



# PLANNING COMMITTEE AGENDA

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Planning Committee Meeting  
**Monday, October 28, 2019**  
Tom Davies Square - Council Chamber

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## COUNCILLOR FERN CORMIER, CHAIR

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**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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<https://agendasonline.greatersudbury.ca>.

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Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

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Resolution to meet in Closed Session to deal with four (4) Proposed or Pending Acquisition or Disposition of Land Matters:

- Proposed Purchase of Property - Mountain Street Stormwater Improvements Phase II
- Purchase of Property - Mountain Street
- Purchase of Property - Mountain Street

- Sale of Closed Road - Old Trespass Road

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

**(RESOLUTION PREPARED)**

## **DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

### **PUBLIC HEARINGS**

1. Report dated October 2, 2019 from the General Manager of Growth and Infrastructure regarding 2622513 Ontario Inc. – Application for Zoning By-law Amendment in order to expand the permitted maximum floor area for a business office within an existing building, 2750 Bancroft Drive, Sudbury. **8 - 24**  
**(RESOLUTION PREPARED)**
  - Glen Ferguson, Senior Planner
2. Report dated October 1, 2019 from the General Manager of Growth and Infrastructure regarding Alain & Linda Groleau – Application for Zoning By-law Amendment in order to permit a duplex dwelling or semi-detached dwelling, Notre Dame Avenue, Hanmer. **25 - 43**  
**(RESOLUTION PREPARED)**
  - Glen Ferguson, Senior Planner

## **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-2)

### **ROUTINE MANAGEMENT REPORTS**

- C-1. Report dated October 1, 2019 from the General Manager of Growth and Infrastructure regarding Dominion Park Developments - Extension to Draft Plan of Subdivision Approval, part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer. **44 - 56**  
**(RESOLUTION PREPARED)**

(This report provides information regarding the extension to the draft plan of subdivision approval, Dominion Park Developments, Hanmer.)

- C-2. Report dated October 1, 2019 from the General Manager of Growth and Infrastructure regarding Dalron Construction Ltd. – Extension to draft plan of subdivision approval, Main Street, Val Caron.

**57 - 68**

**(RESOLUTION PREPARED)**

(This report provides information regarding the Dalron Construction Ltd. extension to the draft plan of subdivision approval, Main Street, Val Caron.)

## **REGULAR AGENDA**

### **MANAGERS' REPORTS**

- R-1. Report dated October 1, 2019 from the General Manager of Growth and Infrastructure regarding Deeming By-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol.

**69 - 71**

**(RESOLUTION PREPARED)**

(This report provides information on the passing of a deeming by-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol.)

### **MEMBERS' MOTIONS**

### **ADDENDUM**

### **CIVIC PETITIONS**

### **QUESTION PERIOD**

### **ADJOURNMENT**

# COMITÉ DE PLANIFICATION ORDRE DU JOUR

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Réunion du Comité de planification  
**28 octobre 2019**  
Place Tom Davies - SALLE DU CONSEIL

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## COUNCILOR FERN CORMIER, PRÉSIDENT(E)

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**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](mailto:clerks@grandsudbury.ca).

Résolution pour tenir une réunion à huis clos afin de traiter de quatre acquisitions ou dispositions projetées ou en cours d'un bien-fonds :

- l'achat envisagé d'une propriété – Amélioration des eaux pluviales de la rue Mountain, phase II

- l'achat d'une propriété – rue Mountain
- l'achat d'une propriété – rue Mountain
- la vente d'une route fermée à la circulation – chemin Old Trespass

aux termes de l'alinéa 239 (2)(c) de la *Loi de 2001 sur les municipalités*  
**(RÉSOLUTION PRÉPARÉE)**

## **DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES**

### **AUDIENCES PUBLIQUES**

1. Rapport directeur général, Croissance et Infrastructure , daté du 02 octobre 2019 portant sur 2622513 Ontario Inc. – Demande de modification d'un règlement municipal de zonage afin d'augmenter la surface de plancher maximale pour un bureau d'affaires dans l'immeuble existant, 2750, promenade Bancroft, Sudbury. **8 - 24**  
**(RÉSOLUTION PRÉPARÉE)**
  - Glen Ferguson, planificateur principal
2. Rapport directeur général, Croissance et Infrastructure , daté du 01 octobre 2019 portant sur Alain et Linda Groleau – Demande de modification d'un règlement municipal de zonage pour permettre un duplex ou une maison jumelée, avenue Notre Dame, Hanmer. **25 - 43**  
**(RÉSOLUTION PRÉPARÉE)**
  - Glen Ferguson, planificateur principal

### **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**

(RÉSOLUTION PRÉPARÉE POUR L'ARTICLES DE L'ORDRE DU JOUR DES  
 RÉSOLUTION C-1 À C-2)

### **RAPPORTS DE GESTION COURANTS**

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 01 octobre 2019 portant sur Dominion Park Developments – Prorogation de l’approbation de l’ébauche du plan de lotissement, partie du NIP 73504-2533, soit une partie de l’ancienne parcelle 1323 S.-E.-S. du lot 6, concession 2, canton d’Hanmer. **44 - 56**  
**(RÉSOLUTION PRÉPARÉE)**

(Dans ce rapport, on fournit des renseignements sur la prorogation de l’approbation de l’ébauche du plan de lotissement, Dominion Park Developments, à Hanmer.)

- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 01 octobre 2019 portant sur Dalron Construction Ltd. – Prorogation de l’approbation de l’ébauche du plan de lotissement, rue Main, Val-Caron. **57 - 68**  
**(RÉSOLUTION PRÉPARÉE)**

(Dans ce rapport, on fournit des renseignements sur la prorogation de l’approbation de l’ébauche du plan de lotissement, Dalron Construction Ltd., rue Main, à Val-Caron.)

## **Ordre du jour ordinaire**

### **RAPPORTS DES GESTIONNAIRES**

- R-1. Rapport directeur général, Croissance et Infrastructure , daté du 01 octobre 2019 portant sur Règlement déterminatif concernant les lots 190 et 191, plan M-70A, 9, rue Randolph, Capreol. **69 - 71**  
**(RÉSOLUTION PRÉPARÉE)**

(Dans ce rapport, on fournit des renseignements sur l’adoption d’un règlement déterminatif concernant les lots 190 et 191, plan M-70A, 9, rue Randolph, à Capreol.)

### **MOTIONS DES MEMBRES**

### **ADDENDA**

### **PÉTITIONS CIVIQUES**

### **PÉRIODE DE QUESTIONS**

## **LEVÉE DE LA SÉANCE**

## Request for Decision

**2622513 Ontario Inc. – Application for Zoning By-law Amendment in order to expand the permitted maximum floor area for a business office within an existing building, 2750 Bancroft Drive, Sudbury**

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Wednesday, Oct 02, 2019
Type:	Public Hearings
File Number:	751-6/19-12

### Resolution

THAT the City of Greater Sudbury approves the application by 2622513 Ontario Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “I(34)”, Institutional Special to an amended “I(34)”, Institutional Special on those lands described as PIN 73575-0449, Parts 2 & 3, 5 to 7, Plan 53R-18250, Part of Lots 9 & 10, Concession 3, Township of Neelon, as outlined in the report entitled “2622513 Ontario Inc.” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019, subject to the following conditions:

1. That the owner submit a Parking Layout Plan demonstrating compliance with all required parking provisions under the City's Zoning By-law to the satisfaction of the Director of Planning Services prior to the passing of an amending zoning by-law;
  - a. Submit a Parking Layout Plan demonstrating compliance with all required parking provisions under the City's Zoning By-law to the satisfaction of the Director of Planning Services.
  - b. Install a test maintenance hole on the sanitary sewer service to the satisfaction of the Director of Planning Services
2. That the amending zoning by-law contain the following site-specific provisions:
  - a. That a business office be added as a permitted use in addition to those uses permitted in the “I” Zone; and,
  - b. That any further and appropriate relief that is required in order to accommodate required parking spaces for a business office be provided.
3. That conditional approval shall lapse on November 5, 2021 unless Condition #1 above has been met or an extension has been granted by Council.

### Signed By

#### Report Prepared By

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 2, 19*

#### Reviewed By

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 2, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 3, 19*

#### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

#### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

## **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 intends to expand upon the maximum floor space for non-institutional offices that are permitted within an existing building located on Bancroft Drive in Sudbury. The building is no longer being used for institutional office or non-institutional office purposes and the building is presently vacant. The owner is requesting that the entire building be permitted to be used as a business office. The City's Official Plan includes policies that are supportive of recognizing certain non-conforming uses and their expansion, as well as policies which address conversion of existing and surplus institutional buildings. Staff is supportive of the proposed rezoning and has noted that prior to passing an amending zoning by-law that the owner should be required to apply through Building Services for a change of use building permit and also provide the Development Approvals Section with a satisfactory Parking Layout Plan. The owner has not requested any site-specific relief in order to accommodate a business office on the lands. 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 as this report requests zoning by-law amendment on an existing building with no planned expansion to the building.

## **STAFF REPORT**

### **PROPOSAL:**

The 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 "I(34)", Institutional Special to an amended "I(34)", Institutional Special. The proposed rezoning is intended to expand upon the maximum floor space for non-institutional offices that are permitted within the existing building located on the subject lands. The owner has specifically requested that a business office be added without floor space limitation as a permitted use on the subject lands. No additions to the existing building are proposed at this time.

The owner has submitted a Concept Plan depicting the existing building along with 24 parking spaces and a Planning Justification Report in support of the proposed rezoning that would expand upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands.

### **Existing Zoning:** "I(34)", Institutional Special

The "I(34)" Zone is a site-specific zone which allows for non-institutional offices not exceeding 93 m<sup>2</sup> (1,001.04 ft<sup>2</sup>) in addition to those uses permitted in the "I" Zone. The "I" Zone permits a group home type 1, group home type 2, special needs facility, cemetery, day care centre, institutional uses, library, museum, park, private club, recreation and community centre, refreshment pavilion if accessory to a park, and a restaurant if accessory to a park.

### **Requested Zoning:** "I(34)", Institutional Special

The proposed rezoning would eliminate the maximum non-institutional office space floor space maximum of 93 m<sup>2</sup> (1,001.04 ft<sup>2</sup>) in the existing "I(34)" Zone and would instead allow for the entire building to be utilized as a business office in addition to those uses permitted in the "I" Zone.

### **Location and Site Description:**

The subject lands are located on the north side of Bancroft Drive and to the west of Levesque Street in the community of Sudbury. The lands have a total lot area of approximately 2,870 m<sup>2</sup> (30,892.42 ft<sup>2</sup>) with approximately 46 m (150.92 ft) of lot frontage onto Bancroft Drive. The lands presently contain an existing one-storey building with an internal mezzanine providing additional floor area. There is a parking area in front of the existing building with a driveway access onto Bancroft Drive. Landscaped open space in the form of grass sodding is provided for in the interior side yards and rear yard.

### **Surrounding Land Uses:**

North: Low density urban residential and municipally-owned vegetated open space.

East: Low density urban residential land uses.

South: Low density urban residential land uses.

West: Low density urban residential land uses.

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 the existing building and parking area in the existing front yard as viewed from Bancroft Drive. Photos of the immediately surrounding residential area illustrate the low density residential nature of the general area along this portion of Bancroft Drive.

### **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 July 19, 2019. The statutory Notice of Public Hearing dated September 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 owners 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 owners contacted immediate neighbours in-person to discuss the proposed rezoning and answer any questions. The owner has also indicated in their application form that they have contacted the local councillor to discuss the proposed rezoning.

At the time of writing this report, one phone call for clarification purposes was received, and no emails 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 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns should have a mix of densities and land uses which efficiently use land and resources, are appropriate for the infrastructure available, minimize negative impacts on air quality and climate change and support active transportation and are transit-supportive are to be promoted;

3. Section 1.1.3.2 and 1.1.3.3 together further outlines that a range of uses and opportunities for redevelopment are to be accommodated where appropriate taking into account existing building stock or areas, including the availability of suitable existing or planned infrastructure; and,
4. Section 1.1.3.4 notes that appropriate development standards should be promoted which facilitate redevelopment, while avoiding or mitigating risks to public health and safety.

**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 Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Area 1 includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. The lands are however zoned on a site-specific basis under City's Zoning By-law to permit institutional uses along with a limited amount of non-institutional office floor space.

Section 4.4.3 of the Official Plan outlines the criteria for evaluating rezoning applications to convert surplus institutional buildings. The criteria to be considered are as follows:

1. The need for such lands or building for other public uses, and their long-term value to the community;
2. The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed use; and,
3. That consideration be given to settlement area policies, as well as policies related to ensuring land uses are supportive of the provision of public transit, accessibility, heritage and urban design policies that are included in the Official Plan.

The following policies under the Section 19 – Implementation are relevant to the proposed rezoning:

Section 19.5.7 states that the City's Zoning By-law may recognize and permit non-residential uses that do not conform to the Official Plan provided that such uses are or can be made compatible with the surrounding uses. In considering the expansion of such a recognized land use, Council is to have regard for the following criteria:

1. The development proposal will not aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law applied to the area;
2. The proposal will create minimal impacts on surrounding uses with regard to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters.

**Date: September 23, 2019**

Section 19.5.8 of the Official Plan permits Council to pass amending zoning by-laws which have the effect of permitting the use of an existing building or structure for a use that does not conform with a land use designation under Schedule 1a of the Official Plan. The following situations are applicable to his policy:

1. Where an existing building or structure, used for a non-conforming use, cannot economically, practically or reasonably be converted or adapted to a use in conformity with the Official Plan land use designation; and,
2. Where an existing building or structure and use which is permitted in the Zoning By-law and Official Plan land use designation is discontinued and cannot economically, practically or reasonably be converted or adapted to a use in conformity with the land use designation.

Before passing an amending zoning by-law in these situations, Council is to be satisfied that:

1. The surplus building is suitable for the proposed use with respect to [Ontario Building Code](#) (OBC) regulations;
2. Off-street parking is adequate;
3. The proposed use is compatible with surrounding lands uses with respect to noise, fumes, smoke, odours, traffic hours of operation, signs and other undesirable features;
4. The neighbouring conforming uses are protected where necessary, by the provision of landscaping, buffering or screening;
5. Parking, driveways, loading areas are improved, relocated, and buffered as warranted;
6. Wherever possible, the aesthetic appearance of the building and property is improved and maintained;
7. Sewer and water capacities are adequate to serve the new use; and,
8. A site plan control agreement may be required prior to the enactment of an amending zoning by-law.

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 owner is requesting that the subject lands be rezoned to an amended "I(34)" in order to expand upon the maximum floor space for non-institutional office in the form of a business office that are permitted within the existing building located on the subject lands. No site-specific relief from any general or parking provisions or from the development standards applicable to the "I(34)" Zone is being requested by the owner.

#### **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 development proposal, comments provided by circulated agencies and departments included the following:

**Date: September 23, 2019**

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

Building Services has advised that more information is needed to calculate parking requirements for the proposed business office. Building Services also notes that a shipping container is in the rear yard and is to be removed prior to an amending zoning by-law being passed. Planning staff did however attend the lands and no shipping containers are presently located on the subject lands at present. There are shipping containers on abutting lands.

Development Engineering advises that the lands are presently serviced with municipal water and sanitary sewer infrastructure. The owner is advised that it is at their cost entirely if any upgrades to the existing services are required in order to service the development.

### **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. The community of Sudbury is an identified settlement area in the City's Official Plan. The proposed expansion upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands in this urban setting and location should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area of Sudbury. The lands are serviced with municipal water and sanitary sewer and access to public transportation (ie. 10 Minnow Lake) is available directly in front of the lands along Bancroft Drive. Active transportation is also an option for residents as sidewalks and painted bicycle lands are available along Bancroft Drive. Commercial and industrial land uses are located along the Kingsway to the north. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;
3. The subject lands are presently zoned to permit a full range of institutional uses and a limited amount of non-institutional office floor space. Staff is satisfied that the lands can appropriately be zoned to facilitate additional business office floor space and in doing so no risks have been identified with respect to public health and safety. Staff notes that the owner is not seeking any site-specific relief in order to accommodate the expanded use that they are requesting being that of business office being permitted throughout the entire existing building. Appropriate development standards can be incorporated into the amending zoning by-law to ensure the above;
4. The existing building is underutilized and at present vacant. It is well configured to accommodate business office uses and is one of the few buildings available in the area that are available and suitable for business office uses. Expanding upon the range of land uses permitted on the subject lands is good land use planning from a redevelopment perspective and suitable infrastructure exists to accommodate the proposed redevelopment through the expansion of non-institutional office space that would be permitted on the subject lands.

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. Those policies relevant to the development proposal to expand upon the maximum floor space for non-institutional offices in the form of a business office that are permitted within the existing building located on the subject lands are discussed in detail below.

With respect to general Living Area 1 policies in the Official Plan, staff notes that the lands were previously recognized as an institutional office use through the rezoning process, along with limited non-institutional office floor space. Staff has noted that the non-conforming uses, conversion of building and institutional policies of the Official Plan set out the main criteria for which the proposed rezoning is to be considered.

With respect to Section 4.4.3 of the Official Plan, staff has the following comments:

1. Staff has not identified or received any feedback or comments that the existing building is required or needed to provide or respond to the demand for any community-based institutional use in the immediate area;
2. In general, staff has no concerns with the compatibility of a business office and other existing residential uses in the immediate area. The existing building has been utilized as an institutional office with limited non-institutional office floor space for some time and no land use conflicts have been observed or are anticipated should the entire building be permitted to be used a business office; and,
3. The lands are within an identified settlement area in the Official Plan (ie. Living Area 1) and the business office land use would be complimentary to the available and existing public transit in the area, it is accessible from the street and no negative impacts on heritage or urban design are anticipated as no changes or additions are being proposed to the existing building or site layout.

With respect to non-conforming uses and conversion of building policies under Section 19 – Implementation of the Official Plan, staff has the following comments:

1. Staff notes that the existing building was most recently utilized as a mix of institutional office and non-institutional office floor space and it is not anticipated that the change in floor space dedicated to non-institutional office in the form of a business office will aggravate or introduce any land use conflicts between the subject lands and abutting properties;
2. Staff are satisfied that minimal to no impacts with respect to noise, vibrations, fumes, smoke, odours, glare, traffic, sign and environmental matters would be generated if the entire building is permitted to operate as a business office. The type of office use is proposed to be change from an institutional office use to an expanded business office use and none of the above parameters are anticipated to become a nuisance should the rezoning be approved;
3. Building Services has indicated that no change of use building permit is required and that any interior renovations as a result of the business office permission being expanded to the entire building may require a building permit. No concerns were raised with respect to the conversion of the institutional building being expanded from an OBC perspective were identified in the circulation of the application;
4. Staff are satisfied that adequate off-street parking is available. Staff is request a Parking Layout Plan and confirmation of floor space calculations for the existing building in order to ensure that the business office provides the required number of parking spaces without requiring any site-specific relief. Staff at the same time notes that the amending zoning by-law should provide any reasonable relief to parking provision standards in order to accommodate the business office use being permitted throughout the entire building;

5. Abutting residential uses are buffered sufficiently. The lands to the west are buffered by a stand of mature trees and the lands to the east are buffered by an existing fence and mature vegetation. It is anticipated that through the redevelopment of the subject lands that further and additional buffering, screening and landscaping may be added which would positively contribute to the compatibility of the business office use in the local neighbourhood;
6. The existing driveway access to Bancroft Drive is to be utilized. Staff notes the submitted sketch depicts a loading space as required in the easterly interior side yard. The parking area to be utilized is paved and existing and no expansions to this area is proposed;
7. Staff understands that the owner has applied for building permits to improve the exterior façade and canopy entrances to the existing building. The building is presently vacant and the establishment of a business office in this location is expected to improve the aesthetic appearance of the building and property should the rezoning be approved;
8. Development Engineering has confirmed there are no issues with respect to municipal water or sanitary sewer service as it pertains to the subject lands and the proposed business office use; and,
9. Staff notes that at present there is no site plan control agreement applicable to the subject lands. The existing building was constructed originally in 1945 and additions were made between then and 1970. Staff reviewed the proposed rezoning during pre-consultation and determined that site plan control would not be applicable as the building has been used for office purposes regardless of the type of office through time and that no increased usability of the lands would result should the rezoning be approved.

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 "I(34)", Institutional Special to an amended "I(34)", Institutional Special. The request would permit the entire existing building to be used for business office purposes. Staff has no concerns with the requested zone category as it would be most appropriate to amend the "I(34)" Zone rather creating a new site-specific exception in the Zoning By-law. Staff have no concerns with a business office being permitted, however would note that this added permission would not extend to a medical office or professional office as defined in the Zoning By-law. Staff has no concerns with those uses allowed in the "I" Zone remaining as permitted uses in the "I(34)" Zone.

The agent has indicated that the building has a gross floor area of 833 m<sup>2</sup> (8,966.34 ft<sup>2</sup>), however the Municipal Property Assessment Corporation (MPAC) indicates that the existing building maintains a gross floor area of 1,117 m<sup>2</sup> (12,028 ft<sup>2</sup>). The difference in reported gross floor area may impact the number of required parking spaces however the difference is not substantial and staff is of the opinion an appropriate number of parking spaces can be provided for on the lands.

Business offices are to provide one parking space per 30 m<sup>2</sup> (322.92 ft<sup>2</sup>) net floor area. Staff do not have a net floor area calculation, however the submitted sketch depicts a total of 24 parking spaces of which one parking space appears to be dimensioned as an accessible space. Staff notes that based on the parking space requirements for the lands that one accessible space would be required. Offices in general are also required to provide 2 bicycle parking spaces on the lot along with an additional space per 500 m<sup>2</sup> (5,381.96 ft<sup>2</sup>) up to a maximum of 24 bicycle parking spaces per lot. There are no bicycle parking spaces depicted on the submitted sketch and the floor spaces referenced above would result in either 3 or 4 bicycle parking spaces being provided on the lands. It is on this basis that it is recommended that prior to the passing of an amending zoning by-law that the owner confirm the gross floor area and net floor area of the building and provide the Development Approvals Section with a satisfactory parking layout plan that demonstrates compliances with all applicable parking provisions of the Zoning By-law.

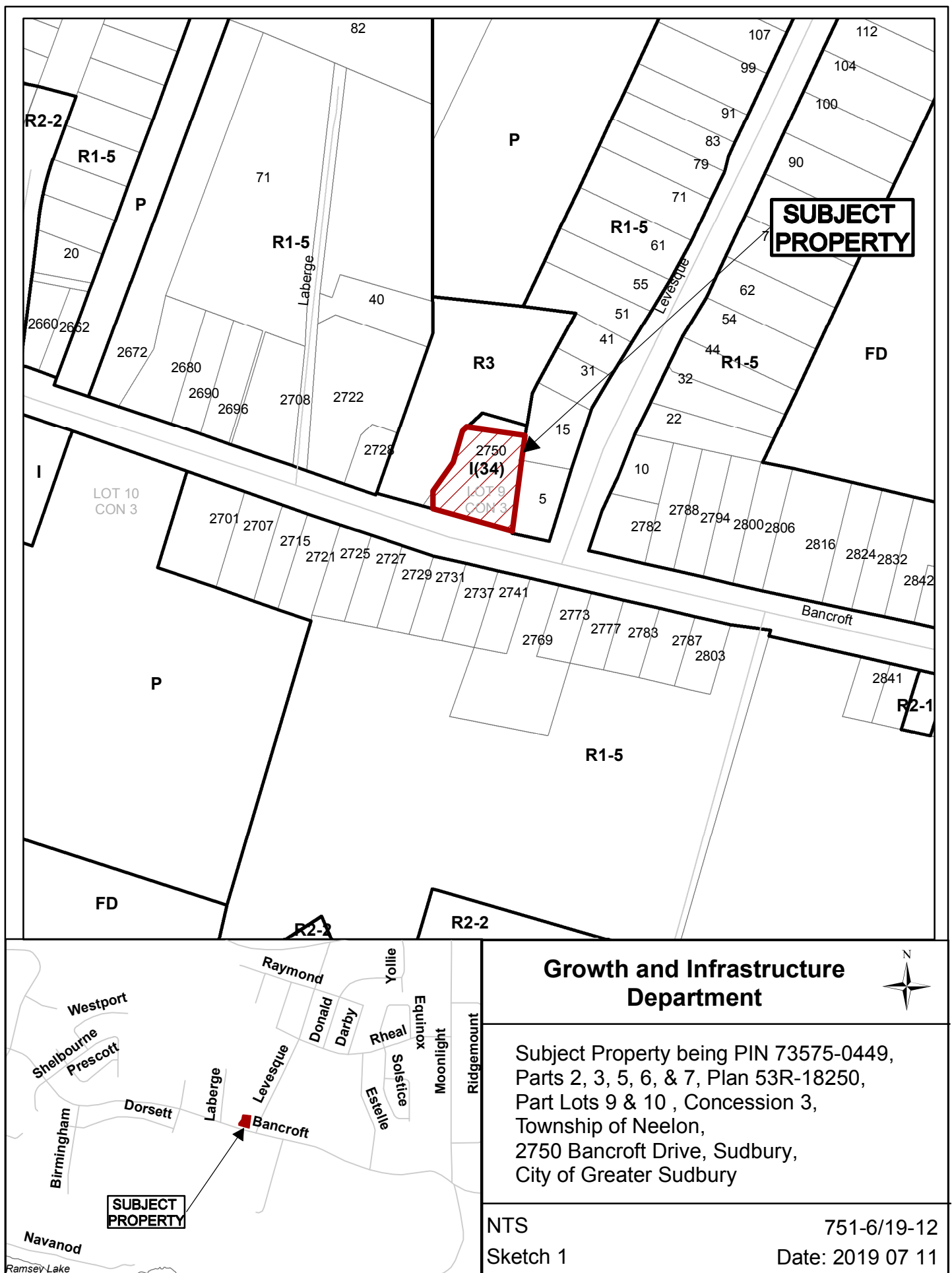
**CONCLUSION:**

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. Staff has no concerns with the lands ability to support a business office however a Parking Layout Plan demonstrating compliance with all required parking provisions under the City's Zoning By-law should be required from the owner prior to passing an amending zoning by-law.

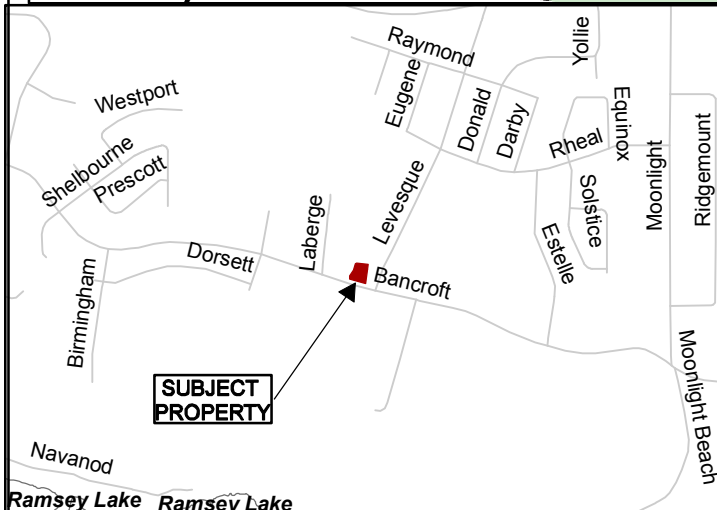
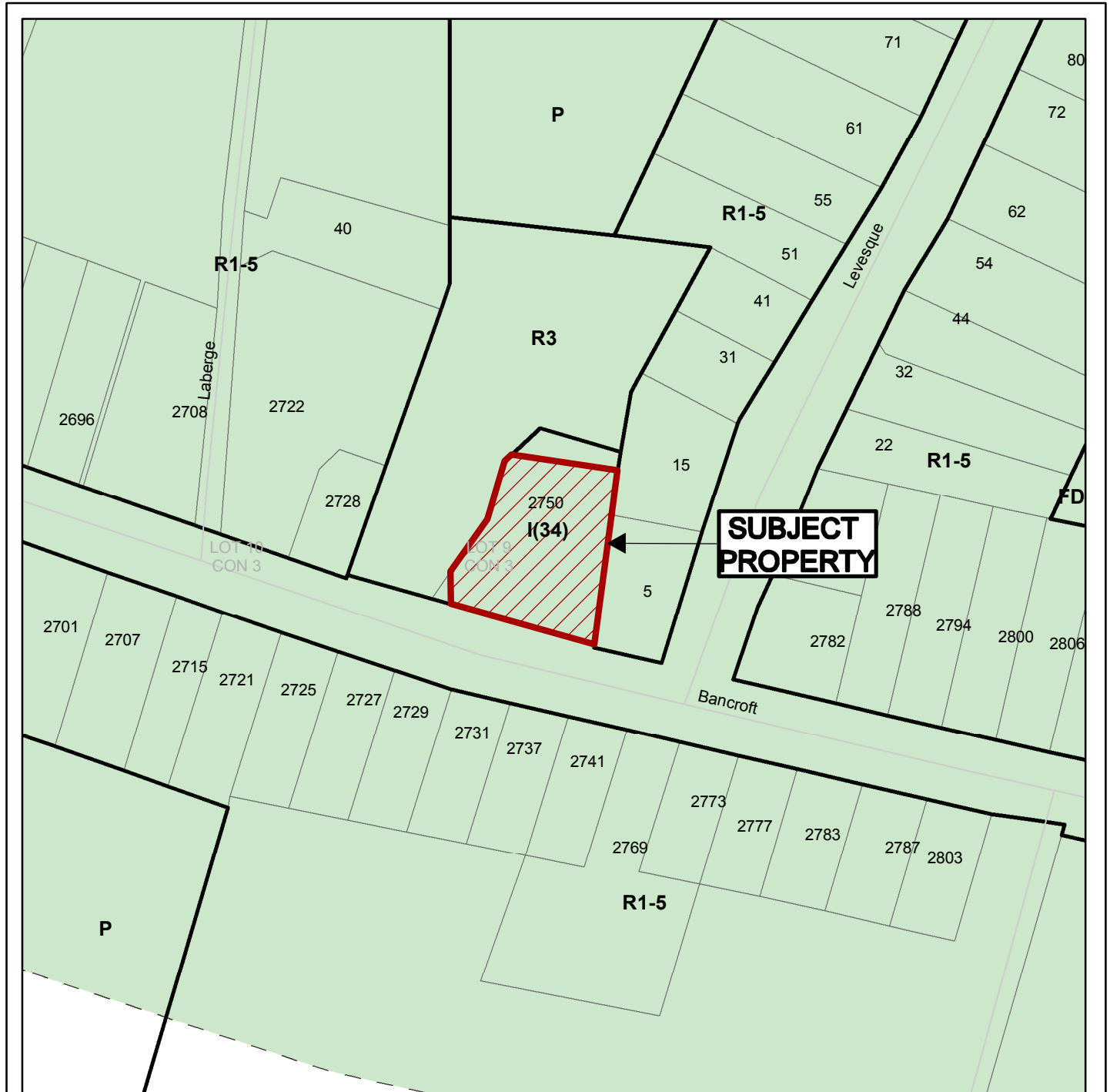
The following are the principles of the proposed site-specific amending zoning by-law:

- To allow any of the uses permitted in the "I" Zone and in addition that the existing building be permitted to be used entirely as a business office; and,
- That once net floor area calculations are provided for the existing building that any further and appropriate relief that is required in order to accommodate required parking spaces for a business office be provided for.

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.



# Source Protection Plan Map



## Growth and Infrastructure Department

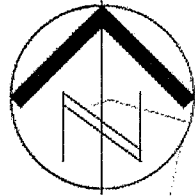


Subject Property being PIN 73575-0449,  
Parts 2, 3, 5, 6, & 7, Plan 53R-18250,  
Part Lots 9 & 10, Concession 3,  
Township of Neelon,  
2750 Bancroft Drive, Sudbury,  
City of Greater Sudbury

SPP: Ramsey Lake Watershed, IPZ 3

Sketch 1  
NTS

751-6/19-12  
Date: 2019 07 11



INFORMATION DERIVED  
FROM SURVEY FILE  
OBTAINED FROM JAMES  
E. KIRKLAND SURVEYOR



**PHOTO #1 – Subject lands with existing building as viewed from Bancroft Drive looking north.**



**PHOTO #2 – Existing residential dwelling to the west of the subject lands.**



**PHOTO #3 – Existing residential dwelling to the east of the subject lands.**



**PHOTO #4 – Existing residential dwellings to the south of the subject lands.**

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Public Hearings
File Number:	751-7/19-8

## Request for Decision

**Alain & Linda Groleau – Application for Zoning By-law Amendment in order to permit a duplex dwelling or semi-detached dwelling, Notre Dame Avenue, Hanmer**

### Resolution

THAT the City of Greater Sudbury approves the application by Alain & Linda Groleau to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R1-5”, Low Density Residential One to “R2-2”, Low Density Residential Two on those lands described as PIN 73508-0831, Parcel 21912, Lot 2, Concession 12, Township of Capreol, as outlined in the report entitled “Alain & Linda Groleau” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019, subject to the following condition:

1. That the detached garage located on the lands be removed or otherwise brought into compliance with the City’s Zoning By-law to the satisfaction of the Chief Building Official and the Director of Planning Services prior to the passing of an amending zoning by-law.
2. That conditional approval shall lapse on November 5, 2021 unless Condition #1 above has been met or an extension has been granted by Council.

### 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 permit a duplex dwelling or a semi-detached dwelling on the subject lands which have frontage on Notre Dame Avenue in Hanmer. The lands presently contain an existing detached garage located in the rear yard. The detached garage is not a

#### Signed By

##### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 1, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 7, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

permitted accessory building as there is no principal building located on the lands. Staff is supportive of the proposed rezoning and has noted that prior to passing an amending zoning by-law that the detached garage is to be removed or otherwise brought into compliance with the City's Zoning By-law. The owner has not requested any site-specific relief in order to develop a duplex dwelling or semi-detached dwelling on the lands. Staff is also recommending that in addition to a duplex dwelling or a semi-detached dwelling that all other "R2-2" uses also be permitted. The Planning Services Division is recommending that the application be approved with a condition as outlined and noted in the resolution section of this report.

### **Financial Implications**

If approved, staff estimates approximately \$6,200 in taxation revenue, based on the assumption of the total two semi-detached 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 \$28,000 based on assumption of two semi-detached dwelling units and based on the rates in effect as of the date of this meeting.

## **STAFF REPORT**

### **PROPOSAL:**

The 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 “R1-5”, Low Density Residential One to “R2-2”, Low Density Residential Two. The proposed rezoning is intended to permit a duplex dwelling or a semi-detached dwelling.

The owner has submitted a Concept Plan and a photo of their preferred built-form in support of the proposed rezoning that would allow for the development of a duplex dwelling or a semi-detached dwelling on the subject lands.

### **Existing Zoning:** “R1-5”, Low Density Residential One

The “R1-5” Zone permits a bed and breakfast establishment with a maximum of two rooms, a group home type 1 with a maximum of ten beds, private home daycare, and a single-detached dwelling.

### **Requested Zoning:** “R2-2”, Low Density Residential Two

The proposed rezoning would allow for the development of a duplex dwelling or semi-detached dwelling on the subject lands. The “R2-2” Zone permits a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling.

### **Location and Site Description:**

The subject lands are located on the east side of Notre Dame Avenue and to the south of Clyde Street in the community of Hanmer. The lands have a total lot area of approximately 930 m<sup>2</sup> (10,018 ft<sup>2</sup>) with approximately 30 m (100 ft) of lot frontage onto Notre Dame Avenue. The lands presently contain a detached garage.

### **Surrounding Land Uses:**

North: Low density urban residential and general commercial land uses.

East: Medium and low density urban residential land uses.

South: Low density urban residential land uses.

West: Low density urban residential land uses.

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 the subject lands with a detached garage located in the rear yard. Photos of the immediately surrounding residential area also illustrate the low density residential nature of the general area, as well as the presence of a small commercial area to the north of the subject lands at Cote Boulevard and Notre Dame Avenue.

**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 July 25, 2019. The statutory Notice of Public Hearing dated September 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 owners 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 owners and/or agent has spoken with immediate neighbours in the area regarding the proposed rezoning. The application when submitted also included chart indicating that the owners have spoken to five neighbours regarding their proposed rezoning and in each case these neighbours have indicated they have no objections. The chart also indicated that the owners and/or agent were unable to speak with five other neighbours as they were not home at the time.

At the time of writing this report, no phone calls, emails 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 2014 Provincial Policy Statement (PPS). The following PPS policies are applicable to this application for rezoning:

1. Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns should have a mix of densities and land uses which efficiently use land and resources, are appropriate for the infrastructure available, minimize negative impacts on air quality and climate change and support active transportation and are transit-supportive are to be promoted;
3. Section 1.1.3.4 notes that appropriate development standards should be promoted which facilitate intensification and compact form, while avoiding or mitigating risks to public health and safety;

4. Section 1.4.3 outlines that municipalities are required to provide 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;
5. Section 1.4 generally requires municipalities to provide for an appropriate range of housing types and densities in order to meet the housing needs of current and futures residents;
6. Section 1.4.3 specifically directs municipalities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents and to permit and facilitate all forms of intensification; and,
7. Section 1.4.3 also directs development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

**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 Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Area 1 includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

The following policies under the Living Area 1 designation are relevant to the proposed rezoning:

Section 3.2.1 of the Official Plan outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, medium density residential uses up to a maximum density of 90 units per hectare and high density residential uses up to a maximum density of 150 units per hectare. Medium density housing should be located in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas and community/recreational services. Medium density development is to be located where adequate servicing capacities exist along with a road system that can accommodate the growth. High density residential development is permitted in the community of Sudbury.

Section 3.2.1.6 of the Official Plan specifically outlines those matters to be reviewed when considering applications to rezone lands within the Living Area 1 designation:

- a) The site is suitable in terms of size and shape to accommodate the proposed density and built form;
- b) The proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas;

- c) Adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d) The impact of traffic on local streets is minimal.

Section 2.3.3 of the Official Plan generally acknowledges that residential intensification is an effective means of ensuring the efficient use of land and infrastructure in the City. Intensification is permitted in the Living Area 1 designation and encouraged on sites with suitable existing or planned infrastructure. Intensification is to be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the development proposal.

Section 2.3.3.9 establishes criteria to evaluate applications for intensification:

- a) Suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
- b) The compatibility of the proposed development on 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 provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation; and,
- e) The availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure.

Residential intensification proposals are to be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

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.

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 owner is requesting that the subject lands be rezoned to “R2-2” in order to permit a duplex dwelling or semi-detached dwelling. The “R2-2” Zone also permits a broader range of residential uses including a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling. The owner has not indicated that they are seeking to limit the permitted uses on the subject lands to just that of a duplex dwelling or semi-detached dwelling. No site-specific relief from any general or parking provisions or from the development standards of the “R2-2” Zone is being requested by the owner.

**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, the City’s Drainage Section, Operations, Roads, Traffic and Transportation, and Water/Wastewater have each advised that they have no concerns from their respective areas of interest.

Building Services has advised that any development that is to take place on the subject lands will require a building permit prior to construction. Building Services also noted in their comments that the lands are within a Source Water Protection Area.

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

**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. The community of Hanmer is an identified settlement area in the City’s Official Plan. The addition of a duplex dwelling or semi-detached dwelling in addition to those other uses permitted in the requested “R2-2” Zone in this urban setting and location should be promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area of the City. The lands are serviced with municipal water and sanitary sewer and access to public transportation (ie. 105 Valley Route) is available to the north at Cote Boulevard. Active transportation is also an option for residents as sidewalks are available along Notre Dame Avenue and the lands are in close proximity to a commercial area to the north. The proposed rezoning will make good intensified use of the subject lands from a good land use planning perspective;

**Date: September 17, 2019**

3. The subject lands are presently zoned to permit a single-detached dwelling, however staff is satisfied that the lands can appropriately be zoned to permit a duplex dwelling or semi-detached dwelling at a higher density than currently permitted and in doing so no risks have been identified with respect to public health and safety. Staff notes that the owner is not seeking any site-specific relief in order to accommodate the built-form they are requesting being that of duplex dwelling or semi-detached dwelling;
4. Staff is of the opinion that the proposed rezoning would positively contribute to and allow for additional housing options in terms of tenure and built-form in this particular area of Hanmer. The rezoning would also positively contribute to permitting and facilitate all forms of housing to meet social, health and well-being requirements for current and future residents in Hanmer.
5. Staff notes that in this particular area there are not many properties zoned for duplex dwellings and semi-detached dwellings, however secondary units within existing single-detached dwellings are permitted. Staff is satisfied that collectively the rezoning and the possibility of secondary dwelling units emerging in this part of Hanmer is a positive contribution toward improving the mix of housing types and built-forms available in this particular neighbourhood; and,
6. As previously noted, the lands are presently serviced with municipal water and sanitary sewer infrastructure and therefore the rezoning would represent the municipality directing new housing options toward location where appropriate municipal infrastructure and public service facilities are available.

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. Those policies relevant to the development proposal to allow for a special needs facility accommodating a maximum of sixteen individuals as a permitted use on the subject lands are discussed in detail below.

With respect to general Living Area 1 policies in the Official Plan, staff has the following comments:

1. The proposed residential land use being that of a duplex dwelling or semi-detached dwelling is permitted within the Living Area 1 designation and would yield a density of approximately 21 residential dwelling units per hectare, which is within the threshold of those low density residential policies in the Official Plan; and,
2. Staff is of the opinion that the proposed residential density is not excessive and that the duplex dwelling or semi-detached dwelling that is being proposed can be reasonably accommodated in this setting along Notre Dame Avenue in Hanmer. Staff also have no concerns with those other uses permitted in the parent "R2-2" Zone being reasonably accommodated on the subject lands should the rezoning be approved.

With respect to the Living Area 1 policies set out under Section 3.2.1(6) of the Official Plan that are to be considered when rezoning lands, staff has the following comments:

1. Staff has reviewed both the submitted sketch and example photograph of the intended built-form and are satisfied that in general "R2-2" land uses can be reasonably situated on the site and the subject lands are of appropriate size and shaped to accommodate the proposed density and built-form;

2. Staff notes the subject lands are located along the east side of Notre Dame Avenue and within an established residential neighbourhood having homes of varying ages in terms of housing stock and consisting of predominantly single-detached dwellings. Staff is of the opinion that to permit a duplex dwelling or semi-detached dwelling in this setting is not an excessive departure from the low density nature of this particular residential neighbourhood. Staff in reviewing the submitted sketch is satisfied that those uses permitted in the “R2-2” Zone that is being requested can be reasonably accommodated in this residential setting with respect to scale, massing, height, siting, setbacks and the location of parking and amenity areas. The City’s Zoning By-law has established development standards within the existing “R2-2” Zone which would ensure that the subject lands are not developed in an excessive manner that is out of character in this area of Hanmer;
3. Staff is satisfied that adequate on-site parking, lighting, landscaping and amenity areas can be provided on the subject lands. The built-form as depicted on the submitted sketch is that of a duplex dwelling or a semi-detached dwelling, which is a permitted low density residential built-form in the Living Area 1 designation. It is noted that the comprehensive site lighting is therefore not a concern in this low density residential setting. The submitted sketch demonstrates that sufficient land is available to provide each dwelling unit with one required parking space either within an attached garage or along the side of each dwelling unit. Sufficient areas for landscaped open space and outdoor amenity areas would also appear to be available both in the front yard and the rear yard; and,
4. Staff is satisfied that minimal traffic impacts would be generated along Notre Dame Avenue should a duplex dwelling or semi-detached dwelling, as well as those other uses permitted in the parent “R2-2” Zone be a permitted use on the lands. The City’s Traffic Section did review the application and expressed no traffic impact concerns with respect to the proposed rezoning.

With respect to intensification policies set out under Section 2.3.3 of the Official Plan, staff is of the opinion that the addition of a duplex dwelling or semi-detached dwelling along with other uses in the “R2-2” Zone can be accomplished in a complementary manner without disrupting the existing character of the residential neighbourhood in this part of Hanmer.

Staff is satisfied that a building constructed in compliance with the “R2-2” development standards in this location will not appear imposing on nearby low density single-detached dwellings and staff notes that a single-detached dwelling will continue to be a permitted use of the lands should the owner’s intentions change. No issues with respect to soil conditions, drainage or topography were identified in the review of the application. It is anticipated that the proposed development can adequately provide for on-site landscaping, fencing, and planting in a complimentary manner to other uses in the immediate area. No issues with respect to adequate ingress and egress from the lands onto Notre Dame Avenue, or other roads and traffic matters, were identified through the circulation of the application. Staff also notes there is access to public transit and active transportation options in this particular part of Hanmer. Staff is therefore satisfied that this represents a balanced approach to intensification in this setting.

Residential intensification proposals are to be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

With respect to housing policies set out under Section 18.0 of the Official Plan, staff notes that the proposed would allow for what amount to two residential dwelling units on the subject lands as opposed to one residential dwelling unit and the request therefore represents an opportunity to improve the availability and provision of adequate and affordable housing in the community of Sudbury. The addition of “R2-2” land uses as permitted uses in general would also positively contribute to the diversity of housing types and forms available in the general neighbourhood along Notre Dame Avenue. Staff would advise the owner that the Official Plan encourages and is supportive of residential dwelling units which have two bedrooms or less which serve as an attractive housing option for those with smaller household

**Date: September 17, 2019**

sizes living in or wanting to live Hanmer. Staff are also of the opinion that the proposed rezoning and uses permitted in the “R2-2” Zone in general contributes to ensuring that a range of suitable housing types are available to meet the needs of senior citizens living in Hanmer.

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 “R1-5”, Low Density Residential One to “R2-2”, Low Density Residential Special Two. Staff has no concerns with the requested zone category. Staff further notes that beyond a duplex dwelling or a semi-detached dwelling the amending zoning by-law will also allow for all other uses permitted in the parent “R2-2” Zone. Staff has reviewed the submitted sketch and analyzed those other uses that could locate on the lands and are satisfied that the “R2-2” request is reasonable and supportable.

Staff does note however that there is a detached garage at present located in the rear of the subject lands. Section 4.2.1 of the Zoning By-law only permits accessory buildings, structures and uses where a principal building, structure or use is already in existence on the lot or a valid building permit has been issued for the principal building or structure. Staff would recommend that no amending zoning by-law be enacted until such time as the detached garage has been removed or otherwise brought into compliance with the City’s Zoning By-law.

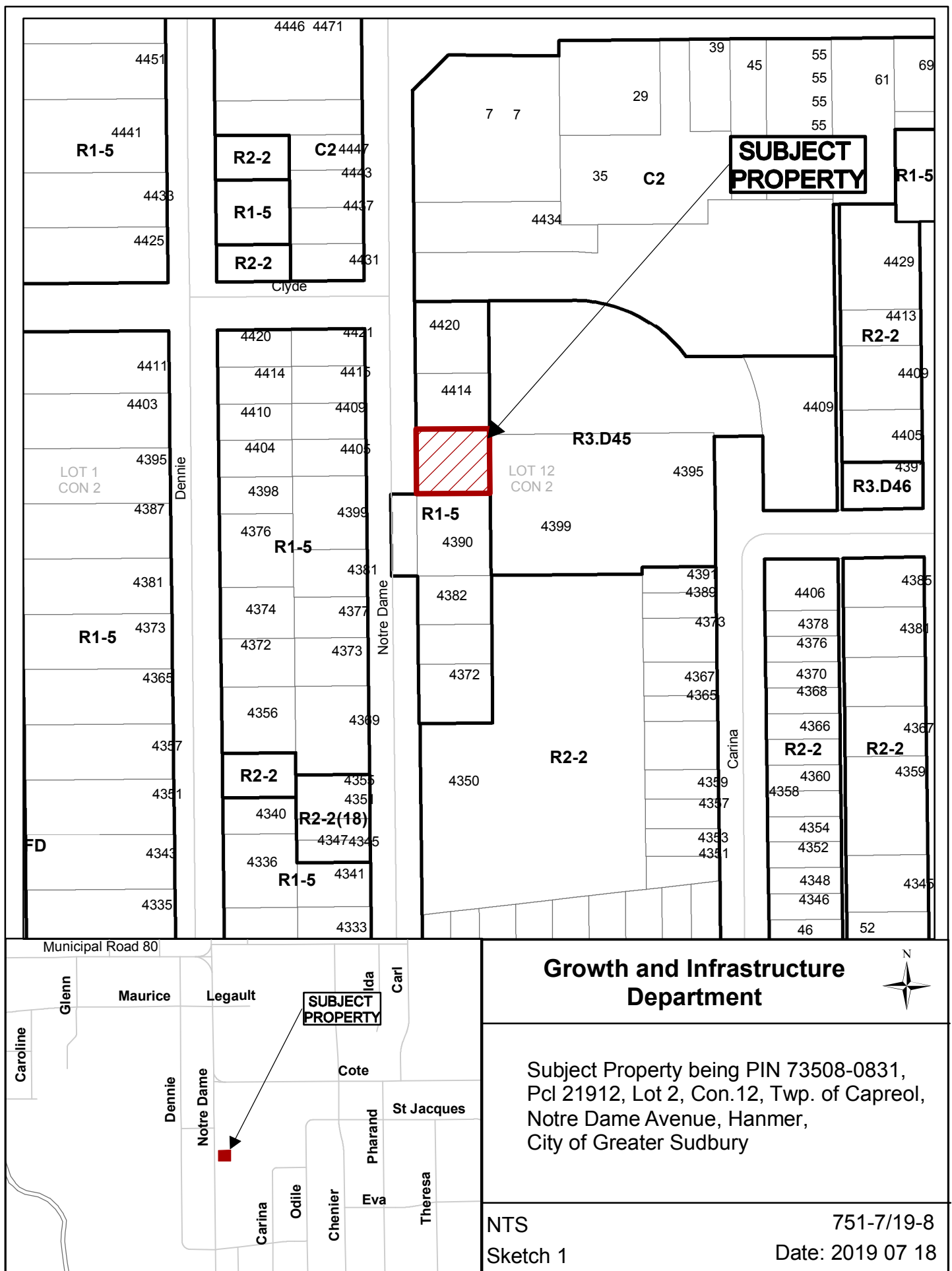
### **CONCLUSION:**

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. Staff is recommending that prior to the passing of an amending zoning by-law that the existing detached garage in the rear yard be removed or otherwise brought into compliance with the City’s Zoning By-law.

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

- To allow for the development of any of those uses permitted in the parent “R2-2” Zone and that no site-specific relief be provided in order to situate any of those “R2-2” uses on the subject lands.

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.



# SKETCH FOR RE-ZONING PURPOSES

ON  
VACANT LOT BEING  
PIN 73508-0831  
NOTRE DAME AVENUE  
DISTRICT OF SUDBURY  
2019

SCALE 1:250

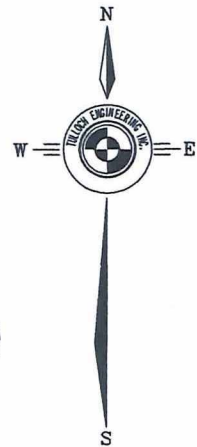


FILE COPY

MUN No. 4414

LOT 12

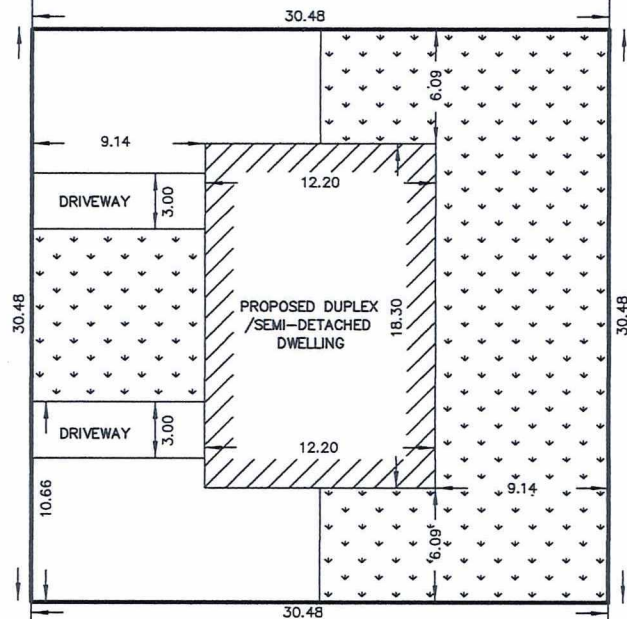
CONCESSION 2



LOT 1 CONCESSION 2 GEOGRAPHICAL TOWNSHIP OF HANMER

LINE BETWEEN TOWNSHIP OF HANMER AND TOWNSHIP OF CAPREOL

NOTRE DAME AVENUE



GEOGRAPHIC TOWNSHIP OF HANMER

MUN No. 4390

NOTE: LOT COVERAGE = 24.0%.

## CAUTION

THE PROPERTY BOUNDARIES ILLUSTRATED ON THIS PLAN HAVE BEEN COMPILED FROM REGISTRY PLANS AND HAVE NOT BEEN CONFIRMED.

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF TULLOCH ENGINEERING.

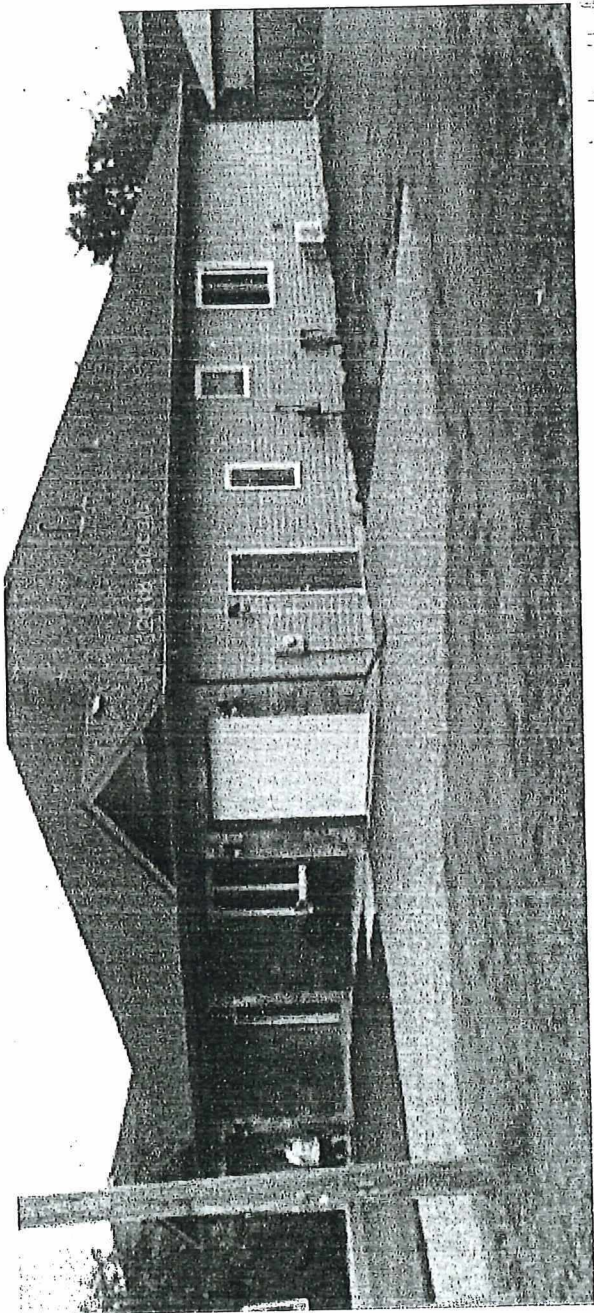
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## METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

	TULLOCH ENGINEERING INC.	
	1942 REGENT ST.	T. 705 671.2295
	UNIT L	F. 705 671.9477
	SUDBURY, ON	800 810.1937
P3E 5V5		
sudbury@tulloch.ca		
DRAWN BY: EM		FILE: 19-1297

FILE COPY



Example of proposed built form



**PHOTO #1 – Subject lands as viewed from Notre Dame Avenue looking east.**



**PHOTO #2 – Existing detached garage located on the southerly portion of the subject lands.**



**PHOTO #3 – Existing medium density residential dwelling located to the east of the subject lands.**



**PHOTO #4 – Existing residential dwelling located to the north of the subject lands.**



**PHOTO #5 – Existing residential dwelling located to the south of the subject lands.**



**PHOTO #6 – Existing residential dwellings to the west of the subject lands.**

## Request for Decision

**Dominion Park Developments - Extension to Draft Plan of Subdivision Approval, part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer**

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Routine Management Reports
File Number:	780-7/92014

### Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands known as part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer, File 780-7/92014, as outlined in the report entitled 'Dominion Park Developments' from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019, as follows:

a) By replacing the reference to the 'Municipality' or 'City of Greater Sudbury' with the 'City' in Condition #2, #3, #4, #7, and #9. b) By replacing the reference to 'one-foot' with '0.3 metre' in Condition #3.

c) By replacing Condition #4 with the following:

"4. That prior to the signing of the final plan, the Director of Planning Services 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."

d) By adding the following to the end of Condition #5:

" , prior to any encumbrances."

e) By replacing Condition #7 with the following:

"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, watermain, storm sewers and surface drainage facilities."

f) By replacing the reference to "Planning Services Division" or "Director of Planning" with "Director of

#### Signed By

##### Report Prepared By

Wendy Kaufman  
Senior Planner  
*Digitally Signed Oct 1, 19*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 7, 19*

##### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

##### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

Planning Services” in Condition #15, #19 and #32.

g) By replacing the reference to “Nickel District Conservation Authority” with “Conservation Sudbury” in Condition #15.

h) By replacing Condition #20 with the following:

“20. That this draft approval shall lapse on December 12, 2022.”

i) By replacing the reference to “Economic Development and Planning Services Department” with “Director of Planning Services” in Condition #21.

j) By replacing the reference to the “General Manager of Public Works” with “General Manager of Growth and Infrastructure” in Condition #21 and #31.

k) By replacing the reference to ‘developer’s’ with ‘owner’s’ in Condition #26.

l) By adding the following to the end of Condition #27:

“A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.”

m) By deleting Condition #31.

n) By adding the following to the end of Condition #34:

“A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.” o) By adding the following as Condition #39: “39. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

## **Relationship to the Strategic Plan / Health Impact Assessment**

The application to extend draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding.

## **Report Summary**

The owner has requested an extension to the draft plan of subdivision approval of File #780-7/92014, the Dominion Park Subdivision, for a period of three years to December 12, 2022. The Planning Services Division is recommending approval of the application.

The Planning Services Division has reviewed the request to extend the draft approval and have no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

## **Financial Implications**

If approved, staff estimates approximately \$340,000 in taxation revenue, based on the assumption of the

total 75 single detached 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 \$1,300,000 based on assumption of 75 single detached dwelling units and based on the rates in effect as of the date of this meeting.

**Date: September 30, 2019**

## **STAFF REPORT**

### **Applicant:**

Dominion Park Developments

### **Location:**

Part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer

### **Application:**

To extend the draft approval of the Dominion Park Subdivision plan. The draft approval has been extended by Council several times, most recently in 2016 until December 12, 2019.

### **Proposal:**

The owner is requesting that the draft approval for the above noted plan of subdivision be extended for a period of three years until December 12, 2022.

### **Background**

Dominion Park Developments is the owner of the draft approved plan of subdivision on lands located in the general area of Jeanne D'Arc Street in Val Therese, referred to as the Dominion Park Subdivision. The City received a request from the owner on July 10, 2019 to extend the draft approval for a period of three years on those lands described as part of PIN 73504-2533, being part of former Parcel 1323 SES in Lot 6, Concession 2, Township of Hanmer.

The Dominion Park subdivision was first granted draft approval on May 3, 1993. Over the years, with several phases of the subdivision having been registered, the subdivision has been revised from the original draft plan. In 2005 draft plan Condition #1 was amended to refer to the revised plan prepared by D.S. Dorland dated October 1, 2004, which is attached to this report as the "Revised Draft Plan". Several other amendments to the conditions were included in the amended draft approval and extensions granted in 2005, 2011, 2013, and 2016.

The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on December 12, 2019. In July 2019, Dominion Park Developments requested a three (3) year draft plan extension to allow additional time to satisfy the conditions of approval. Seventy five lots remain in the draft plan to be registered for single detached dwellings. The lands within the plan of subdivision are designated Living Area 1 and are zoned R1-5, Low Density Residential One.

Staff has circulated the request to relevant agencies and departments for comment and is now bringing forward this report to extend the draft approval to December 12, 2022.

### **Departmental & Agency Circulation**

Infrastructure and Capital Planning Services, Building Services, Development Engineering, Environmental Planning Initiatives, and Conservation Sudbury have each advised that they have no objections from their respective areas of interest. In some cases they have recommended technical updates or revisions.

Date: September 30, 2019

## Planning Considerations

### Official Plan

Section 19.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals 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 to proceed in meeting the conditions of the draft approval. At the time of an extension request Council will review draft plan conditions and may make appropriate modifications. Staff are satisfied that the owner is intending to develop additional phases of the subdivision.

### Draft Approval Conditions

Condition #20 should be deleted entirely and replaced with a sentence referring to December 12, 2022, as the revised date on which the subject draft plan approval shall lapse.

Building Services has requested additional wording be added Condition #27 to enable a soils caution agreement to be registered on title, if required.

Condition #34 should be updated to enable the registration of a lot grading agreement on title, if required.

Development Engineering and Infrastructure and Capital Planning Services has requested that Condition 31 be deleted because certain road connections and traffic signals have now been installed, therefore this condition has now been met.

A new Condition #39 should be added to require a notice of agreement to be registered on title regarding development charges.

Housekeeping changes are recommended to ensure consistency in terminology when referring to the City, the owner, the Director of Planning Services, the General Manager of Growth and Infrastructure, and Conservation Sudbury. Other housekeeping amendments to update the conditions to current day wording and/or standards are recommended.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments. The draft conditions are attached to this report along with sketches of the draft approved plan of subdivision for reference purposes.

### Processing Fees

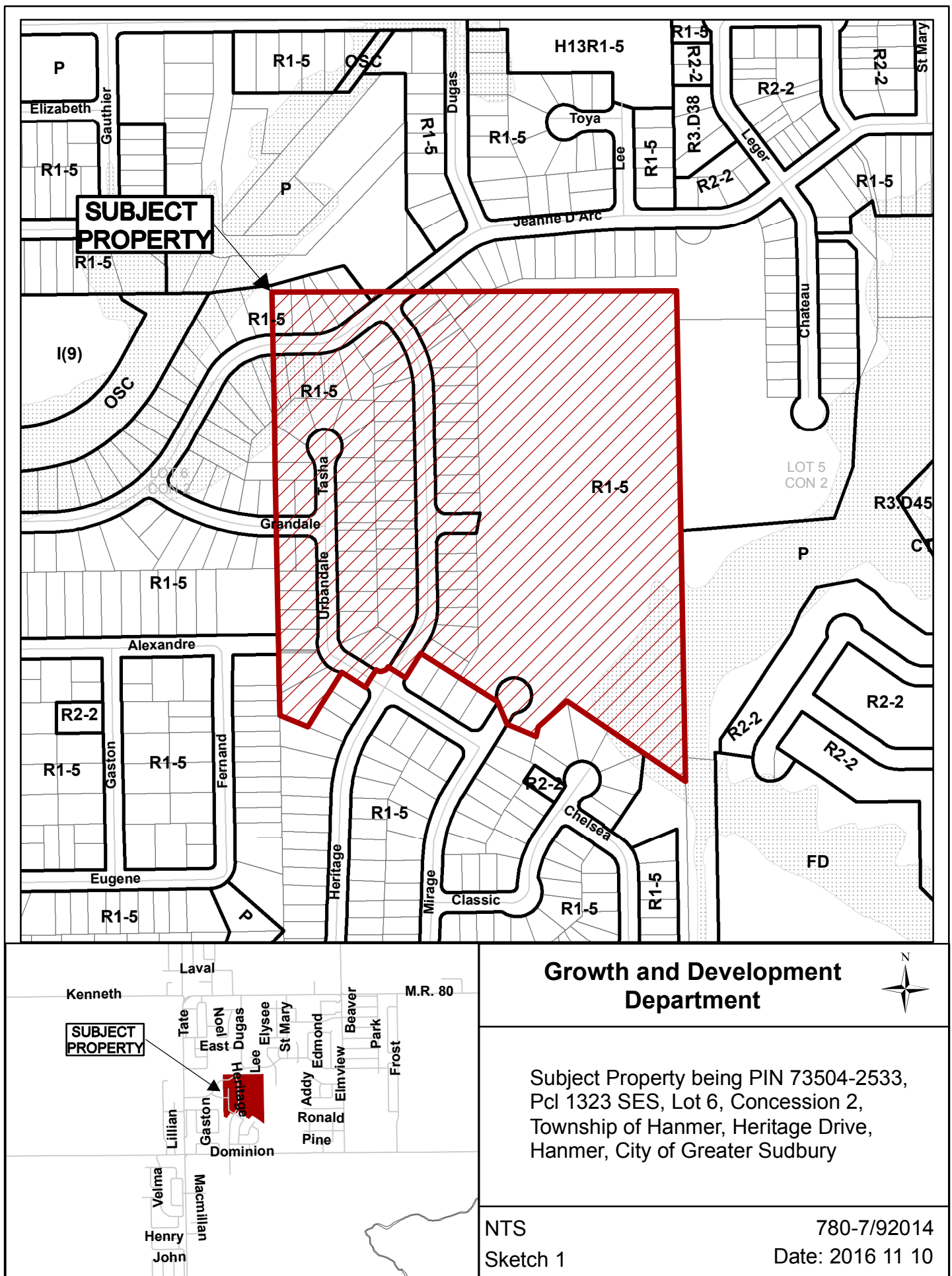
The owner has paid the applicable processing fee for a three year extension in the amount of \$2852.75. This amount was calculated as per [By-law 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

**Date: September 30, 2019**

## **Summary**

The Planning Services Division has reviewed the request to extend the subject draft approval and have no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes where identified have been included in the Resolution portion of this report and will now form part of the draft plan approval if approved by Council.

The Planning Services Division therefore recommends that the application to extend draft approval for the Dominion Park Subdivision for a period of three years until December 12, 2022, be approved as outlined in the Resolution section of this report.



BERGERON SUBDIVISION  
PORTION TO BE  
DEDICATED AS PARKLAND  
LIMITS TO BE FINALIZED  
WITH CITY STAFF

4 38  
WN SHIP  
37

20 31 150 149  
CONCESSION

BLOCK Q  
REG'D PLAN  
M-1115

**Revised Draft Plan**

**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 1323 S.E.S. in Lot 6, Concession II, Township of Harmer, Town of Valley East, as shown on a plan prepared by D.S. Dorland, O.L.S. and dated October 27<sup>th</sup>, 1992, as amended by a revised plan prepared by D.S. Dorland, O.L.S. and dated October 1, 2004.
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 one-foot 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 the lot areas, frontages and depths appearing on the final plan shall not violate the requirements of the Restricted Area By-laws of the Municipality in effect and approved by the Ontario Municipal Board 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.
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, installation of services and drainage.
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 5% of the residential land and 2% of the commercial land included in the subdivision be deeded to the City of Greater Sudbury for parks purposes pursuant to Subsection 51(5)(a) of the Planning Act, R.S.O. 1990.
10. That prior to the signing of the final plan the owner may be required to undertake a traffic impact study to the satisfaction of the Director of Planning Services in order to determine the road improvements made necessary by the proposed subdivision.

...2

11. That the subdivision agreement contain provisions whereby the owner agrees to undertake such road improvements as may be identified by the Traffic Impact Study.
12. Deleted.
13. Deleted.
14. That prior to the signing of the final plan the owner shall reverse all corner lots fronting onto collector roads so that these lots will front the local street.
15. That prior to the signing of the final plan the Planning Services Division is to be advised by the Nickel District Conservation Authority that the flood plain matters relating to the subdivision have been resolved.
16. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83 (CSRS) with grid coordinates expressed in Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
17. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury (Nickel District Conservation Authority).
18. That the subdivider satisfy Canada Post with respect to their requirement prior to the signing of the final plan.
19. That prior to the signing of the final plan the Planning Services Division is to be advised by the Solicitor that Conditions #2, #5, #6, #7, #8, #9, #11, #13 and #18 have been complied with to his satisfaction.
20. That this draft approval shall lapse on December 12, 2019.
21. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Economic Development and Planning Services Department is to be advised by the General Manager of Public Works that sufficient sewage treatment capacity and water capacity exists to service the development.
22. The owner shall be required to amend the subject draft plan to dedicate to the City an eight (8) metre wide municipal servicing block between Urbandale Street and Heritage Drive in lieu of lots 19 and 32.

23. That in the subdivision agreement the owner acknowledges the completion of the Paquette Whitson Municipal Drain engineer's report dated February 8, 2012 by K. Smart Associates Ltd. Said report provides for the construction of outlet drainage channel improvements and stormwater pond quantity and quality control facilities to service the subject subdivision lands within the Dominion Park Subdivision.
24. That in the subdivision agreement the owner agrees to pay the assessments set out in the engineer's report for the subject subdivision for stormwater conveyance channel improvements, stormwater quantity control and stormwater quality control, at the time of registration of each subdivision phase, in the amount of \$2,500 per lot until December 31, 2014 and thereafter with interest accruing at the rate of 4.5 percent per annum.
25. The major storm over flow system shall be designed and directed down City roads and City drainage blocks to outlet to the Paquette Whitson Municipal Drain.
26. The owner shall be required to provide a master engineering servicing plan for the provision of water, sanitary sewer and storm drainage utilities for the subject draft plan lands and the developers additional lands east and north of the subject draft plan. The development of the lands to the east and north depend on service outlets through the subject draft plan lands.
27. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, 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 any proposed 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. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
28. Deleted.

29. Deleted.
30. Deleted.
31. That the subdivision agreement contain provisions whereby the owner agrees to the following to the satisfaction of the General Manger of Public Works:
  - (i) That Phases 8 and 9 as shown on the Dominion Parc Phasing Plan dated January 24, 2005, as prepared by D.S. Dorland, O.L.S., will be the next phase following Phases 6 and 7 to incorporate the connection of Heritage Drive to Jeanne D'Arc Street.
  - (ii) To enter into an agreement with the City for the future construction of Jeanne D'Arc Street easterly from Heritage Drive to the existing cul de sac west of Chateau Crescent.
  - (iii) To install traffic signals at the intersection of Jeanne D'Arc Street and Municipal Road 80 when traffic volumes warrant or when the full Jeanne D'Arc connection is built, whichever comes first.
32. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, 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.
33. 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 Infrastructure Services.
34. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional 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 and show the stormwater overland flow path.

35. Any streetlights required for this subdivision will be designed and constructed by Greater Sudbury Hydro Inc. at the cost of the owner.
36. All streets will be constructed to an urban standard, including the required curbs and gutters, and sidewalks.
37. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
38. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Inc., Canada Post, Bell, Union Gas, 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.

## Request for Decision

### Dalron Construction Ltd. – Extension to draft plan of subdivision approval, Main Street, Val Caron

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Routine Management Reports
File Number:	780-7/07003

### Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands known as Part of PIN 73502-0800, Part 1, Plan 53R-18607, Lot 6, Concession 5, Township of Blezard, File 780-7/07003, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019 upon the payment of the processing fee of \$1958.50 as follows:

a) By replacing the reference to the 'General Manager of Infrastructure' or the 'General Manager of Infrastructure Services' with the 'General Manager of Growth and Infrastructure' in Condition #3, #11, #16, #31, #33, and #35.

b) By replacing the reference to the 'Municipality' or 'City of Greater Sudbury' with the 'City' in Condition #4, #5, #6, #7, and #9.

c) By replacing Condition #12 with the following:

"12. That this draft approval shall lapse on December 5, 2022."

d) By replacing Condition #14 with the following:

"14. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, 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 recommended construction procedures for storm and sanitary sewers, watermains, roads to a 20 year design life, the mass filling of lands, surface drainage works, erosion control, slope stability, slope treatment, building foundations, and ensure sump pits are not located in the ground water table and building foundations. The geotechnical

#### Signed By

##### Report Prepared By

Wendy Kaufman  
Senior Planner  
*Digitally Signed Oct 1, 19*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 3, 19*

##### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

##### Recommended by the C.A.O.

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.”

e) By adding the following to Condition #15: “A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor.”

f) By replacing the reference to “Nickel District Conservation Authority” with “Conservation Sudbury” and removing the reference to ‘the Department of Fisheries and Oceans’ in Condition #21.

g) By replacing the reference to ‘developers/owners’ with ‘owner’ in Condition #29(ii).

h) By adding a new Condition #36: “36. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.”

## **Relationship to the Strategic Plan / Health Impact Assessment**

The application to extend draft plan of subdivision approval is an operational matter under the Planning Act to which the City is responding.

## **Report Summary**

The owner has requested an extension to the draft plan of subdivision approval of File # 780-7/07003, Main Street in Val Caron for a period of three years to December 5, 2022. The Planning Services Division is recommending approval of the application.

The Planning Services Division has reviewed the request to extend the draft approval and have no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

## **Financial Implications**

If approved, staff estimates approximately \$230,000 in taxation revenue, based on the assumption of the total 70 semi-detached 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 \$1,000,000 based on assumption of 70 semi-detached dwelling units and based on the rates in effect as of the date of this meeting.

**Title: Dalron Construction Ltd.**

**Date: September 30, 2019**

## **STAFF REPORT**

### **Applicant:**

Dalron Construction Ltd.

### **Location:**

Part of PIN 73502-0800, Part 1, Plan 53R-18067, Lot 6, Concession 5, Township of Blezard

### **Application:**

To extend the draft approval of the 2007 Golfview subdivision plan. The draft approval has previously been extended by Council several times and is scheduled to lapse on December 5, 2019.

### **Proposal:**

The owner is requesting that the draft approval for the above noted plan of subdivision be extended for a period of three years until December 5, 2022.

### **Background**

Dalron Construction is the owner of the draft approved plan of subdivision on lands located south of Main and east of Pilon Street in Val Caron, referred to as the Golfview Subdivision. The City received a request from Dalron Construction on July 25, 2019 to extend the draft approval for a period of three years on those lands described as Part of PIN 73502-0800, Part 1, Plan 53R-18607, Lot 6, Concession 5, Township of Blezard.

This subdivision was first granted approval on December 5, 2007, for 39 lots for single detached dwellings. The plan was amended in June 2011, in conjunction with a rezoning application, to permit the development of 70 semi-detached dwellings on 35 lots. Several amendments to the conditions were included in the amended draft approval and extension granted in 2011. Three year extensions to the draft plan approval were requested and granted in 2013 and 2016. The current approval is scheduled to lapse on December 5, 2019.

The lands within the plan of subdivision are designated Living Area 1 and are zoned R2-2. The extension of the draft plan of subdivision does not modify the existing zoning of the site.

The most recent conditions of approval and the approved draft plan are attached.

Staff has circulated the request to relevant agencies and departments for comment and is now bringing forward this report to extend the draft approval to December 5, 2022.

**Title: Dalron Construction Ltd.**

**Date: September 30, 2019**

## **Departmental & Agency Circulation**

Infrastructure and Capital Planning Services, Building Services, Development Engineering, Environmental Planning Initiatives, and Conservation Sudbury have each advised that they have no objections from their respective areas of interest. In some cases they have recommended technical updates or revisions.

## **Planning Considerations:**

### Official Plan

Section 19.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals 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 to proceed in meeting the conditions of the draft approval. At the time of an extension request Council will review draft plan conditions and may make appropriate modifications.

The owner has been working with City staff on the detailed design for the subdivision. Staff are satisfied that the owner is making reasonable efforts towards development of the subdivision.

### Draft Approval Conditions

Condition #12 should be deleted entirely and replaced with a sentence referring to December 5, 2022, as the revised date on which the subject draft plan approval shall lapse.

Building Services has requested additions to Condition #14 to ensure that sump pits are not located in the groundwater table and building foundation, and to enable the registration of a soils caution agreement on title if required.

Condition #15 should be updated to enable the registration of a lot grading agreement on title if required.

Condition #21 should be updated to remove the reference to the Department of Fisheries and Oceans, given they no longer have a role in reviewing siltation control plans.

A new Condition #36 should be added to require a notice of agreement to be registered on title regarding development charges.

Housekeeping changes are recommended to ensure consistency in terminology when referring to the City, the owner, the General Manager of Growth and Infrastructure, and Conservation Sudbury.

No other changes to the draft approval documents have been requested either by the owner or by circulated agencies and departments. The draft conditions are attached to this report along with sketches of the draft approved plan of subdivision for reference purposes.

### Processing Fees

The owner is required to pay the applicable processing fee for a three year extension in the amount of \$1958.50. It is recommended that the draft approval extension be granted upon receipt of the processing fee from the owner. This amount was calculated as per [By-law 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

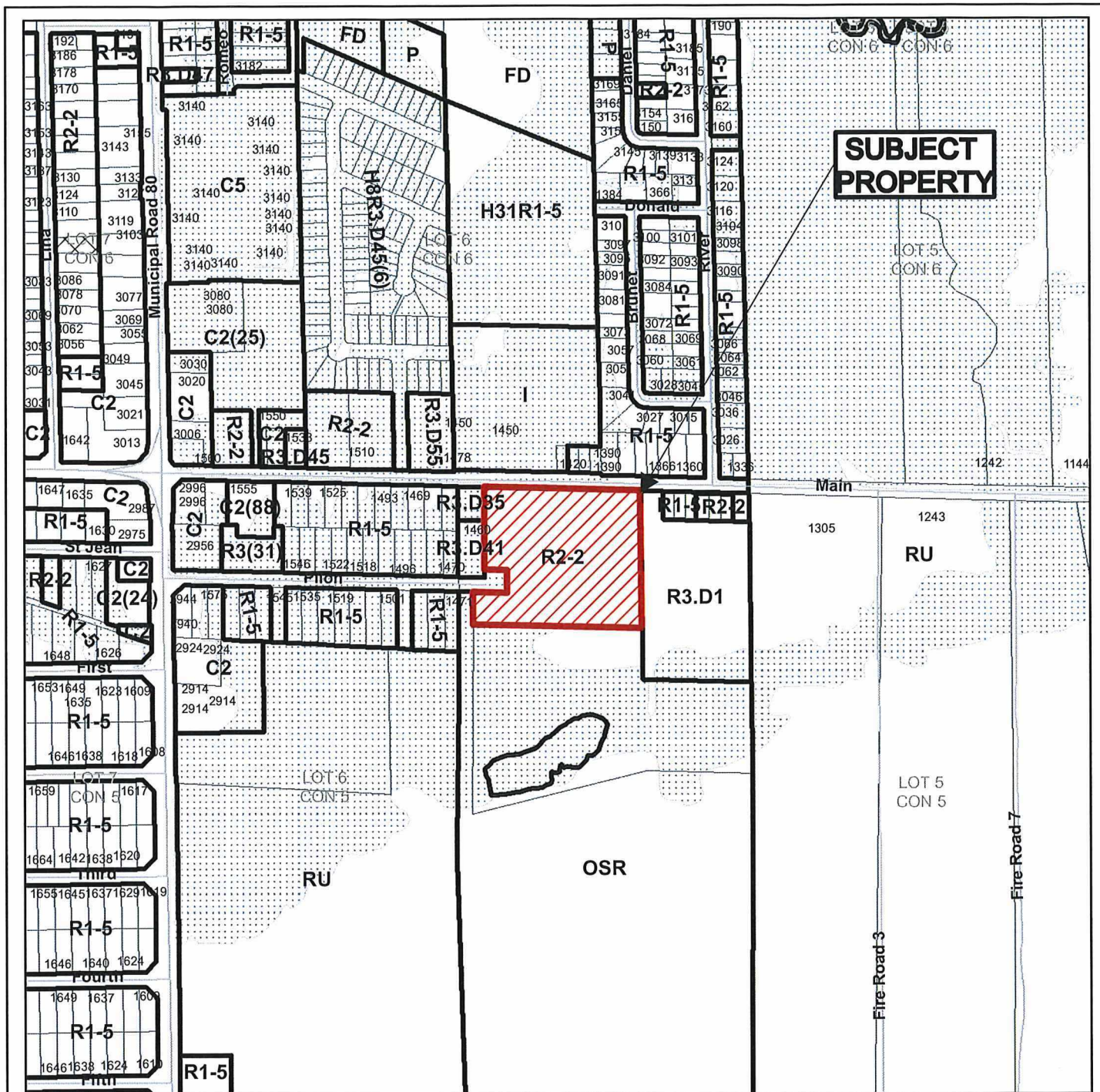
**Title: Dalron Construction Ltd.**

**Date: September 30, 2019**

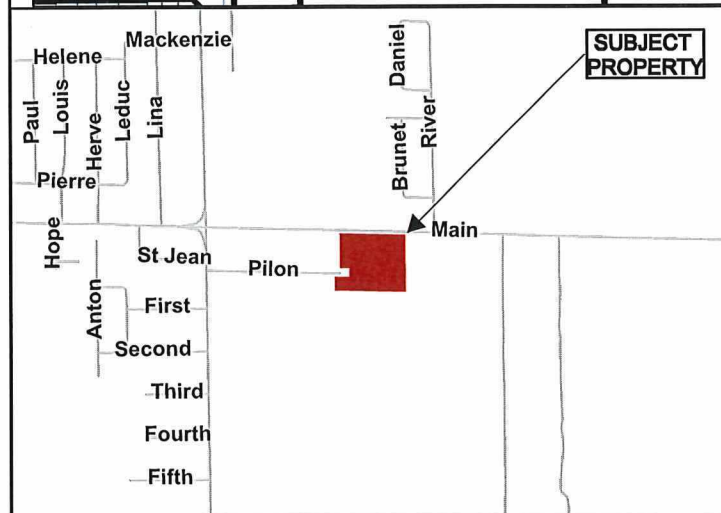
## **Summary**

The Planning Services Division has reviewed the request to extend the subject draft approval and have no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes where identified have been included in the Resolution portion of this report and will now form part of the draft plan approval if approved by Council.

The Planning Services Division therefore recommends that the application to extend draft approval for the Golfview Subdivision for a period of three years until December 5, 2022, be approved as outlined in the Resolution section of this report.



**SUBJECT  
PROPERTY**



**SUBJECT  
PROPERTY**

## Growth and Development Department



Subject Property being part of PIN 73502-0800,  
Part 1, Plan 53R-18607, Lot 6, Con. 5, Twp. of  
Bleazard, Main Street, Val Caron, City of Greater  
Sudbury

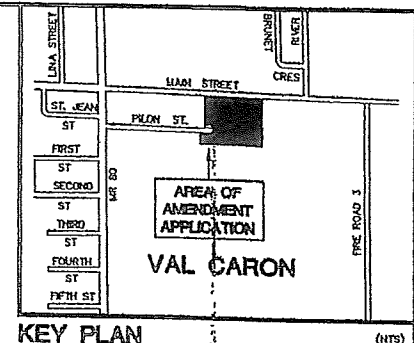
Sketch 1  
NTS

751-7/08-05 & 780-7/07003

Date: 2013-10-23

# GOLFVIEW SUBDIVISION

SCALE 1:500  
0 20 40 60



## AMENDMENT TO DRAFT PLAN OF SUBDIVISION (GOLFVIEW)

PIN 73502-0800 (LT)  
BEING PART OF  
PART OF LOT 6, CONCESSION 5  
GEOGRAPHIC TOWNSHIP OF BLEZARD  
BEING PART OF THE  
CITY OF GREATER SUDBURY  
DISTRICT OF SUDBURY

### ADDITIONAL INFORMATION

- 1) AS SHOWN
  - 2) AS SHOWN
  - 3) AS SHOWN
  - 4) ALL LOTS - RE DOUBLE FAMILY RESIDENTIAL
  - 5) NORTH - RESIDENTIAL, ROAD ALLOWANCE, ROAD, WEST - EXISTING LOW DENSITY RESIDENTIAL LANDS
  - 6) SOUTH - VACANT (FUTURE USE BY WATER MANAGEMENT AREA)
  - 7) EAST - LOT DENSITY RESIDENTIAL, UNDEVELOPED RE RESIDENTIAL LAND
  - 8) AS SHOWN
  - 9) AS SHOWN
  - 10) EXISTING RESIDENTIAL SUPPLY
  - 11) CITY CLAY, OPEN FIELD
  - 12) AS SHOWN
  - 13) STORM & SANITARY SEWER, MANHOLE, WATER, POLICE, FIRE, ALLOWANCE, ETC.
  - 14) AS SHOWN
- AREA OF APPLICATION = 4.06± HECTARES

### OWNER

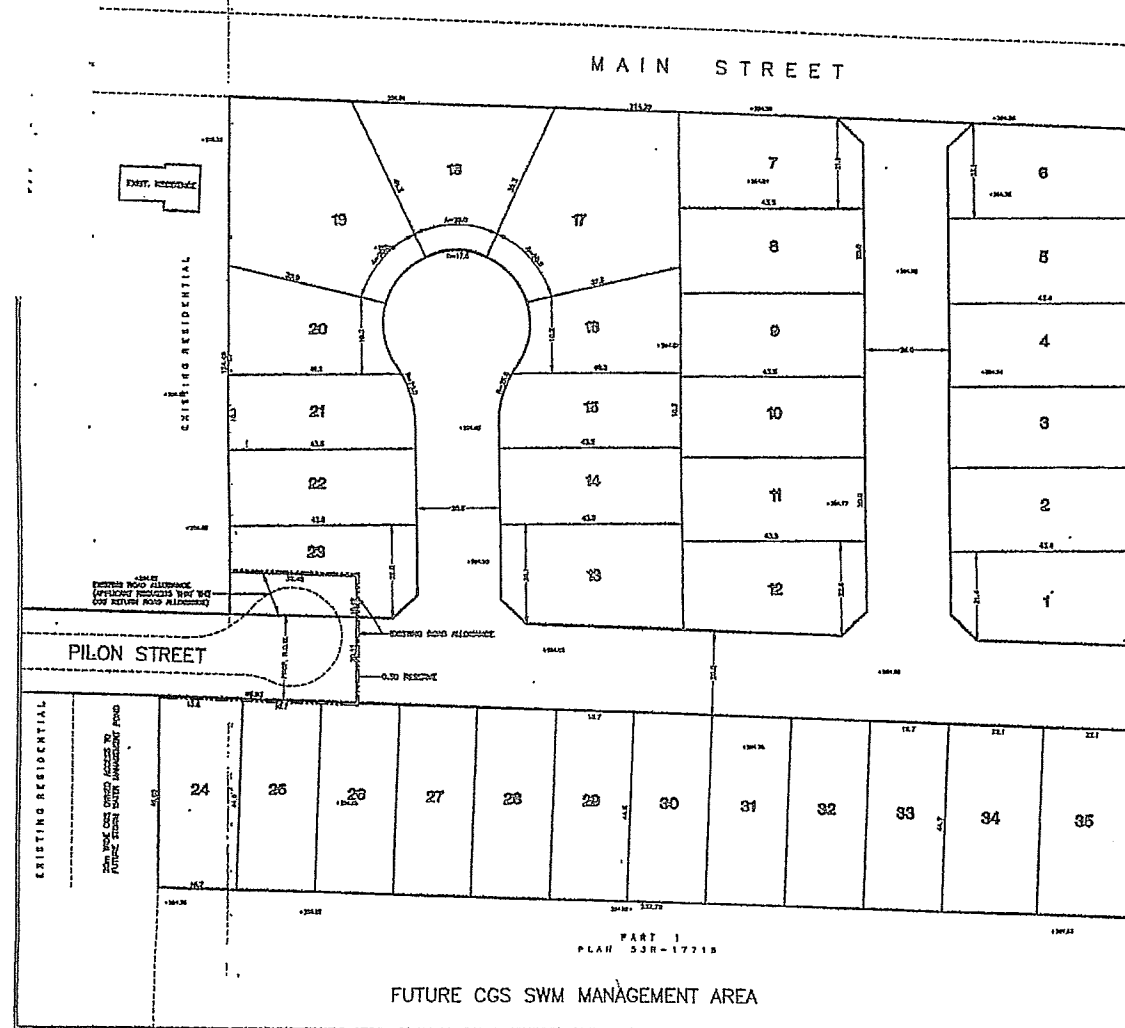
DALRON CONSTRUCTION LIMITED  
120 KILM STREET  
SUDBURY, ONTARIO  
P3B 1Y8

### OWNER'S CERTIFICATE

I HEREBY CERTIFY TO THE MATTER IN WHICH THE LAND SHOWN ON THIS PLAN IS PROPOSED TO BE SUBDIVIDED AND REQUEST THE APPROVAL OF THE CITY OF GREATER SUDBURY.

*E. J. Richards*  
DATE

*R. J. Richards*  
FOR APPROVAL - PRESIDENT  
DALRON CONSTRUCTION LTD.



PREPARED BY  
**J.L. Richards**  
J.L. Richards & Associates Limited  
217-400 Bouchard Street  
Sudbury, ON Canada  
P3B 2K5  
Tel: 705 522 8174  
Fax: 705 522 1512

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Fax: 705 522 1512

**CITY OF GREATER SUDBURY COUNCIL'S CONDITIONS APPLYING TO THE  
APPROVAL OF THE FINAL PLAN FOR REGISTRATION OF THE SUBJECT  
SUBDIVISION ARE AS FOLLOWS:**

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1. That this draft approval applies to the draft plan of subdivision of PIN 73502-0800, Lot 6, Concession 5, Township of Blezard, south of Main Street and East of Pilon Street, Val Caron, as shown on a plan of subdivision prepared by J. L. Richards, and dated February 4, 2011.
2. Deleted.
3. That the plan of subdivision be revised to include a southerly extension of Pilon Street to the southerly limits of the plan in the vicinity of Lot 33 and that the adjacent lotting pattern be revised to the satisfaction of the Director of Planning Services. The requirement for the future connection to the south will depend on finalizing plans related to a proposed pond immediately south of the subdivision. Prior to the registration of the plan should it be determined by the City that a road connection to the south is not required, the affected lands may be developed as part of the residential lotting pattern to the satisfaction of the General Manager of Infrastructure and the Director of Planning Services.
4. That the street(s) shall be named to the satisfaction of the Municipality.
5. 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.
6. 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.
7. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
8. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
9. 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, installation of services and drainage.

...2

10. 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.
11. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning is to be advised by the General Manager of Infrastructure Services, that sufficient sewage treatment capacity and water capacity exists to service the development.
12. That this draft approval shall lapse on December 5, 2019.
13. The City and the owner acknowledge that the required 5 % parkland dedication shall be fulfilled as part of an agreement between the City and the owner to transfer lands abutting the plan to the south, for the purposes of a storm drainage pond and parkland. The transfer of the lands to the City for the storm drainage pond and parkland shall be completed prior to the final approval of the plan.
14. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, 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 recommended construction procedures for storm and sanitary sewers, watermains, roads to a 20 year design life, the mass filling of lands, 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.
15. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional 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.
16. The owner will be required to make a cash contribution to the area-wide stormwater management pond to be built at the south limit of the subdivision. The amount of this contribution will be to the satisfaction of the General Manager of Infrastructure Services.

17. The owner will be required to erect a chain link or opaque fence along the south lot line of Lots 24 to 35, bounding the location of the stormwater management pond. This must be completed prior to registration of the subdivision to the satisfaction of the Director of Planning Services.
18. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
19. The owner agrees to provide the required soils report, 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.
20. The sanitary sewer services for Lots 23 to 26 may be connected to the existing 150mm main on Pilon Street, the remainder must outlet to the existing system at Main Street. Otherwise, the existing 150mm diameter main on Pilon Street must be upgraded to the City's minimum standard of 200mm diameter.
21. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services, Nickel District Conservation Authority and the Department of Fisheries and Oceans.
22. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc., at the cost of the owner.
23. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
24. 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 plans if noted as required, at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
25. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, 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.

26. The owner will be required to provide permanent silt and erosion control drainage works to the subdivision's storm water outlet to the satisfaction of the Director of Planning Services.
27. Deleted.
28. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83 (CSRS) with grid coordinates expressed in Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
29. That the owner agrees to include on all offers of purchase and sale:
  - a) a statement that advises the prospective purchaser:
    - i) That the home/business mail delivery will be from a designated Centralized Mail Box.
    - ii) That the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.
  - b) The owner further agrees to:
    - i) Work with Canada Post to determine and provide suitable Centralized Mail Box location, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
    - ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes.
    - iii) Identify the pads above on the engineering drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
    - iv) Determine the location of the all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.

30. That the owner provide a contribution towards a future sidewalk along Main Street across the entire frontage of the property.
31. That traffic calming measures be included on Pilon Street to discourage "cut through" traffic to the satisfaction of the General Manager of Infrastructure Services.
32. That prior to the signing of the final plan, the Planning Services Division is to be advised by the City of Solicitor that conditions 4, 5, 7, 8, 9, 10, 13, and 29 have been complied with to his satisfaction.
33. That prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Infrastructure Services that conditions 3, 11, 16, 30 and 31 have been complied with to his satisfaction.
34. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, 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."
35. 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 Infrastructure Services.

Presented To:	Planning Committee
Presented:	Monday, Oct 28, 2019
Report Date	Tuesday, Oct 01, 2019
Type:	Managers' Reports

## Request for Decision

### Deeming By-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol

#### Resolution

THAT the City of Greater Sudbury approves designating Lots 190 and 191, Plan M-70A in Lot 11, Concession 1, Norman Township, as being deemed not to be part of a registered plan for the purposes of Section 50(3) of the Planning Act as outlined in the report entitled "Deeming By-law for Lots 190 and 191, Plan M-70A, 9 Randolph Street, Capreol", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 28, 2019;

AND THAT staff be directed to prepare a by-law to enact deeming Lots 190 and 191, Plan M-70A not to be part of a plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

#### Relationship to the Strategic Plan / Health Impact Assessment

The designation of part of a Registered Plan to be deemed not to be a registered plan for the purposes of Section 50(3) of the Planning Act is an operational matter under the Planning Act.

#### Report Summary

Staff is recommending that Lots 190 and 191, Plan M-70A be deemed to not be part of a registered plan of subdivision as a means of consolidating the lots with each other, preventing the transfer of either lot without the other. The deeming by-law will facilitate the replacement of a dwelling demolished due to structural collapse caused by snow load.

#### Financial Implications

This report has no financial implications as the purpose is to consolidate two lots.

#### Signed By

##### **Report Prepared By**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 1, 19*

##### **Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Oct 7, 19*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Oct 13, 19*

##### **Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Oct 15, 19*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Oct 16, 19*

**Title: Deeming Lots 190 & 191, Plan M-70A, 9 Randolph Street, Capreol**

**Date: September 30, 2019**

## **STAFF REPORT**

### **Location:**

Lots 190 and 191, Plan M-70A, Lot 11, Concession 1, Norman Township, 9 Randolph Street, Capreol

### **Background:**

Section 50(4) of the Planning Act provides that the Council of a local municipality may by by-law designate any plan of subdivision that has been registered for 8 years or more not to be a registered plan of the purposes of Section 50(3) of the Planning Act. Plan M-70A was registered on March 19, 1918. Subsection 50(3) of the Planning Act contains the subdivision control provisions preventing the transfer of land unless the land is within a plan of subdivision along with other restrictions and requirements.

The subject lands are designated Living Area I in the Official Plan and are zoned "R1-5", Low Density Residential One Zone. On September 18, 2019, the owner requested that the City enact a deeming by-law for the subject lots. The proposal will facilitate the replacement of a dwelling demolished due to structural collapse caused by snow load. The original dwelling, constructed in 1957 straddled the two 12.19 m (40' wide) lots and the owner is requesting that the new dwelling be built in a similar manner.

As staff has noted in other deeming reports to Planning Committee, the Registry Office, is no longer agreeable to the registering of lot consolidation agreements on title and as such it has been necessary to deem lots under Section 50 of the Planning Act in order to ensure that they cannot be transferred separately.

In order to consolidate Lots 190 and 191, to ensure that they cannot be transferred independently of each other, it is recommended that a by-law be enacted by Council deeming both lots not to be lots in a registered plan for the purposes of Section 50(3) of the Planning Act. The deeming by-law would be forwarded to the Registry Office and would appear on title to the property and would prevent the transfer of either lot without the other lot. Lots 190 and 191 could only be transferred together as long as the deeming by-law remains in place.

