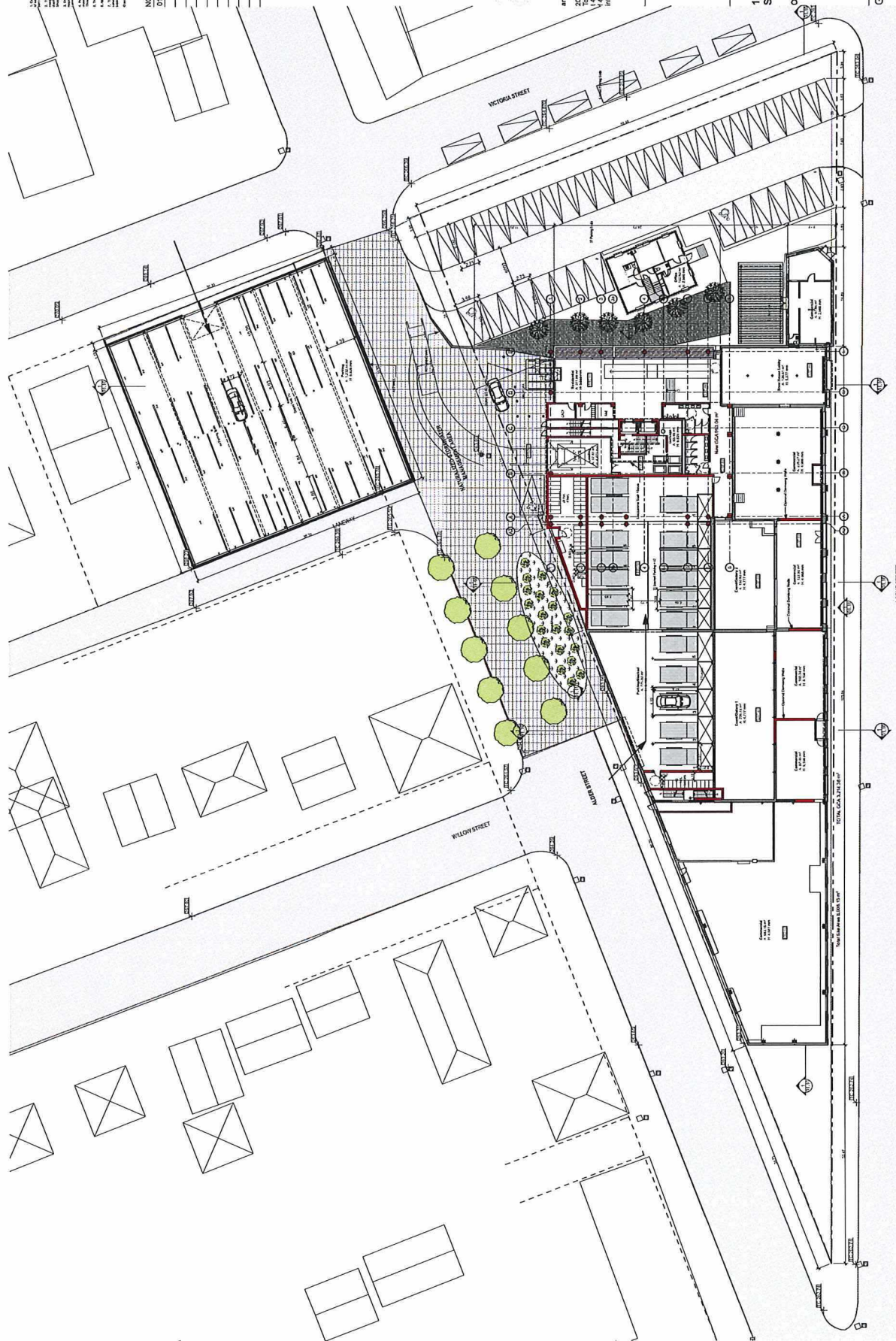
185 Lorne Street
Sudbury Ont.
Oldenburg Inc.

Ground Fl / Site Plan

1:250

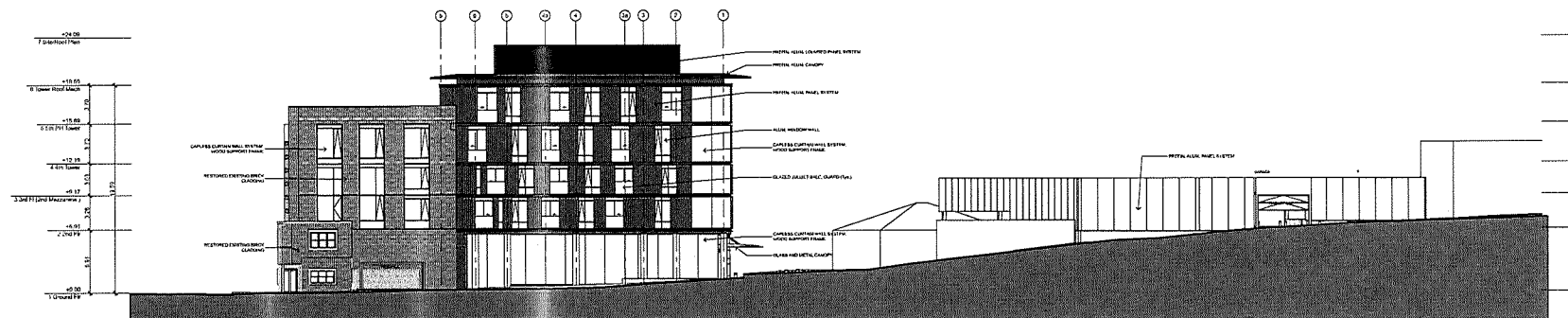
Refer to Issuance for Date of Issue

01.4



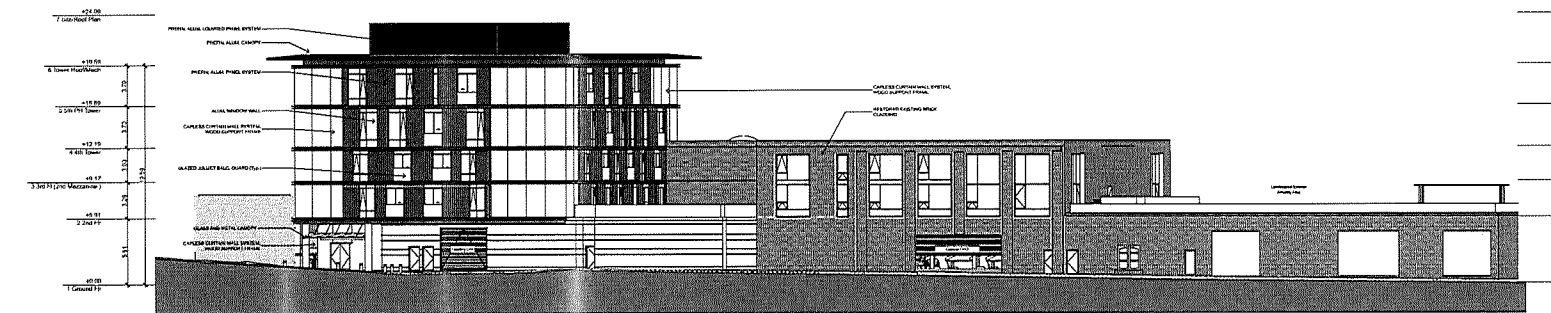


65 of 121



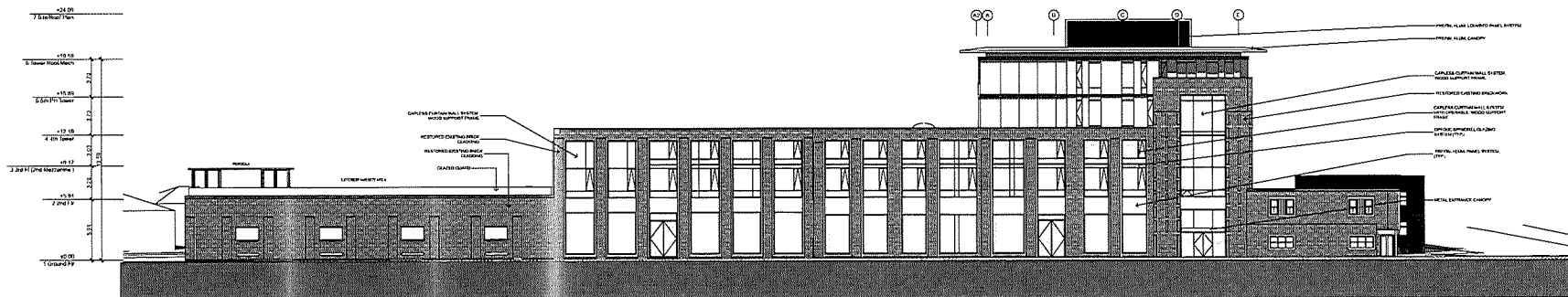
North Elevation 2

SCALE: 1:200



West Elevation

SCALE: 1:200



East Elevation

SCALE: 1:200

1. This drawing is the property of the architect. The drawing and all information contained herein are for the use of the client only and are not to be used for any other purpose without the written consent of the architect.

2. This drawing is the property of the architect. The drawing and all information contained herein are for the use of the client only and are not to be used for any other purpose without the written consent of the architect.

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NO. 01 ISSUANCE DATE 07/10/2015
 01 Issued for Reasoning Application

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 416 593 4911
 info: architectsalliance.com



185 Lorne Street
 Sudbury Ont.

Oldenburg Inc.

Elevations

1:200
 Refer To Issuance for Date of Issue

01.11

PLAN OF SURVEY OF

PART OF
LOT 6
CONCESSION 3

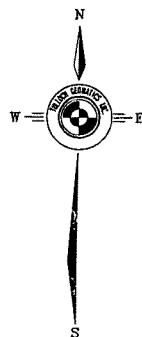
AND

LOTS 88 & 89
REGISTERED PLAN 31-S-A
GEOGRAPHIC TOWNSHIP OF McKIM

CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY

TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2015

SCALE 1 : 40



LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RB	DENOTES	ROCK BAR
RPL	DENOTES	ROCK PLUG
M	DENOTES	MEASURED
S	DENOTES	SET
NVM	DENOTES	NO VISIBLE MARKINGS
WIT	DENOTES	WITNESS MONUMENT
PROP	DENOTES	PROPORTIONED
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
1655	DENOTES	TERRY DEL BOSCO, O.L.S.
P	DENOTES	PLAN 53R-17640
P1	DENOTES	REGISTERED PLAN 31-S-A
	DENOTES	NOT TO SCALE

TULLOCH

1942 REGENT STREET SUDBURY, ONTARIO
UNIT L P3E 5V5 705-671-2295
FILE 145712-185 LORNE STREET

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 6th DAY OF OCTOBER, 2014.

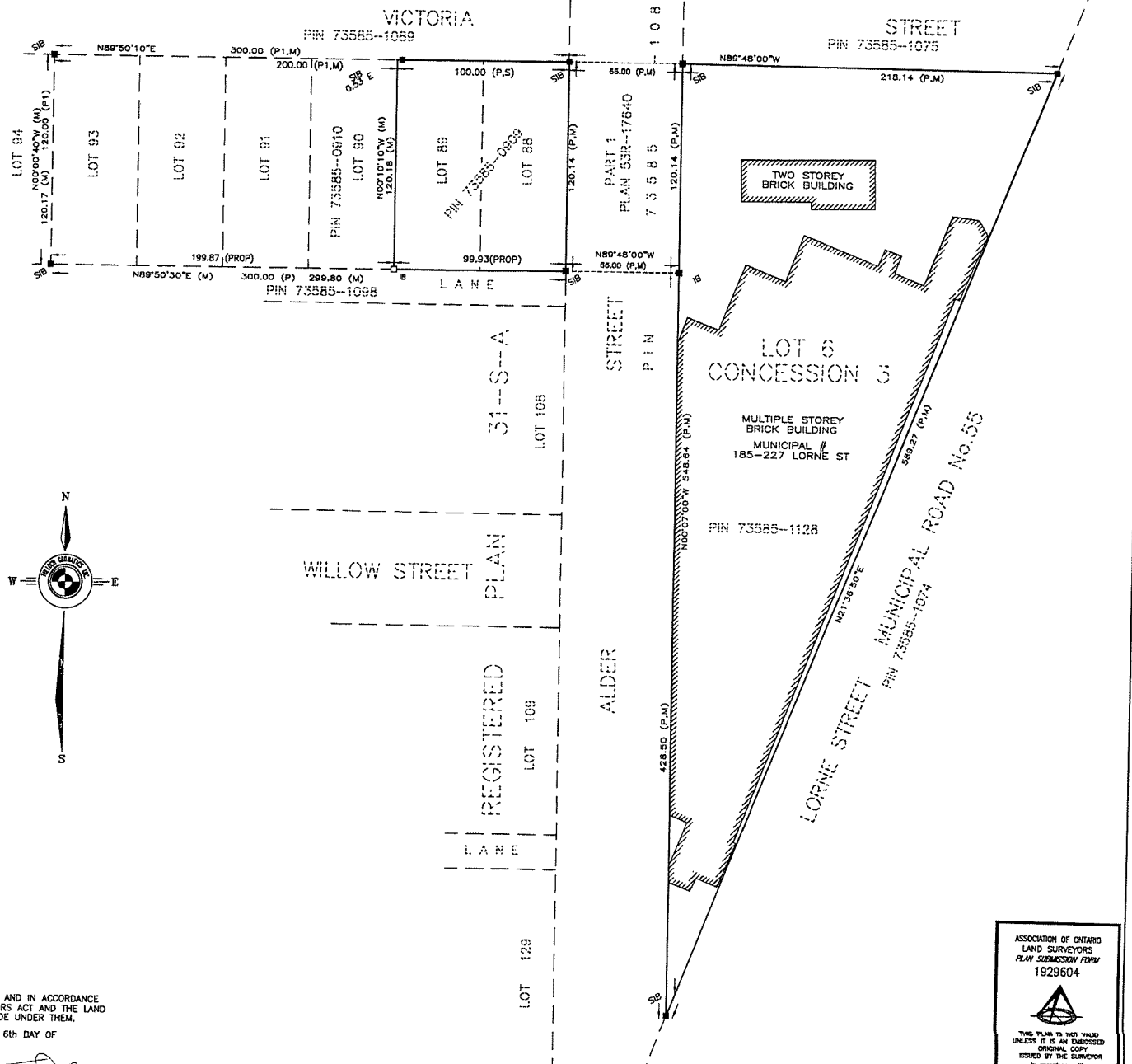
SEPTEMBER 8, 2015

DATED AT SUDBURY, ONTARIO

Terry Del Bosco
TERRY DEL BOSCO, O.L.S.

BEARINGS ARE UTM GRID, DERIVED FROM REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (1997.0).

NOTE : DISTANCES SHOWN HEREON ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048



ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1929604



THIS PLAN IS NOT VALID
UNLESS IT IS AN UNDOCTORED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 1026, Section 29(3)



PHOTO 1 SUBJECT LANDS AS VIEWED FROM VICTORIA STREET
LOOKING SOUTH



PHOTO 2 SUBJECT LANDS AS VIEWED FROM LORNE STREET
LOOKING NORTH

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 3 SUBJECT LANDS AS VIEWED FROM ALDER STREET
LOOKING SOUTH TOWARD LORNE STREET



PHOTO 4 PROPOSED LOCATION FOR ACCESSORY PARKING GARAGE
AS VIEWED FROM VICTORIA STREET LOOKING SOUTH

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 5 APPROXIMATE VIEW OF THE PORTION OF ALDER STREET THAT IS PROPOSED TO BE CLOSED LOOKING NORTH TOWARD VICTORIA STREET



PHOTO 6 EXISTING RAIL YARD TO THE IMMEDIATE EAST OF THE SUBJECT LANDS

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 7 EXISTING LIGHT INDUSTRIAL/COMMERCIAL BUILDING
TO THE IMMEDIATE NORTH OF THE SUBJECT LANDS



PHOTO 8 EXISTING LOW DENSITY RESIDENTIAL USES TO THE
IMMEDIATE WEST OF THE SUBJECT LANDS

751-6/15-26 PHOTOGRAPHY OCT 24, 2016



PHOTO 9 EXISTING COMMERCIAL DEVELOPMENT TO THE IMMEDIATE WEST OF THE SUBJECT LANDS

751-6/15-26 PHOTOGRAPHY OCT 24, 2016

File: 751-6/15-26
Lorne Street,
Sudbury
2011 Orthophotography

Walnut Street

Victoria Street

Alder Street

Willow Street

Hazel Street

Lorne Street

Subject Property

0 25 50 100 150 200
Metres

Request for Decision

Rogers Communications Inc. – Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 2345 Regent Street, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Routine Management Reports
File Number:	705/19-10

Resolution

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is to be located on those lands known and described as PIN 73478-1048, Parts 1 & 2, Plan 53R-17777, Part of Lot 4, Concession 6, Township of Broder, as outlined in the report entitled "Rogers Communications Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020, subject to the following condition:

1. That the proponent address those concerns related to the existing site plan control agreement applicable to the subject lands to the satisfaction of the Director of Planning Services; and,
2. That Innovation, Science and Economic Development Canada be advised by the Director of Planning Services if and once all concerns related to the existing site plan control agreement have been addressed, prior to the approval and installation of the antenna system on the subject lands.

Relationship to the Strategic Plan / Health Impact Assessment

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life and increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, the proposed antenna system in

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
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Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 13, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

this location has been chosen and is intended to improve access and service to radio-communication and broadcasting capabilities in this particular urban area in Sudbury.

The application for public consultation on a proposed radio-communication and broadcasting antenna system is also an operational matter under the federal *Radio-communication Act* to which the City is responding.

Report Summary

This report reviews an application for public consultation for a proposed antenna system which is intended to be located at 2345 Regent Street in the community of Sudbury. The proposed ground-based antenna system would take the design form of a flush mount mono-pole and would have a maximum height of 40 m (131.23 ft) and would be located on a rear portion of the lands and to the south-west of the existing retail store building located on the subject lands. The antenna system would be accessed via the existing driveway entrance onto Regent Street. Staff is satisfied that in general the proposed antenna system meets the City's development guidelines requirements and there are no areas of concern with respect to the proposed antenna system. The application for public consultation was also circulated for review and comment to relevant agencies and departments, as well as to the local ward councillor and no concerns from a land use planning perspective were provided to the Planning Services Division. The Planning Services Division is therefore recommending that the City's Designated Municipal Officer indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed ground-based antenna system taking the design form of a flush mount mono-pole as described in this report. The position of concurrence is recommended to be conditional upon the proponent addressing those comments provided by the City's Site Plan Control Engineer prior to any construction and installation of the proposed antenna system to the satisfaction of the Director of Planning Services.

Financial Implications

This report has no financial implications.

Title: Rogers Communications Inc.

Date: November 20, 2019

STAFF REPORT

Proponent:

Rogers Communications Inc.

Agent:

Forbes Bros Ltd.

Location:

PIN 73478-1048, Parts 1 & 2, Plan 53R-17777, Part of Lot 4, Concession 6, Township of Broder (2345 Regent Street, Sudbury)

Application:

To engage in public consultation and obtain a position of concurrence or non-concurrence from the City of Greater Sudbury that is to be provided to Innovation, Science and Economic Development Canada (ISED) with respect to a proposed ground-based antenna system.

Proposal:

The proposed ground-based antenna system would take the design form of a flush mount mono-pole and have a maximum height of 40 m (131.23 ft) and would be located on a rear portion of the lands and to the south-west of the existing retail store building located on the subject lands. The antenna system would be accessed via the existing driveway entrance onto Regent Street.

Jurisdiction and Roles:

Under the [Radiocommunication Act](#), the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of an antenna system is made only by ISED.

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISED. This statement is to consider only the land use compatibility of the proposed antenna system, the responses of affected residents and adherence by the proponent to public consultation protocol requirements. By-law 2017-5, as amended, referred to as the Delegation By-law for the City of Greater Sudbury has identified the Manager of Development Approvals as being the City's Designated Municipal Officer (DMO) for the purposes of implementing the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#).

Proponents themselves are tasked with strategically locating antenna systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, proponents are expected to adhere to the antenna siting guidelines set out by both ISED and the City of Greater Sudbury. It is also noted that a proponent must additionally comply with all related federal legislation and regulations such as Health Canada's [Safety Code 6](#), the [Canadian Environmental Assessment Act](#) and any [NAV Canada](#) and [Transport Canada](#) painting and lighting requirements for aeronautical safety.

Title: Rogers Communications Inc.

Date: November 20, 2019

Site Description & Surrounding Uses:

The subject lands are located on the south side of Regent Street and to the south east of Loach's Road in the community of Sudbury. The lands have a total lot area of approximately 1 ha (2.47 acres) with approximately 145 m (475.72 ft) of lot frontage onto Regent Street. The lands at present contain a retail store. The proposed antenna system would be located on a rear portion of the lands and to the south west of the existing retail store building that is located on the subject lands.

Surrounding uses are mixed with commercial, business industrial and mixed light industrial/service commercial uses being located along Regent Street. There are also urban residential uses having a mix of densities and built forms located in the general area. There is a public secondary school located to the immediate north of the lands. There are also a number of large and vacant parcels to the south and to the east of the subject lands that are presently zoned to permit light and general industrial uses, urban residential uses and future development uses. The vacant lands are generally well vegetated.

Departmental/Agency Circulation:

The application for public consultation was circulated to all relevant agencies and departments. The local ward councillor was also provided with a copy of the circulation package.

Development Engineering and Water/Wastewater have each advised that they have no concerns from their respective areas of interest.

Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m² (108 ft²) are subject to the Ontario Building Code and would require a building permit.

The City's Site Plan Control Engineer has noted that there is an existing site plan control agreement that was registered on-title on May 17, 2019 and remains applicable to the subject lands. It is noted that Schedule "B" to the existing site plan control agreement depicts parking, loading, water and sanitary servicing, garbage enclosures and fire access routes in the rear yard and approximately in the location where the proposed antenna system would be located. The City's Site Plan Control Engineer is requesting that these matters be addressed and that more information be provided with respect to how the proposed antenna system can be accommodated on the lands without negatively impacting the existing site plan control agreement which addresses the above noted site planning matters.

Staff advises the proponent of the above comments and would encourage that communication where necessary take place between the proponent and the agencies and departments that have provided comment. Staff would further note that at this time none of the comments received have direct impact or raise concern with respect to the proposed antenna system from a land use planning perspective.

Title: Rogers Communications Inc.

Date: November 20, 2019

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Forbes Bros Ltd. on behalf of Rogers Communications Inc. with City staff on April 15, 2019. The City's Development Approvals Section confirmed to the proponent on May 6, 2019, that the proposed antenna system was subject to "Area D" under the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol*. Those antenna systems located within "Area D" require an internal staff review and circulation for comment to all relevant agencies and departments, as well as a statement of concurrence or non-concurrence from Council.

The letter of confirmation dated May 6, 2019, to the proponent also included an information package confirming the City's preferences and requirements for an application for public consultation should the proponent choose to proceed. The owner of the subject lands was also copied on this correspondence for information purposes.

"Area D" – Public Consultation Requirements

Those antenna systems which are subject to the City's Protocol and located within "Area D" as identified in Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas are required to proceed through an internal department and agency review and must also proceed to Planning Committee and Council to obtain a position of concurrence or non-concurrence that is then forwarded to ISEDC. Antenna systems located within "Area D" are exempt from Section 8.0 of the City's Protocol given their increased distance from the nearest Residential Area. "Area D" includes proposed antenna systems that are greater than 30 m (100 ft) in height and located between 150 m (492.13 ft) and 300 m (984.25 ft) from the closest Residential Area.

Internal Review

Staff has since completed an internal circulation and review of the application for public consultation from a land use planning perspective and is now bringing forward this report for Planning Committee's consideration. The City's Protocol in this instance also requires that Planning Committee and Council provide a position of concurrence or non-concurrence with respect to the proposed antenna system to ISEDC.

Land Use Planning Analysis:

Proposed Antenna System

The proposed ground-based antenna system would take the design form of a flush mount mono-pole and have a maximum height of 40 m (131.23 ft) and would be located on a rear portion and to the south-west of the existing commercial retail building located on the subject lands. The antenna system would be accessed via the existing driveway entrance onto Regent Street. The proponent advises that an approximate 4.45 m² (47.90 ft²) pre-fabricated, walk-in equipment shelter will be located at the base of the proposed antenna system. The proposed antenna system and equipment shelter will be enclosed by a 2.4 m (7.87 ft) chain-link fence that is intended to prevent public access. Staff notes that the proposed antenna system is to be located on existing cleared land and further clearing of the land will be minimal.

The proponent has submitted a site plan sketch along with aerial photography, digital renderings, which together depict the location and design of the proposed ground-based antenna system that would take the design form of a flush mount mono-pole. The site plan, aerial photography, and digital renderings are attached to this report for reference purposes.

Closest Residential Area

The City's Protocol defines a Residential Area as, "... the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury." The proponent has indicated that the closest Residential Area is approximately 244 m (800.52 ft) to the north of the subject lands. Staff has reviewed this calculation and would agree that the closest Residential Area is an existing multiple dwelling development accessed from Loach's Road. This calculation was utilized by the City's DMO to determine the extent of public consultation necessary for the proposed antenna system installation, but is also important in terms of assessing the proposed antenna system from a development guidelines perspective as reviewed in the next section of this report.

Development Guidelines

Section 6.0 of the City's Protocol outlines development guidelines for proponents to consider with respect to location and design preferences for a proposed antenna system. Section 6.0 is intended to encourage designs that integrate with surrounding land uses and the public realm. Through public consultation on a proposed antenna system, it is acknowledged by ISEDC that a local municipality is well situated to contribute local knowledge to a proponent that is helpful in terms of influencing the appropriateness of a siting-location, as well as the development and design (including aesthetics) of a proposed antenna system.

With respect to the City's location and design preferences, staff has the following comments:

1. Co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within 500 m (1,640.42 ft) of the proposed new antenna system that can accommodate the physical infrastructure required to provide the intended signal coverage improvements. Staff is supportive of the flush mount mono-pole antenna system design given the urban location and context that is being proposed and would note that some future co-location opportunities would exist given the flush-mount design of the mono-pole. The proponent has also indicated in their information package that they are willing to consider all future co-location requests as it pertains to the proposed antenna system;
2. The subject lands are located within a mixed-use corridor along a primary arterial road identified as such in the City's Official Plan. Commercial and industrial areas are identified as being preferred locations for new antenna systems in the City's Protocol. Staff also note that no view corridors, public views or vistas of important natural and/or man-made features would be negatively impacted should the proposed antenna system be constructed in this location. Staff has also reviewed the streetscape and surrounding area and are satisfied that the scale of the proposed antenna system is appropriate;
3. The proposed antenna system would not be located in any discouraged locations as identified in Section 6.1 c) of the City's Protocol; and,
4. Staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system. Signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. The proponent has not indicated any security lighting is required however staff would advise that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

Title: Rogers Communications Inc.

Date: November 20, 2019

Staff is satisfied that in general the proposed antenna system meets the City's development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a land use planning perspective.

Position of Concurrence or Non-Concurrence

Staff advises that no major areas of concern with respect to land use planning have been identified with respect to the development guidelines set out under Section 6.0 of the City's Protocol. The application was also circulated to relevant agencies, departments and the local ward councillor and no major concerns were identified.

The City's Site Plan Control Engineer has however requested that additional information be provided and that the existing site plan control agreement registered on-title be considered by the proponent in locating the antenna system appropriately on the lands. Section 9.1 of the City's Protocol allows the DMO to provide a position of concurrence with conditions that are related to land use planning matters. It is therefore recommended that the DMO be directed to provide ISEDC with a position of concurrence on the proposed antenna system that should include the following two conditions:

1. That the proponent address those concerns related to the existing site plan control agreement applicable to the subject land to the satisfaction of the Director of Planning Services; and,
2. That Innovation, Science and Economic Development Canada be advised by the Director of Planning Services if and once all concerns related to the existing site plan control agreement have been addressed, prior to the approval and installation of the antenna system on the subject lands.

Staff notes that a position of concurrence may be rescinded if following said issuance it is determined that a misrepresentation or a failure to disclose all pertinent information has occurred. It should be further noted that there are no recommended conditions of concurrence with respect to this particular antenna system that is being proposed. The duration of concurrence is a maximum of three years from the date that the City's DMO notifies ISEDC of said concurrence.

The City's Protocol allows for a one-time extension to a position of concurrence for a period not exceeding one year in length provided the proponent demonstrates to the DMO that no substantial change in land use planning circumstances within the vicinity of the proposed antenna system has occurred since initial concurrence was given.

Summary:

Staff advises that Forbes Bros Ltd. on-behalf of Rogers Communications Inc. has completed the public consultation requirements as set out in the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol* to the satisfaction of the City's DMO. Staff has completed an internal review of the proposed antenna system from a land use planning perspective and has no major concerns. Staff is also satisfied that the proposed antenna system raises no areas of concern with respect to those development and design preferences that are identified in the City's Protocol. Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence from the City as it pertains to the subject lands referenced in this report and specifically the antenna system that was considered during this particular public consultation process. Staff would further recommend that a position of concurrence be provided for this particular antenna system installation with a condition that those comments provided by the City's Site Plan Control Engineer be addressed prior to the construction or installation of the proposed antenna system as described in this report.

APPENDIX "B" – AERIAL PHOTOGRAPHY



APPENDIX "C" – VISUAL RENDERINGS



Photo Rendering – Before



Photo Rendering – After

Request for Decision

Walden Lands Inc. - Application to extend draft plan of subdivision approval, Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730 in Lot 8, Concession 4, Township of Waters, Municipal Road 55, Lively (Pineridge Subdivision)

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 13, 2019
Type:	Routine Management Reports
File Number:	780-8/04008

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730 in Lot 8, Concession 4, Township of Waters, City of Greater Sudbury, File 780-8/04008, as outlined in the report entitled "Walden Lands Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020, as follows:

a) By replacing the references to "Nickel District Conservation Authority" with "Conservation Sudbury" in Conditions #14, 16, 22, 24 and 35.

b) By adding the following to Condition #14:

"A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

c) By adding the following to Condition #15:

"A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

d) By amending the draft plan lapsing date in Condition #20 to February 3, 2023.

e) By adding the following to Condition #21:

"A sound attenuation caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Dec 13, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 13, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 13, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

f) By adding the following as Condition #38:

“The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:

a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.

b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in the report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

- Pre-blast survey of surface structures and infrastructure within affected area;
- Trial blast activities;
- Procedures during blasting;
- Procedures for addressing blasting damage complaints;
- Blast notification mechanism to adjoining residences; and,
- Structural stability of exposed rock faces.

d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

e. Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.”

Relationship to the Strategic Plan / Health Impact Assessment

The request to extend the approval for a draft plan of subdivision is an operational matter under the Planning Act to which the City is responding. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Report Summary

The owner of the subject land has requested a three-year extension for the Pineridge draft plan of subdivision located on the north side of Municipal Road 55 in Lively, which was originally approved on November 3, 2004. If approved, the new lapsing date will be February 3, 2023. No phases have been registered to date.

No major amendments to the draft plan are proposed. Various standard conditions of draft approval require updating to reflect current-day language and practice.

Financial Implications

The financial implications previously presented have since been updated using 2019 rates.

If approved, staff estimate approximately \$75,000 in taxation revenue, based on the assumption of 22 semi-detached dwelling units at an estimated assessed value of \$300,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$310,000 based on assumption of 22 semi-detached dwelling units and based on the rates in effect as of the date of this meeting.

Date: December 13, 2019

STAFF REPORT

Background

The Pineridge subdivision received initial draft approval on November 3, 2004 in order to permit 13 lots for single residential use. Two cul-de-sacs are proposed, to be accessed directly from Municipal Road 55. The majority of the proposed lots back onto Meatbird Creek. No phases have been registered to date.

The conditions of draft approval contain various requirements to address site-specific concerns, most notably the proximity to Meatbird Creek, access from a major arterial road, and the designated flood plain on a portion of the property.

Draft plan approval was subsequently extended in 2007 and 2009.

In 2011 the owner submitted concurrent applications for rezoning and draft plan amendment in order to permit 11 lots for double residential use (22 semi-detached dwelling units). The amended draft plan was approved by Council on November 1, 2011, including an extension of the lapsing date to November 3, 2013. The zoning amendment was adopted on November 23, 2011 ([File 751-8/11-3](#)).

A further three-year draft plan extension was granted in 2017.

No major amendments to the draft plan are proposed by the owner at this time. The owner is requesting a three-year extension to the February 3, 2020 lapsing date. Draft conditions dated May 2017 are attached for review.

Departmental & Agency Comments

The following agencies and departments were asked to review the request to extend the draft plan approval and the conditions imposed by Council. Their comments are as follows:

Development Engineering

The developer has submitted construction drawings which are nearing the end of the approval process that precedes the construction phase. We have no objection to the three-year extension of this draft approval.

Infrastructure Capital Planning Services

No concerns.

Building Services

1. To be added to Condition #15: a soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
2. To be added to Condition #21: a sound attenuation caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.

Date: December 13, 2019

3. The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:
 - a. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
 - b. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
 - c. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - Pre-blast survey of surface structures and infrastructure within affected area;
 - Trial blast activities;
 - Procedures during blasting;
 - Procedures for addressing blasting damage complaints;
 - Blast notification mechanism to adjoining residences; and,
 - Structural stability of exposed rock faces.
 - d. The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
 - e. Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

Environmental Planning Initiatives

The report dated May 2019, entitled "Scoped Species at Risk Assessment – Pineridge Subdivision, Lively, City of Greater Sudbury" prepared by FRi Ecological Services has been reviewed.

The report satisfactorily demonstrates that the subject lands have low inherent potential to serve as habitat of species currently protected by the [Endangered Species Act](#). The proposed development will need to implement the report's recommendations to mitigate or eliminate impacts on all animal species inhabiting the subject lands.

Date: December 13, 2019

Summary

Proposed amendments

The recommended revisions to the draft plan conditions are generally viewed as housekeeping amendments. The additional clauses added to Conditions #14, 15 and 21 related to lot grading, sound attenuation and soils caution agreements are now standard clauses to be applied to active draft approvals to ensure that such agreements may be registered on title if required. Building Services recommends that the conditions related to blasting protocols be incorporated into the draft plan conditions in the event that rock removal is required.

Official Plan

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

In this case, Development Engineering advised that the project is progressing to the construction phase based on an ongoing review of submitted construction drawings. In 2019, the owner also submitted a Scoped Species at Risk Assessment in order to address matters under the *Endangered Species Act*. The report has been reviewed to the satisfaction of the Manager of Environmental Planning Initiatives.

Based on the above considerations, a three-year draft plan extension is recommended.

2014 Provincial Policy Statement (PPS)

Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. In regards to natural hazards under Section 3.1, development shall generally be directed to areas outside of hazardous lands which are impacted by flooding hazards and/or erosion hazards.

In this case, the subject land forms part of a designated growth area within the community of Lively. The draft plan represents a logical extension of services to accommodate residential development and is consistent with the phasing policies of the PPS. The proposed semi-detached dwellings will further diversify the supply of new housing in the Walden area. Furthermore, the proposed development lands are located outside the designated flood plain based on a review by Conservation Sudbury.

The application is consistent with the 2014 Provincial Policy Statement.

2011 Growth Plan for Northern Ontario (GPNO)

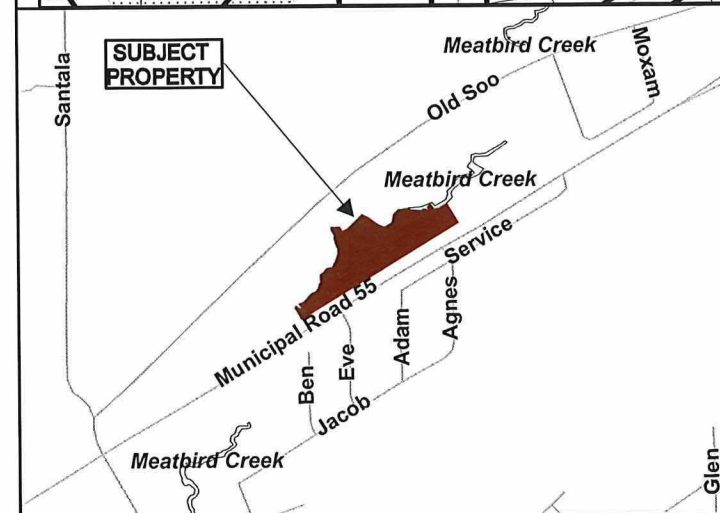
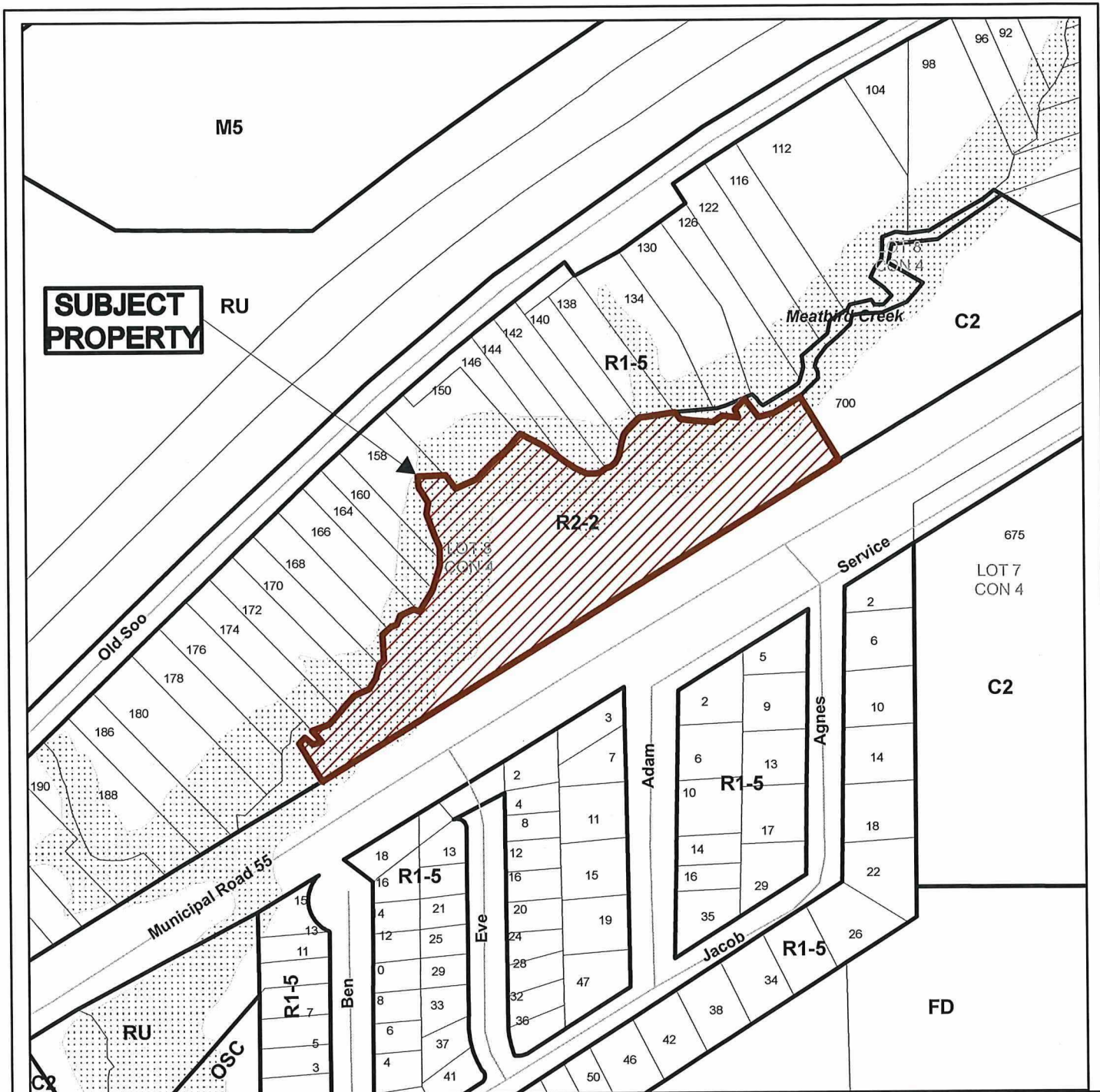
Along with other major urban centres in Northern Ontario, Greater Sudbury is identified as an Economic and Service Hub. Policy 4.3.2 of the GPNO states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario, including the provision of a range of housing.

The application conforms to the 2011 Growth Plan for Northern Ontario

Date: December 13, 2019

Summary

Planning Services Division recommends that a 3-year extension of the draft plan of subdivision be granted subject to the conditions outlined in the Resolution section of this report.



Growth and Development Department



Subject Property being PIN 73378-0338,
Pcl. 30316, Part 1, Plan 53R-8730, Lot 8,
Con. 4, Twp. of Waters, Regional Road 55,
Lively, City of Greater Sudbury

Sketch 1, NTS

751-8/04-03 & 780-8/04008

Regulated by: NDCA

Date: 2013 11 25

PREPARED BY

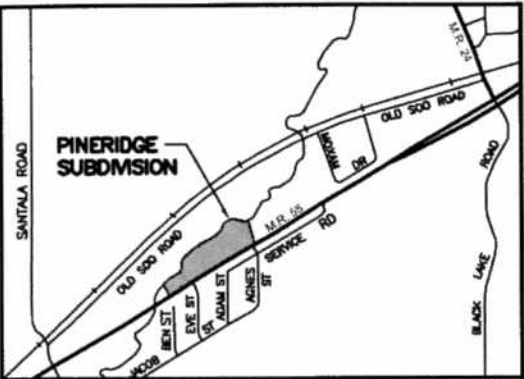


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PREPARED FOR

WALDEN LANDS INC.

PINERIDGE SUBDIVISION DRAFT PLAN AMENDMENT



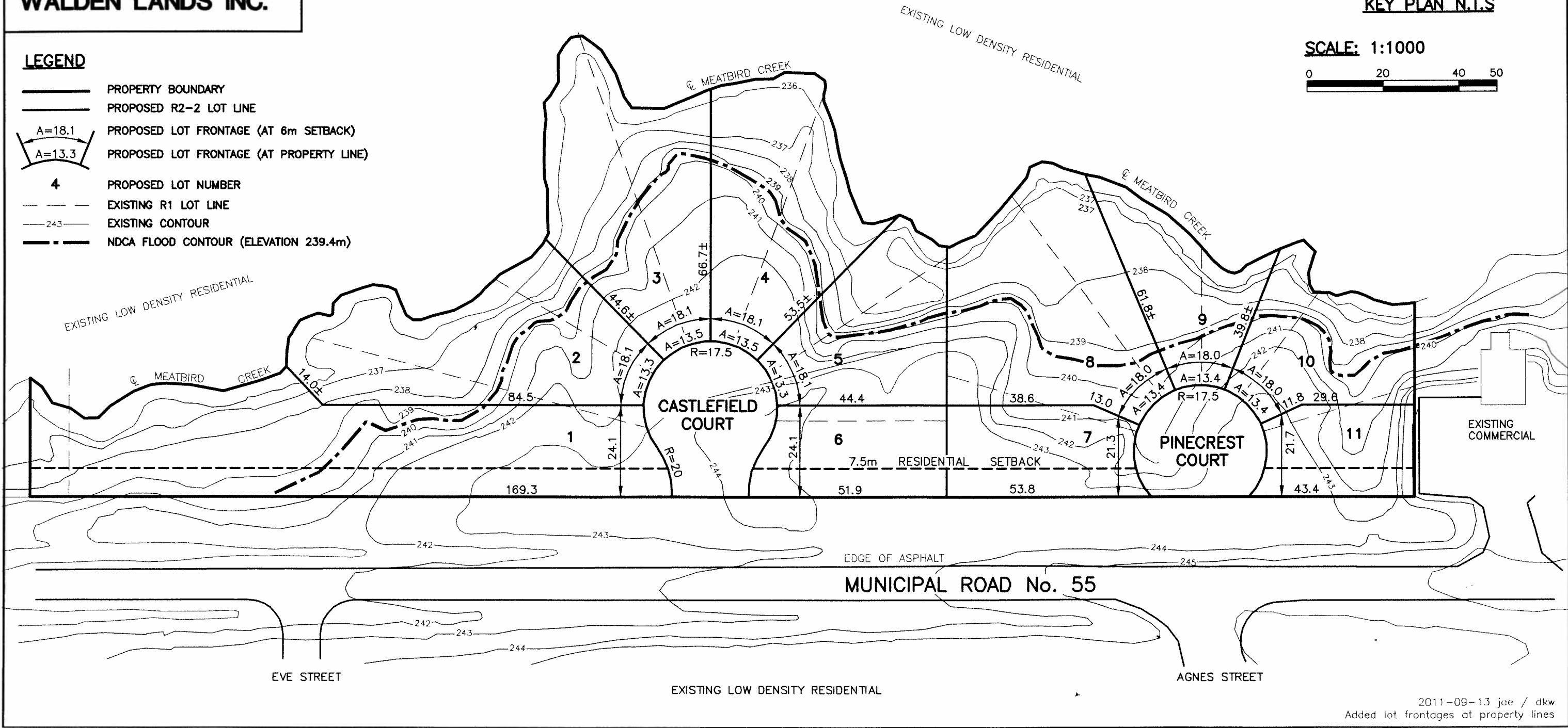
KEY PLAN N.T.S

SCALE: 1:1000



LEGEND

- PROPERTY BOUNDARY
- PROPOSED R2-2 LOT LINE
- PROPOSED LOT FRONTAGE (AT 6m SETBACK)
 $A=18.1$
- PROPOSED LOT FRONTAGE (AT PROPERTY LINE)
 $A=13.3$
- PROPOSED LOT NUMBER
4
- EXISTING R1 LOT LINE
- EXISTING CONTOUR
243
- NDCA FLOOD CONTOUR (ELEVATION 239.4m)



City Council's conditions applying to the approval of the final plan for registration of the subject subdivision are as follows:

1. That this draft approval applies to the draft plan of subdivision of Parcel 13763 S.W.S., thirdly, being Part 1, Plan 53R-8730, in Lot 8, Concession 4, Waters Township as shown on a plan of subdivision prepared by A. Bortolussi, O.L.S., and dated June 3, 2004, as amended by a plan prepared by J.L. Richards & Associates Limited and dated September 13, 2011.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That the registered Plan be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Geographic Information, Surveys and Mapping Section; provision of the final plan coordinate listings and an AutoCAD file of the resultant parcel fabric shall formulate part of this requirement.
10. That 5% cash in lieu of parkland be paid to the City of Greater Sudbury in accordance with Section 51.1 (3) of the Planning Act to the satisfaction of the Director of Leisure, Community Development and Volunteer Services.

11. That the subdivision agreement contain provisions whereby the owner will construct a right turn taper/parallel lane into the subdivision in accordance with engineering plans and specifications designed to City standards to the satisfaction of the General Manager of Growth and Infrastructure.
12. That the subdivision agreement contain provisions whereby the owner will construct a pedestrian walkway between the two subdivision cul de sacs to the satisfaction of the Director of Planning Services.
13. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
14. The owner shall provide a detailed lot grading plan prepared by a consulting civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. The grading plan shall be based on cross-sectional sketches reviewed by the site geotechnical engineer to ensure stability of slopes to original ground and to ensure a minimum 6.0 m rear yard space to the satisfaction of the Nickel District Conservation Authority.
15. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Growth and Infrastructure, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
16. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations designated by the Director of Planning Services and the Nickel District Conservation Authority. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
17. The applicant will be required to dedicate lot easements to the City of Greater Sudbury for municipal purposes.

18. Deleted.
19. Deleted.
20. That this draft approval shall lapse on February 3, 2020.
21. That the subdivision agreement contain provisions whereby the recommendations of the "Road and Railway Noise Impact Study" dated December 7, 1998, prepared by HGC Engineering and outlined in the Staff Report dated October 7, 2004, as amended by an addendum dated February 23, 2005, will be implemented to the satisfaction of the Director of Planning Services.
22. That prior to the signing of the final Plan, the Planning Services Division is to be advised by the Nickel District Conservation Authority that their requirement for a soils report prepared by an engineer and dealing with issues of the placement of fill, slope stability and property owner responsibilities for dealing with future erosion and stability problems has been satisfied and that suitable provisions for the identification of suitable building locations have been incorporated into the subdivision agreement for registration on title of each lot to the satisfaction of the City Solicitor.
23. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that Conditions # 3, 5, 6, 7, 8, 17 and 22 have been complied with to his/her satisfaction.
24. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
25. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the

control of the 1:5 year, 1:100 year, and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The Regional Storm flow path is to be set out on the plan(s). The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.

26. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Hydro services, Bell, Union Gas, Canada Post and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
27. The owner provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
28. The owner provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.
29. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
30. The proposed internal subdivision roadways are to be built to urban standards, including barrier curbs, gutters, storm sewers maximum 8% road grades and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
31. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
32. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
33. Draft approval does not guarantee the allocation of either sewer or water capacity. Prior to the signing of the final plan, clearance is required from the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity exists to service this development.

34. Engineering drawings should include barrier curb along the cul-de-sac of the road allowance, allowing only a 4.0m wide mountable curb per semi-detached unit being proposed on the wedge lots. This is the case for new subdivision development being proposed for semi-detached dwelling units at the bulb of cul-de-sacs. Furthermore, the driveways for each pair of semi-detached dwellings shall be paired along the common lot line.
35. That the following clause be required on the drawing of the Plan of Subdivision to be registered:

"The owner shall be responsible for all aspects of slope stability and erosion protection, including all costs. Where issues of slope stability occur, the owner shall employ the services of a registered Professional Engineer to ensure the safety of the occupants of the home and the structure, to ensure the long term stability of the constructed slopes. The owner shall ensure that silt mitigation measures satisfactory to the Nickel District Conservation Authority are employed during the construction phase of the home to prevent sediment escaping the site to Meatbird Creek. Any alteration to the watercourse for the purpose of slope stability and erosion protection will require an approval of the Nickel District Conservation Authority under Section 28 of the Conservation Authorities Act."
36. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
37. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.

Request for Decision

Rheal Belanger – Request to extend a conditional approval on a rezoning application, 3171 & 3181 Highway #144, Chelmsford

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Friday, Dec 20, 2019
Type:	Routine Management Reports
File Number:	751-5/14-7

Resolution

THAT the City of Greater Sudbury approves the application by Rheal Belanger to extend the approval of a Zoning By-law Amendment Application, File # 751-5/14-7, on those lands described as Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour, for a period of three months until February 4, 2020, as outlined in the report entitled “Rheal Belanger”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 6, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend the approval of a Zoning By-law Amendment from Council is an operational matter under the Planning Act to which the City is responding.

Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford. The Planning Services Division is recommending that the rezoning approval be extended for a period of three months until February 4, 2020.

Financial Implications

The financial implications previously presented have since been updated using 2019 rates.

If approved, staff estimate approximately \$18,000 in taxation revenue, based on the assumption of four

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Dec 20, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Dec 20, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Dec 20, 19

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Dec 20, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Dec 23, 19

single family dwelling units at an estimated assessed value of \$400,000 per dwelling unit at the 2019 property tax rates.

In addition, this would result in total development charges of approximately \$70,000 based on assumption of four single family dwelling units and based on the rates in effect as of the date of this meeting.

Date: December 9, 2019

Relationship to the Strategic Plan/Health Impact Assessment:

The application to extend the approval of a Zoning By-law Amendment from Council is an operational matter under the Planning Act to which the City is responding.

Report Summary:

This application reviews a request to extend the approval of a rezoning application that would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford. The Planning Services Division is recommending that the rezoning approval be extended for a period of three months until February 4, 2020.

Date: December 9, 2019

STAFF REPORT

Applicant:

Rheal Belanger

Location:

Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour (3171 & 3181 Highway #144, Chelmsford)

Application:

The original application for rezoning, for which a fourth extension is being applied for, sought to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion.

Proposal:

Staff received a letter from the owner dated October 31, 2019, requesting that the rezoning approval be extended for a fourth time and for an additional three months until February 4, 2019. The owner has advised that they continue to work on the conditions of approval that were ratified by Council initially on November 4, 2014. There have been three previous extensions to the rezoning approval with the last rezoning extension having been provided by Council on January 29, 2019. The rezoning once completed would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford.

Site Description & Surrounding Land Uses:

The subject lands are located on the south side of Highway #144 and extend in behind the rear of those dwelling lots which front Bathurst Street and Leonard Street in Chelmsford. The entire property which the subject lands form part of has a total lot area of approximately 26.31 ha (65 acres) with approximately 80 m (262.47 ft) of frontage onto Highway #144. The lands presently contain two single-detached dwellings with accessory buildings which are accessed via an existing shared driveway onto Highway #144. The new dwelling lots which would front Bathurst Street (Area C) and Leonard Street (Area D) are vacant. The applicant has also indicated that the balance of the lands to the south is to be merged with the parcel to the south zoned "M5", Extractive Industrial and is known municipally as 10 Bradley Avenue.

Surrounding uses are predominantly residential in nature with a general mix of both urban residential and rural residential lots. Urban residential lots exist in the immediate area along Aurore Avenue, Leonard Street, Bathurst Street and further to the east in the urban community of Chelmsford. Larger rural residential lots exist to the west outside of the urban area. There are also several commercial and industrial uses located along Highway #144.

Planning Considerations:

The application for rezoning was originally approved by Planning Committee through recommendation PL2014-205 on November 3, 2014 and ratified by Council on November 4, 2014. The approval was

Date: December 9, 2019

conditional upon the owner providing a registered survey of the lands to be rezoned in order to allow for the preparation of an amending zoning by-law.

The agent for the owner has again recently indicated that they continue to work toward providing a registered survey to the satisfaction of the Planning Services Division. At the time of writing this report, staff understands that the registered survey is nearing completion and deposit of the plan to the Land Registry Office should now be imminent. The agent is advised that once deposited a copy of the registered survey is to be provided to the Planning Services Division in order to allow for the preparation of the amending zoning by-law as described in Planning Committee Resolution PL2018-09, which was ratified by Council on January 23, 2018.

The original staff report is attached to this report for reference purposes.

Staff has reviewed the current request and has no concerns with a further three month extension at this time.

Summary:

The owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division in order to allow for the preparation of an amending zoning by-law. Staff has been informed by the agent for the owner that registration of the survey plan through the Land Registry Office is now imminent. Staff has no concerns and recommends approval of the request to further extend the rezoning approval as it pertains to the subject lands for a period of three months until February 4, 2020.

Request for Decision PLANNING COMMITTEE

Type of Decision				
Meeting Date	November 3, 2014		Report Date	October 15, 2014
Decision Requested	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Direction Only	<input type="checkbox"/>

Report Title
Application for rezoning in order to permit the development of four single-detached dwelling lots, Highway 144, Bathurst Street & Leonard Street, Chelmsford – Rheal Belanger

Section Review	Division Review	Department Review
 Eric Taylor, Manager of Development Approvals	 Mark Simeoni, Acting Director of Planning Services	 Paul Baskcomb, Acting General Manager of Growth and Development

Budget Impact	
<input type="checkbox"/>	This report has been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached
Recommended by the Department	
Report Prepared By:	File #
Glen Ferguson Senior Planner	751-5/14-7

Recommendation	
<p>THAT the City of Greater Sudbury approve the application by Rheal Belanger to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to change the zoning classification from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion of those lands described as Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour subject to the following conditions:</p>	
<input checked="" type="checkbox"/>	Recommendation Continued
Recommended by the C.A.O.	
<p>Doug Nadorozny Chief Administrative Officer</p>	

Date: October 15, 2014

Recommendation Cont'd

1. That prior to the enactment of the amending by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow the preparation of the by-law; and,
2. That the amending by-law contain the following site-specific provisions to the "R1-5" zone standards:
 - a) Minimum Setback for a dwelling on Areas A, B and C from the Sewage Plant tanks located on Part 1, Plan 53R-4758 - 150 metres;
 - b) Minimum Interior Side Yard (Area D) - 26 metres from the easterly lot line; and,
 - c) Alterations to the "R1-5(6)" Zone with respect to minimum lot areas and frontage for Areas A and B be recognized based on a registered survey plan provided to the Planning Services Division to the satisfaction of the Director of Planning Services.

STAFF REPORT

Applicant:

Rheal Belanger

Location:

Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour (Highway 144, Chelmsford)

Application:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on portions of the subject lands from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion of the subject lands.

Proposal:

The application is intended to facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway 144 in Chelmsford.

Official Plan Conformity:

The subject lands are located at the boundary of the Living Area 1, Rural and Parks and Open Space designation in the Official Plan for the City of Greater of Sudbury. Section 20.9 of the Official Plan provides that boundary designations on the map are to be considered as general guidelines only, except where such areas or boundaries coincide with existing roads, rail-ways, rivers, waterbodies and other defined features. The Official Plan also permits minor adjustments without a formal amendment, through the passing of by-laws provided the general purpose and intent of the Plan is maintained. Planning staff are satisfied that the subject lands can be considered as being within the Living Area 1 designation.

Living Area 1 includes urbanized communities that are fully serviced and are the primary focus of residential development in the City. Low density, medium density and high density residential development is permitted in the Living Area 1 designation subject to densities of 36 units/ha, 90 units/ha and 150 units/ha respectively.

Date: October 15, 2014

Section 3.2.1 of the Official Plan outlines policies for considering applications to rezone lands situated within Living Area 1. These considerations are as follows:

1. That the site is suitable in terms of size and shape to accommodate the proposed density and form;
2. That 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;
3. That adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
4. That the impact of traffic on local streets is minimal.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above noted land use planning considerations.

Site Description & Surrounding Land Uses:

The subject lands are located on the south side of Highway 144 and extend in behind the rear of those dwelling lots which front Bathurst Street and Leonard Street in Chelmsford. The entire property which the subject lands form part of has a total lot area of approximately 26.31 ha (65 acres) with approximately 80m (262.47 ft) of frontage onto Highway 144. The lands presently contain two single-detached dwellings with accessory buildings which are accessed via an existing shared driveway onto Highway 144. The new dwelling lots which would front Bathurst Street (Area C) and Leonard Street (Area D) are vacant. The applicant has also indicated that the balance of the lands to the south is to be merged with the parcel to the south zoned "M5", Extractive Industrial and is known municipally as 10 Bradley Avenue.

Surrounding uses are predominantly residential in nature with a general mix of both urban residential and rural residential lots. Urban residential lots exist in the immediate area along Aurore Avenue, Leonard Street, Bathurst Street and further to the east in the urban community of Chelmsford. Larger rural residential lots exist to the west outside of the urban area. There are also several commercial and industrial uses located along Highway 144.

Departmental & Agency Comments:

Building Services

No concerns.

Development Engineering

No objections. Municipal water and sanitary sewer are available along Highway 144. The properties fronting on Highway 144 (areas A and B) appear to be serviced jointly with municipal water and sanitary sewer. Each property is to be serviced individually to Highway 144. Municipal water and sanitary sewer are available along Aurore Drive, Leonard Street and Bathurst Street; proposed areas C and D are to be connected to municipal services at the cost of the owner.

One foot reserves are in place at the entrance to areas C and D (Blocks A and B, Plan M-421). The owner must request that the one foot reserves be released by the City. The owner is responsible for ensuring that the one foot reserves are acquired prior to the consent process.

Date: October 15, 2014

Drainage

No concerns.

Leisure Services

No comments.

Ministry of Transportation

The applicant is advised that access to the two lots fronting Highway 144 will be restricted to the existing shared entrance. The Ministry of Transportation (MTO) will require that proper easements be registered on all resulting deeds and shown as blocks on the reference plan to ensure continuous rights of access exist for both lots. The MTO will require draft copies of the transfer documents and that the plan be submitted for review and approval prior to registration.

Also, since all lots are located within the MTO's area of permit control, MTO building/land use permits will be required for any proposed buildings, septic systems, wells, etc. located within 46 metres of the MTO right-of-way (ROW) limits or within a 395 metre radius of intersections. New buildings, septic systems, etc. must be setback a minimum of 8 metres from the limits of the MTO ROW.

An MTO entrance permit will also be required to reflect any changes in land ownership or to reflect the "shared" status of the entrance.

Nickel District Conservation Authority

While we do not oppose the application, we wish to advise that Area C is partially in a designated floodplain as well as the remainder. Any development on these areas will require the approval of the NDCA.

Operations

No concerns.

Roads, Traffic and Transportation

While we are not opposed to the application, the creation of the lot at the west end of Leonard Street will result in the need to share a portion of the existing driveway to 434 Aurore Drive.

Public Consultation:

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. At the time of writing this report, phone calls seeking clarification on the proposal and no written submission regarding the application have been received by the Planning Services Division.

Planning Considerations:

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 (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

Date: October 15, 2014

1. New development is to be directed toward existing settlement areas. The subject development proposal seeks to create a total of four single-detached dwelling lots within the existing fully serviced settlement area of Chelmsford. The development proposal is therefore consistent with PPS policy with respect to focusing and encouraging new development within existing settlement areas.
2. Municipalities are generally encouraged to support land use patterns having a mix of densities and land uses within a settlement area. Staff is satisfied that the proposed development will make efficient use of a large and presently under-utilized parcel of urban residential land. The development as proposed will not negatively impact the intended mix of varying residential densities and built forms in the Chelmsford settlement area.
3. Municipalities are encouraged to avoid unjustified or uneconomical expansion of infrastructure. Staff notes that the subject development proposal will make use of existing infrastructure and services that are available along the Highway 144, Bathurst Street and Leonard Street frontages. No new infrastructure is required to be constructed in order to service the resulting four single-detached dwelling lots. The development proposal is therefore consistent with PPS policy with respect to avoiding unjustified or uneconomical expansion of infrastructure.
4. Municipalities are generally required to direct development away from lands which present natural hazards, such as designated flood-plains. Staff notes that while the subject lands do contain designated flood-plains, the existing dwellings on Areas A and B are outside of the designated flood-plain and a total of approximately 3,500 m² (37,674.92 ft²) are located outside of the designated flood-plain in Area C. Staff is satisfied that the resulting lot fabric will provide for sufficient area to construct buildings which are outside of the designated flood-plain and development can be appropriately situated away from any natural hazards on the lands.

Official Plan

Staff has reviewed the applicable policies with respect to rezoning lands that are within the Living Area 1 designation. Staff is generally supportive of the development proposal from an Official Plan policy perspective and would note the following:

1) Living Area 1 – Density & Built Form Policies

The proposed new lots would accommodate a total of four single-detached dwelling lots and is considered to be low density development. Staff is satisfied that the development proposal conforms to density and built form policies within the Living Area 1 designation.

2) Living Area 1 – Rezoning Policies

- a) Staff is satisfied that the proposed lots are suitable in terms of size and shape to accommodate single-detached dwelling development. Each of the proposed lots would comply with minimum lot area, lot frontage and lot depth requirements of the proposed R1-5 and R1-5(S) Zones. The density being proposed also complies with low density residential policies within the Living Area 1 designation;
- b) Staff is satisfied that the resulting four lots can be developed in a generally compatible manner with respect to the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. The lots along Leonard Street and Bathurst Street are similar in size and depth to what already exists today. The single-detached dwellings that are to be constructed on the lots fronting Leonard Street and Bathurst Street should comply with all height, yard setbacks and parking/amenity area requirements under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to properly fit with the character of the residential neighbourhood;

Date: October 15, 2014

- c) Staff is satisfied that the resulting single-detached dwelling lots are of sufficient size and configured in a manner that will facilitate adequate on-site parking, open space landscaping and amenity areas; and,
- d) Staff does not expect the introduction of the two single-detached dwelling lots along Leonard Street and Bathurst Street will significantly impact traffic on these local streets. The two single-detached dwelling lots which front Highway 144 exist currently and the creation of these lots are technical in nature as they have merged under the same ownership.

Zoning By-law

The applicant has requested that the two lots along Leonard Street and Bathurst Street be rezoned to "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The R1-5 Zone generally requires minimum lot areas of 465m² (5,005.38 ft²) with minimum lot frontages of 15 m (50 ft) and lot depths of 30 m (100 ft). The two lots along Leonard Street and Bathurst Street would appear to comply with these requirements. Staff has noted the following matters which should be included in the amending by-law:

1. Any single-detached dwelling lot that is to be constructed on Area C on the submitted sketch must maintain a minimum 150 m (492.13 ft) from the tanks of the sewage treatment plant to the east of the Whitson River in accordance with the Ministry of Environment D-2 Guidelines. Staff has reviewed this requirement and it would appear possible to locate a dwelling on this proposed lot in such a manner as the westerly boundary of Area C is approximately 230 m (754.59 ft) from the treatment plant. The existing dwellings on Areas A and B are approximately 190 m (623.36 ft) and 210 m (688.98 ft) from the treatment plant; and,
2. The single-detached dwelling lot described as Area D on the submitted sketch should be setback 26 m (85.30 ft) from the easterly lot line in order to facilitate the possible extension of Aurore Drive in the future.

The applicant is also requesting that the existing R1-5(6) Zone which contains the two lots containing existing dwellings and fronting Highway 144 be amended in order to properly recognize the lot area and frontages. Staff anticipates that the required survey plan will resolve the proper dimensions of these two lots on Highway 144. The amending by-law will include these dimensions where required. Staff has no concerns with the proposed zone classifications.

Staff notes that the remainder of the subject lands to the south which are zoned RU(27) are to be consolidated with those lands zoned M5 to the south described as PIN 73350-0043 and known municipally as 10 Bradley Road. Staff has no objections with respect to the proposed lot consolidation as the remaining lands would establish lot frontage onto Bradley Road once consolidated.

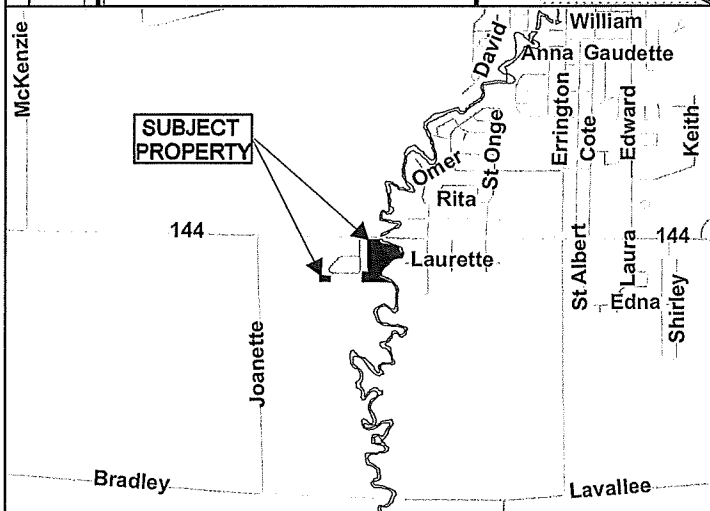
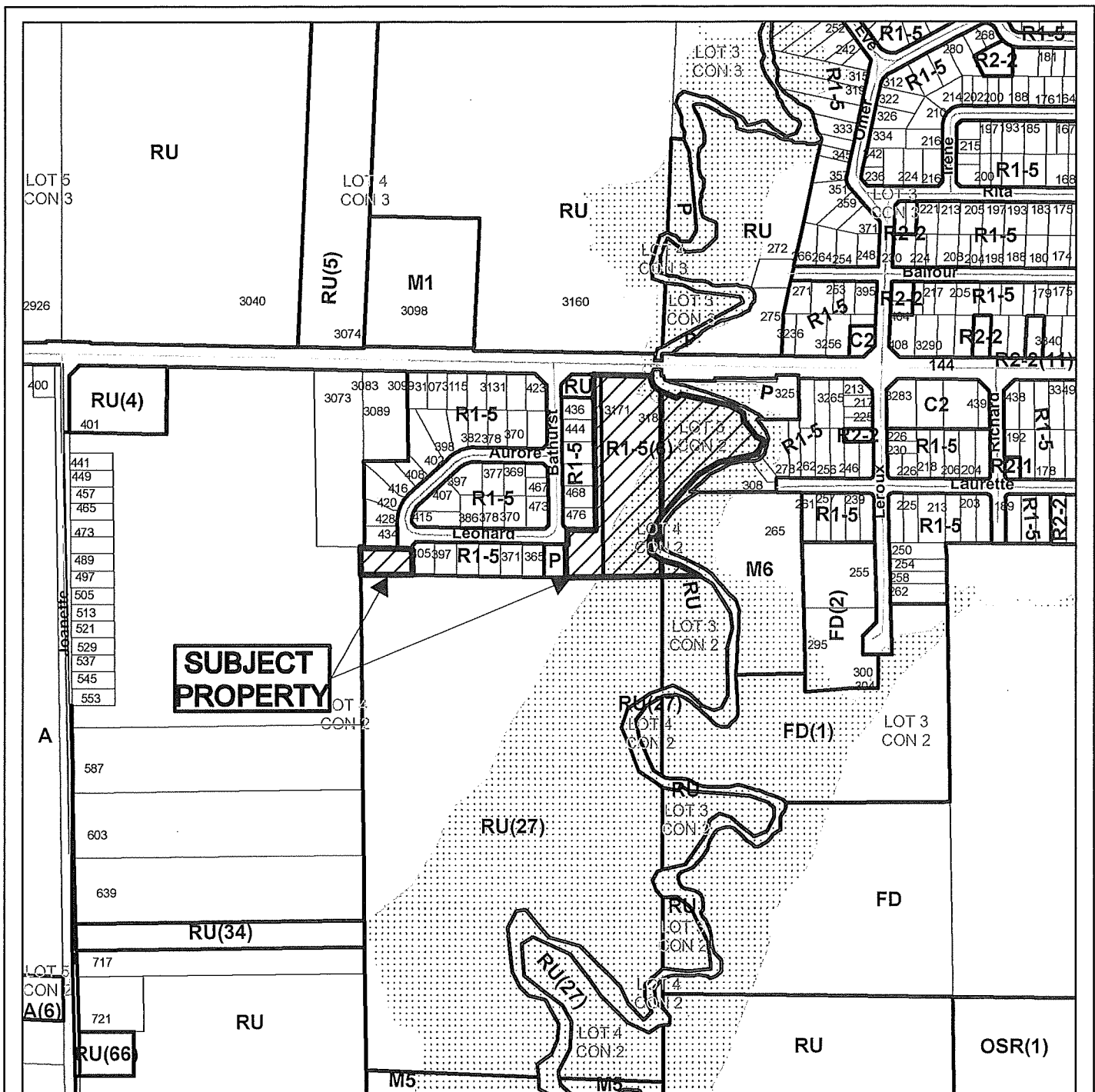
Consent Applications

At the time of writing this report, staff are not in receipt of the consent applications that will be required in order to facilitate the creation of the four single-detached dwelling lots and the lot consolidation with 10 Bradley Road. It is noted that a number of agencies and departments have submitted comments which are to be addressed by the applicant during the consent process. In particular, Development Engineering has noted that one foot reserves are in place at the entrance to areas C and D (Blocks A and B, Plan M-421). The owner must request that the one foot reserves be released by the City. The owner is responsible for ensuring that the one foot reserves are acquired prior to the consent process. MTO, NDCA and Roads, Traffic and Transportation concerns are also to be addressed as conditions of consent where appropriate.

Date: October 15, 2014

Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury, as well as the PPS. The development proposal to create a total of four single-detached dwelling lots on the lands represents good land use planning. Staff has also noted that there are a number of issues which are to be addressed by the applicant during the consent process. The Planning Services Division is therefore recommending that the application to rezone the lands be approved subject to the conditions noted in the recommendation section of this report.



Growth and Development Department



Subject Property being Part of PINs 73350-0043
& 73348-0237, Part of Parcels 1412 & 2204,
Lots 3 & 4, Concession 2, Township of Balfour,
Highway 144, Chelmsford, City of Greater Sudbury

NTS
Sketch 1

751-5/14-07
Date: 2014 08 21



PHOTO 1 EXISTING SINGLE DETACHED DWELLINGS FRONTING
HIGHWAY 144 LOOKING SOUTH (AREAS A & B ON
SUBMITTED SKETCH)



PHOTO 2 PROPOSED SINGLE DETACHED DWELLING LOT AT
BATHURST STREET AND LEONARD STREET LOOKING
SOUTH (AREA C ON SUBMITTED SKETCH)

751-5/14-7 PHOTOGRAPHY OCT 7, 2014



PHOTO 3 PROPOSED SINGLE DETACHED DWELLING LOT AT THE
CORNER OF AURORE DRIVE AND LEONARD STREET
LOOKING SOUTHWEST (AREA D ON SUBMITTED SKETCH)



PHOTO 4 EXISTING SINGLE DETACHED DWELLING TO THE NORTH
OF PROPOSED LOT (AREA C)

751-5/14-7 PHOTOGRAPHY OCT 7, 2014



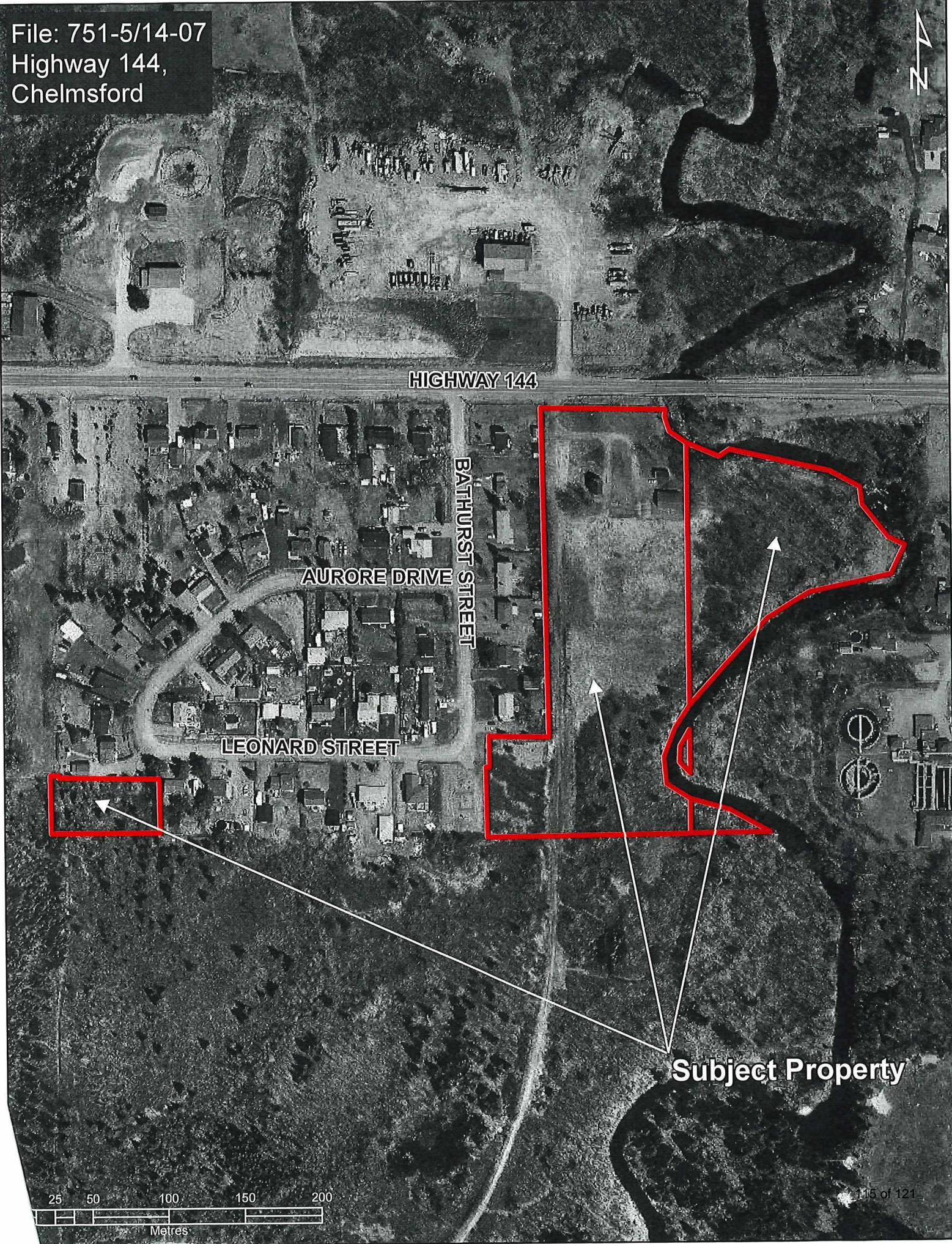
PHOTO 5 EXISTING PLAYGROUND TO THE WEST OF PROPOSED LOT (AREA C)



PHOTO 6 EXISTING SINGLE DETACHED DWELLING LOCATED TO THE NORTH OF PROPOSED LOT (AREA D)

751-5/14-7 PHOTOGRAPHY OCT 7, 2014

File: 751-5/14-07
Highway 144,
Chelmsford



HIGHWAY 144

BATHURST STREET

AUORE DRIVE

LEONARD STREET

Subject Property

25 50 100 150 200
Metres

Presented To:	Planning Committee
Presented:	Monday, Jan 06, 2020
Report Date	Thursday, Dec 12, 2019
Type:	Managers' Reports

Request for Decision

Provincial Planning Reform: Bill 108 Implementation

Resolution

THAT the City of Greater Sudbury directs staff to prepare amendments to the Official Plan and Zoning By-law to permit additional residential units and hold a Public Hearing on the amendments no later that Q2 2020, as outlined in the report entitled "Provincial Planning Reform: Bill 108 Implementation", from the General Manager of Growth and Infrastructure, presented to Planning Committee on January 6, 2020;

AND THAT the City of Greater Sudbury adopts the service standards for major land use planning applications effective January 1, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to the Strategic Plan goals of Business Attraction, Development and Retention by recommending new service standards and Housing by expanding affordable and attainable housing options.

Report Summary

This report describes changes to planning policy and land use planning service delivery associated with Bill 108 - the More Homes, More Choices Act, 2019 that came into effect in the Fall of 2019. The report recommends that Council direct staff to amend the Official Plan and Zoning By-law to permit additional residential units and adopt new service standards for major land use planning applications (e.g. Official Plan Amendments, Zoning By-law Amendments and Draft Plan of Subdivision/Condominium).

Financial Implications

There are no financial implications associated with this report.

Signed By

Report Prepared By
 Jason Ferrigan
 Director of Planning Services
Digitally Signed Dec 12, 19

Recommended by the Division
 Jason Ferrigan
 Director of Planning Services
Digitally Signed Dec 12, 19

Financial Implications
 Apryl Lukezic
 Co-ordinator of Budgets
Digitally Signed Dec 19, 19

Recommended by the Department
 Tony Cecutti
 General Manager of Growth and Infrastructure
Digitally Signed Dec 20, 19

Recommended by the C.A.O.
 Ed Archer
 Chief Administrative Officer
Digitally Signed Dec 23, 19

Provincial Planning Reform: Bill 108 Implementation

Background

In May of this year, the Government of Ontario introduced Bill 108, the *More Homes, More Choices Act, 2019*. The Bill proposed changes to 13 statutes, including the *Planning Act*, with the goal of increasing the supply and mix of housing. These proposed changes were presented to Planning Committee on June 10, 2019 (see Reference 1).

Since then, the Government brought the proposed changes to the *Planning Act* into effect, except for those relating to community benefit charges. Bill 108 was passed by the Legislature on June 6, 2019. Implementing regulations were filed on August 29, 2019. The proposed legislative changes to the *Planning Act* and implementing regulations came into force on September 3, 2019.

Additional changes to the planning system (e.g. Provincial Policy Statement, brownfield modernization) are anticipated and will be the subject of future staff reports.

Purpose

This report describes some key changes to the planning system that are now in effect and their implications for planning and planning service delivery in Greater Sudbury. The report recommends that the Official Plan and Zoning By-law be amended to reflect new additional residential unit permissions and that City Council adopt new service standards for major *Planning Act* applications.

Discussion

Planning for additional residential units

Municipal authority to allow additional residential units on certain properties has been expanded and strengthened. Previously, municipalities were required to permit one “second residential unit” in a detached, semi-detached and row house either in the main building or accessory building, subject to any standards that the municipality may impose (e.g. number of parking spaces per unit). In 2016, the City of Greater Sudbury amended its Official Plan and Zoning By-law, and created a registry system, for second units. Since this time, 45 units have been registered.

The recent changes require municipalities to permit two “additional residential units” in detached, semi-detached and row buildings either in the main building or an accessory building, for a total of 3 units per lot. The recent changes also establish

certain development standards for accessory residential units that prevail over corresponding municipal development standards where there may be a conflict. For example, additional residential units are to be served by one parking space, unless the municipal parking standard is lower. Similarly, the parking space may be a “tandem” parking space. Additional residential units are permitted regardless of whether the person occupying the primary or additional residential units is the owner of the lot or, in the case of an additional residential unit, related to the occupant of the primary residential unit.

It is recommended that staff be directed to update the City of Greater Sudbury's Official Plan and Zoning By-law to harmonize them with these recent changes to the *Planning Act*. It is anticipated that these changes will support and encourage Council's strategic directions to produce more affordable housing, intensify the built boundary and settlement area, foster transit supportive densities, and make more efficient use of municipal infrastructure and services. It is also anticipated that the changes will help reduce energy use and emissions through intensification and building retrofits.

Planning service standards and service levels

The Government is “encouraging” municipalities to improve their service levels and make decisions on land use planning matters sooner than before. These changes reduce timelines for appeals of non-decisions for “major” *Planning Act* applications by 30-40%. This is the second change to these timelines in the last few years. These changes are illustrated in Table 1.

The City of Greater Sudbury has traditionally adopted these timeframes as the legislative service standard for *Planning Act* applications. These standards are used to measure the efficiency of land use planning services and benchmarked against comparator municipalities through Municipal Benchmarking Network Canada. In 2018, 86% of development applications met the legislative service standards. This information is also used by Council each year when it reviews and confirms the service level through the budget process.

Without additional resources, the City of Greater Sudbury will not be able to maintain the same service level if the new timelines are adopted as the service standard for major land use planning applications. As illustrated in Table 2, service levels would decline significantly.

Given the above, it is recommended that the City establish new service standards for major land use planning applications, as follows:

- Official Plan Amendments – 180 days

- Zoning By-law Amendments – 120 days
- Subdivisions/Condominiums – 180 days

The recommended standards are the same standards that applied to major land use planning applications prior to April 3, 2018. These standards can be met with existing resources while generally maintaining existing service levels and Municipal Benchmarking Network Canada results. This change is also consistent with Council's strategic objective to strengthen business and development processes and services to support business growth. Although the recommended standards are greater than the timeframes for appeals of non-decisions that are in-effect, if historic trends continue, the risk of appeals of non-decisions increasing is low.

Other key changes

As previously reported, limitations of third party appeals of draft plan of subdivision approval are now in effect as are changes to the Local Planning Appeal Tribunal including the return to "de-novo" hearings, ability to introduce new evidence and examine witnesses at a hearing.

Conclusion and Recommendations

The Government has enacted changes to the *Planning Act* that are designed to increase the supply and mix of housing. These changes will affect how the City of Greater Sudbury plans for additional residential units and delivers land use planning services for major applications. It is recommended that the Official Plan and Zoning By-law be updated to include new additional residential unit requirements. It is further recommended that new service standards be adopted for major planning applications.

References

June 10, 2019 Staff Report on Bill 108:

(<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1316&itemid=16966>)

Table 1. Changes in timelines for appeals of non-decisions since 2018

Application Type	Current Timeline (since June 6/19)	Former Timeline 1 (from Apr 3/18)	Former Timeline 2 (before Apr 3/18)
Official Plan Amendment	120 days	210 days	180 days
Rezoning	90 days	150 days	120 days
Draft Plan of Subdivision / Condominium	120 days	210 days	180 days

Table 2. Change in service level based on change in service standard, 2016-2018

Official Plan Amendments		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	11	28.6%	92.9%	90.9%
2017	8	71.4%	87.5%	87.5%
2018	7	57.1%	100%	85.7%

Rezoning		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	52	41.1%	82.19%	78.8%
2017	43	34.9%	86.0%	83.7%
2018	48	31.3%	77.1%	66.7%

Draft POS/Condo		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	1	0%	100%	100%
2017	2	0%	0%	0%
2018	2	0%	100%	100%