



# PLANNING COMMITTEE AGENDA

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Planning Committee Meeting  
**Monday, January 25, 2021**  
Tom Davies Square - Council Chamber / Electronic Participation

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**COUNCILLOR ROBERT KIRWAN, CHAIR**

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**Geoff McCausland, Vice-Chair**

12:15 p.m. CLOSED SESSION, COMMITTEE ROOM C-12 / ELECTRONIC PARTICIPATION

1:00 p.m. OPEN SESSION, COUNCIL CHAMBER / ELECTRONIC PARTICIPATION

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

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## **ROLL CALL**

Resolution to meet in Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matters:

- Right of Entry and Option Agreement - Fairbank Lake Road, Denison

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

**(RESOLUTION PREPARED)**

## **RECESS**

## **ROLL CALL**

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

## **PUBLIC HEARINGS**

1. Report dated December 24, 2020 from the General Manager of Growth and Infrastructure regarding 12 Collins Drive, Copper Cliff. **9 - 27**  
**(RESOLUTION PREPARED)**
  - Mauro Manzon, Senior Planner

(This report provides a recommendation regarding an application for rezoning in order to permit the conversion of a former place of worship into a single detached dwelling, 12 Collins Drive, Copper Cliff - Thomas Groves.)
2. Report dated December 24, 2020 from the General Manager of Growth and Infrastructure regarding 953 Howey Drive, Sudbury. **28 - 75**  
**(RESOLUTION PREPARED)**
  - Mauro Manzon, Senior Planner

(This report provides a recommendation regarding a rezoning application in order to permit a multiple dwelling with four (4) units, 935 Howey Drive, Sudbury - L.S. Bock Developments Inc.)
3. Report dated December 23, 2020 from the General Manager of Growth and Infrastructure regarding Commercial Vehicle Parking Standards. **76 - 79**  
**(RESOLUTION PREPARED)**
  - Melissa Riou, Senior Planner

(This report provides a recommendation regarding a draft amendment to the Zoning By-law with respect to commercial vehicle parking standards for parking of commercial vehicles, in the form of tow trucks.)

## **MATTERS ARISING FROM THE CLOSED SESSION**

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

## **CONSENT AGENDA**

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

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

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

## **ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA**

(RESOLUTION PREPARED FOR ITEMS C-1 AND C-2)

### **ROUTINE MANAGEMENT REPORTS**

- C-1. Report dated October 30, 2020 from the General Manager of Growth and Infrastructure regarding Coniston Seniors Non-Profit Housing Corporation - Application for Modification to a Cost Sharing Agreement. **80 - 89**  
**(RESOLUTION PREPARED)**  
(This report provides a recommendation regarding the application for modification to the Cost Sharing Agreement, with the Coniston Seniors Non-Profit Housing Corporation.)
- C-2. Report dated January 13, 2021 from the General Manager of Growth and Infrastructure regarding 339 Harrison Drive, Sudbury. **90 - 124**  
**(RESOLUTION PREPARED)**  
(This report provides a recommendation regarding an amendment to Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18, 339 Harrison Drive, Sudbury - K.S. Flinn Investments Inc.)

### **MEMBERS' MOTIONS**

### **CORRESPONDENCE FOR INFORMATION ONLY**

- I-1. Report dated December 17, 2020 from the General Manager of Growth and Infrastructure regarding Public Art Call - Tom Davies Square Courtyard. **125 - 128**  
**(FOR INFORMATION ONLY)**  
(This report provides information regarding the procurement of Public Art for the Tom Davies Square Courtyard.)

### **ADDENDUM**

## **CIVIC PETITIONS**

## **QUESTION PERIOD**

## **ADJOURNMENT**



# COMITÉ DE PLANIFICATION ORDRE DU JOUR

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Réunion du Comité de planification

**25 janvier 2021**

Place Tom Davies - Salle du Conseil / participation électronique

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**COUNCILLOR ROBERT KIRWAN, PRÉSIDENT(E)**

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**Geoff McCausland, Vice-président(e)**

12 H 15 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-12 / PARTICIPATION ÉLECTRONIQUE

13 H 00 SÉANCE PUBLIQUE, SALLE DU CONSEIL / PARTICIPATION ÉLECTRONIQUE

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).

## **APPEL NOMINAL**

Résolution pour tenir une réunion à huis clos afin de traiter d'une acquisition ou d'une disposition projetée ou en cours d'un bien-fonds:

- Droit d'entrée et convention d'option

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

**(RÉSOLUTION PRÉPARÉE)**

## **SUSPENSION DE LA SÉANCE**

## **APPEL NOMINAL**

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

## **AUDIENCES PUBLIQUES**

1. Rapport directeur général, Croissance et Infrastructure , daté du 24 décembre 2020 **9 - 27**  
portant sur 12, promenade Collins, Copper Cliff.  
**(RÉSOLUTION PRÉPARÉE)**
  - Mauro Manzon, Planificateur Principal(Ce rapport fait une recommandation concernant une demande de rezonage afin de permettre l'aménagement d'un ancien lieu de culte en maison unifamiliale, 12, promenade Collins, à Copper Cliff - Thomas Groves.)
2. Rapport directeur général, Croissance et Infrastructure , daté du 24 décembre 2020 **28 - 75**  
portant sur 953, promenade Howey, Sudbury.  
**(RÉSOLUTION PRÉPARÉE)**
  - Mauro Manzon, Planificateur Principal(Ce rapport fait une recommandation concernant une demande de rezonage afin de permettre un immeuble résidentiel comptant quatre (4) appartements, 935, promenade Howey, à Sudbury - L.S. Bock Developments Inc.)
3. Rapport directeur général, Croissance et Infrastructure , daté du 23 décembre 2020 **76 - 79**  
portant sur Normes de stationnement des véhicules commerciaux.  
**(RÉSOLUTION PRÉPARÉE)**
  - Melissa Riou, Planificateur Principal(Ce rapport fait une recommandation concernant un projet de modification du règlement municipal de zonage quant aux normes de stationnement des véhicules commerciaux, sous forme de dépanneuses.)

## **QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS**

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

## **Ordre du jour des résolutions**

(Par souci de commodité et pour accélérer le déroulement des réunions, les questions d'affaires répétitives ou routinières sont incluses à l'ordre du jour des résolutions, et on vote collectivement pour toutes les questions de ce genre.)

À la demande d'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 et 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 LES ARTICLES DE L'ORDRE DU JOUR DES RÉSOLUTIONS C-1 ET C-2)

### **RAPPORTS DE GESTION COURANTS**

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 30 octobre 2020 **80 - 89**  
portant sur Coniston Seniors Non-Profit Housing Corporation – Demande de  
modification d'une entente de partage des coûts.  
**(RÉSOLUTION PRÉPARÉE)**  
(Dans ce rapport, on formule une recommandation concernant une demande de  
modification de l'entente de partage des coûts concernant la Coniston Seniors  
Non-Profit Housing Corporation.)
- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 13 janvier 2021 **90 - 124**  
portant sur 339, promenade Harrison, Sudbury.  
**(RÉSOLUTION PRÉPARÉE)**  
(Ce rapport fait une recommandation concernant une modification du règlement  
municipal PL2019-115 concernant le dossier de rezonage 751-6/18-18, 339,  
promenade Harrison, à Sudbury - K.S. Flinn Investments Inc.)

### **MOTIONS DES MEMBRES**

### **CORRESPONDANCE À TITRE D'INFORMATION**

- I-1. Rapport directeur général, Croissance et Infrastructure, daté du 17 décembre 2020 **125 - 128**  
portant sur Appel d'œuvres d'art public – Cour de la Place Tom Davies.  
**(A TITRE D'INFORMATION)**  
(Dans ce rapport, on fournit des renseignements sur l'obtention d'œuvres d'art public  
pour la cour de la Place Tom Davies.)

## **ADDENDA**

## **PÉTITIONS CIVIQUES**

## **PÉRIODE DE QUESTIONS**

## **LEVÉE DE LA SÉANCE**

## Request for Decision

### 12 Collins Drive, Copper Cliff

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Thursday, Dec 24, 2020
Type:	Public Hearings
File Number:	751-6/20-21

### Resolution

THAT the City of Greater Sudbury approves the application by Thomas Groves to amend Zoning By-law 2010-100Z by changing the zoning classification from "I" Institutional, to "R1-5 Special", Low Density Residential One Special on lands described as PIN 73599-0239, Parcel 40878 S.E.S., Lot 12, Plan M-1025 in Lot 12, Concession 2, Township of McKim, as outlined in the report entitled "12 Collins Drive, Copper Cliff", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021, subject to the following conditions:

- a) One (1) required parking space shall be permitted within the required front yard; and,
- b) The height and location of the existing building shall be permitted.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal supports the provision of housing and therefore aligns with the Strategic Plan.

### Report Summary

An application for rezoning has been submitted in order to convert a former place of worship located at 12 Collins Drive, Copper Cliff into a single detached dwelling. The proposed use aligns with the low density character of the neighbourhood and does not present any land use compatibility concerns. The application is recommended for approval including site-specific relief for a parking space located within the required front yard as well as the height and location of the legal existing building.

#### Signed By

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

Mauro Manzoni  
Senior Planner  
*Digitally Signed Dec 24, 20*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Dec 24, 20*

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

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 24, 20*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 6, 21*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 7, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 7, 21*

## **Financial Implications**

If approved, staff is unable to estimate the change in assessment value and therefore unable to estimate any change in property taxes.

If approved, there will be no development charges as the development would be eligible for a redevelopment credit from conversion from non-industrial to a residential single detached dwelling.

**Title: Thomas Groves**

**Date: December 7, 2020**

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to permit the conversion of a former place of worship into a single detached dwelling. Site-specific relief is required for a parking space within the required front yard.

**Existing Zoning:** "I", Institutional

The existing zoning allows all institutional uses as follows:

Children's home, a day care centre, a place of worship, a hospital, a private club, a non-profit or charitable institution, a group home type 1, a group home type 2, a special needs facility, a recreation and community centre, an arena, a public museum, a public library, a public business, a public fire hall, a public or private school other than a trade school, or any public use other than a public utility.

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

R1-5 zoning permits a single detached dwelling and related accessory uses. A secondary dwelling unit may also be permitted subject to the provisions of Section 4.2.10 of the Zoning By-law. The R1-5 zone also permits private home daycare, group home type 1, and accessory guest room accommodation.

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

PIN 73599-0239, Parcel 40878 S.E.S., Lot 12, Plan M-1025 in Lot 12, Concession 2, Township of McKim (12 Collins Drive, Copper Cliff)

The subject property comprises the former St. Timothy's Lutheran Church on Collins Drive in Copper Cliff. The area is fully serviced by municipal sewer and water. The closest public transit stop is located on Balsam Street, which is an approximate 150-metre walking distance.

Total lot area is 809 m<sup>2</sup>, with 22.86 metres of frontage and a depth of approximately 42 metres. The site is occupied by a former place of worship with 579 m<sup>2</sup> of gross floor area on two levels. There is one (1) parking space located in the southeast corner of the lot within the required front yard.

The surrounding residential area is essentially low density in character, with singles and duplexes being the predominant housing types. The subject property is located outside the regulated area of Conservation Sudbury associated with Finland Creek to the south.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: single detached dwelling (13 Power Street)

East: single detached dwelling (8 Collins Drive)

South: single detached dwellings (7 & 9 Collins Drive)

West: duplex dwelling (14 Collins Drive)

**Title: Thomas Groves**

**Date: December 7, 2020**

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicant advised that adjacent residents were canvassed and contact information was provided for questions.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

### **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

#### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Under Section 1.1 of the PPS, Planning authorities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). Intensification is defined in part as the conversion of existing buildings, including surplus institutional properties. The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services.

#### **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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario.



**Official Plan for the City of Greater Sudbury:**

**Living Area 1**

The proposal is a form of adaptive reuse wherein the proposed residential use aligns with the underlying land use designation. For rezoning applications in Living Area 1, the following criteria under Section 3.2.1 of the Official Plan are to be considered:

- a. the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d. the impact of traffic on local streets is minimal.

**Residential intensification**

Although minor in scale, the application can be construed as residential intensification given the conversion of the former institutional building to a residential use. Under Section 2.3.3 of the Plan, intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended, such as former commercial, industrial and institutional sites.

The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with the existing and planned character of the area;
- c. the provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d. the availability of existing and planned infrastructure and public service facilities;
- e. the provision of adequate ingress/egress, off-street parking and loading facilities, and safe and convenient vehicular circulation;
- f. the impact of traffic generated by the proposed development on the road network and surrounding land uses;
- g. the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
- h. the level of sun-shadowing and wind impact on the surrounding public realm;
- i. impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

**Zoning By-law 2010-100Z:**

The former place of worship was constructed in 1955 and pre-dates the implementation of zoning in 1976. The property has legal non-complying elements, including the lack of parking and the height and location of the existing building, which has a non-complying front yard setback and may exceed the maximum building height. Site-specific relief is therefore required for the proposed change in use.

**Title: Thomas Groves**

**Date: December 7, 2020**

### **Site Plan Control:**

Site plan control is not implemented for a single residential use on a non-waterfront lot.

### **Department/Agency Review:**

Commenting departments and agencies generally have no concerns. Building Services advised that a permit will be required for the conversion of the building. A Record of Site Condition is not required given recent amendments to the Environmental Protection Act. Roads Section indicated no concerns related to the non-complying parking space.

## **Planning Analysis:**

### **Land Use Compatibility**

There are no concerns related to compatibility, as the proposed residential use forms a good fit with the existing and planned character of the neighbourhood, where singles and duplexes are the predominant housing types. Building additions that would expand the footprint of the building and potentially bring it further out of conformity are not proposed. It is recommended that the height and location of the legal existing building be recognized as a site-specific zoning provision.

### **Suitability of site**

The main consideration relates to the lack of on-site parking. The owner is proposing to have an informal parking area along the east side of the building recognized as the one (1) parking space required for a single residential use. The parking space encroaches into the front yard and is directly adjacent to the sidewalk, which requires site-specific relief as part of the amending by-law. Staff have no concerns given that there is sufficient area to accommodate one (1) vehicle, which would not overhang the sidewalk. This is generally viewed as an improvement over the previous situation, where the parking requirement for a place of worship was much higher and only on-street parking was available for congregants.

The conversion will include the installation of habitable living area in the basement, including bedrooms. However, there are no concerns related to flooding hazards, as the subject lot is located outside the flood plain associated with Finland Creek to the south. Conservation Sudbury indicated no concerns related to this application.

### **Official Plan**

The application presents conformity with Official Plan policies applied to residential intensification in Living Areas. The adaptive reuse of surplus institutional buildings is encouraged as an alternative to demolition and possible dereliction if an alternative use cannot be found. There are no servicing concerns and the proposed use is less intensive than the previous institutional use, which generated more local traffic and off-site parking impacts.

The preservation of the existing structure also reinforces the historical context of the area, being a small church in a residential setting that serves as a neighbourhood landmark and creates diversity in terms of its built form.

**Title: Thomas Groves**

**Date: December 7, 2020**

2020 Provincial Policy Statement & 2011 Growth Plan for Northern Ontario

The subject land is located within a fully serviced urban area that offers proximity to services including public transit on Balsam Street. The scale of development is minor and considered appropriate based on the low density character of the area. The adaptive reuse project is a form of residential intensification that is encouraged under Provincial policies applied to urban areas. The application is consistent with the 2020 PPS.

There is no conflict with the GPNO, as the proposal aligns with the housing policies applied to Economic and Service Hubs.

**Conclusion:**

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

## Appendix 1

### Departmental & Agency Comments

**File:** 751-6/20-21

**RE:** Application for Rezoning – Thomas Groves  
PIN 73599-0239, Parcel 40878 S.E.S., Lot 12, Plan M-1025 in Lot 12, Concession 2,  
Township of McKim  
**(12 Collins Drive, Copper Cliff)**

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#### Development Engineering

No comments.

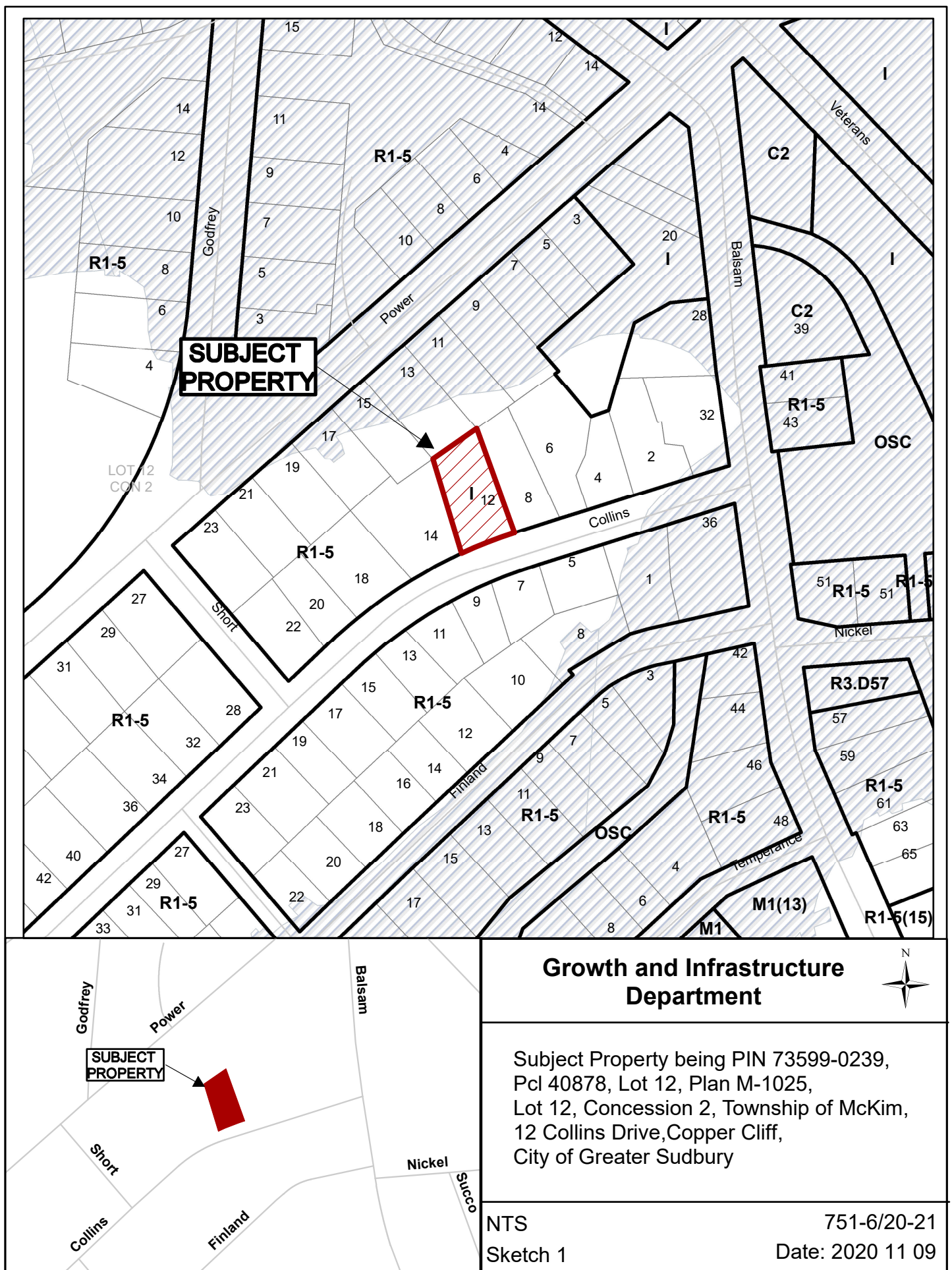
#### Infrastructure Capital Planning Services

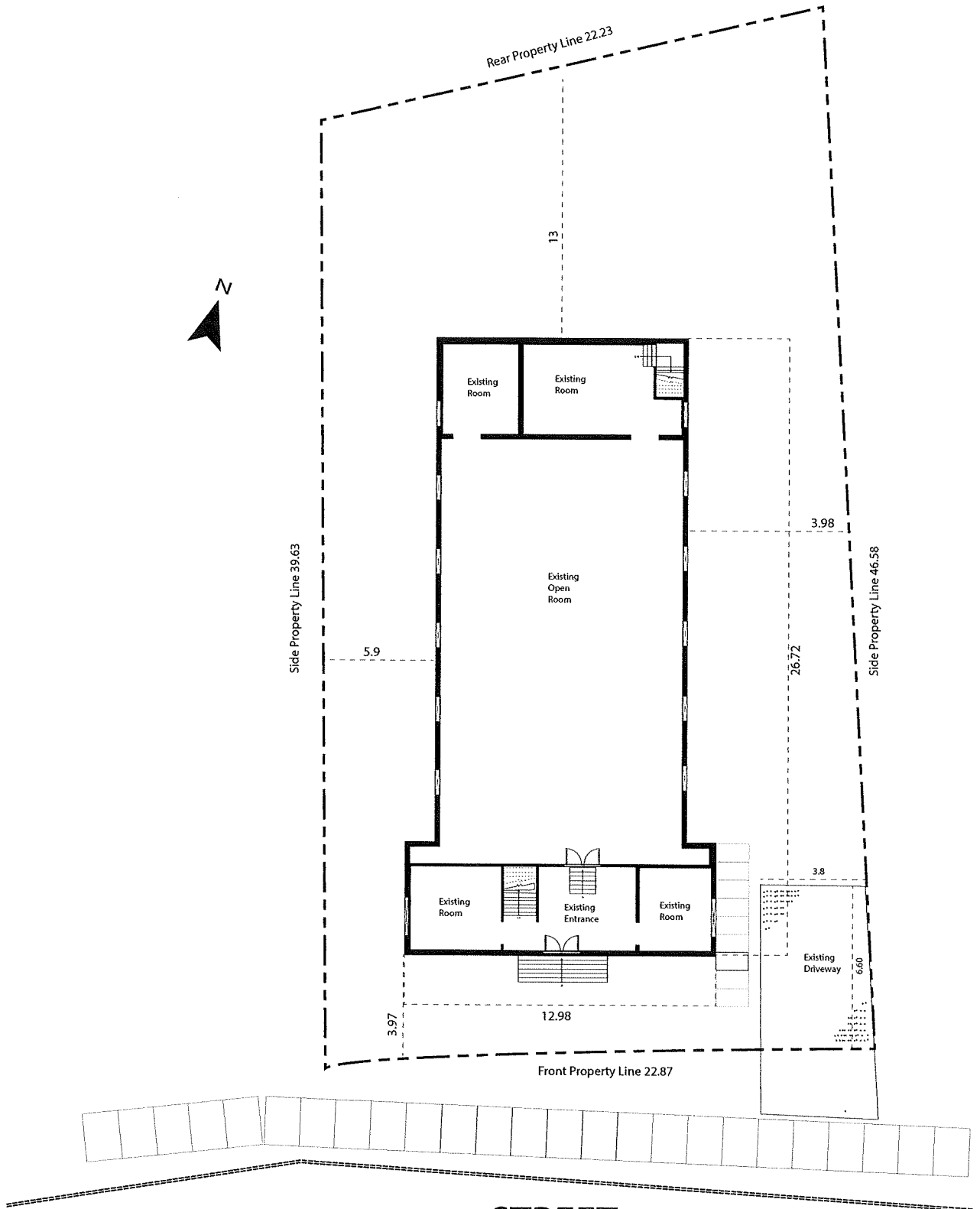
No concerns.

#### Building Services

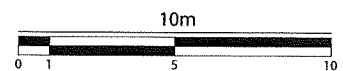
Based on the information and site plan drawing provided, we can advise that Building Services has the following comments:

1. Building permit application and building permit documents are required for the change of use from a place of worship to a dwelling. Drawings to be submitted shall include all floor plans, section(s), and all fire and life safety requirements to the satisfaction of the Chief Building Official.
2. Parking depicted on submitted documents is located within the required front yard along Collins Drive. Parking is not permitted to be located within the front yard. Minor variance or the relocation of parking space is required.





**STREET**  
12 Collins Drive  
First Floor







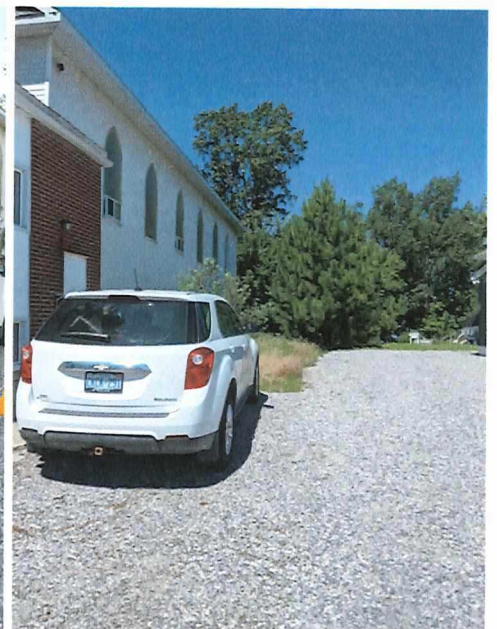
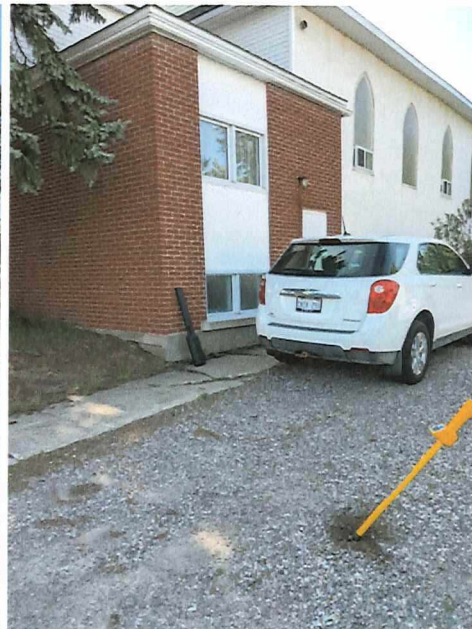






Photo 1: 12 Collins Drive, Copper Cliff  
View of subject property from Collins Drive  
File 751-6/20-21 Photography December 4, 2020



Photo 2: 12 Collins Drive, Copper Cliff  
Easterly interior side yard and proposed parking space  
File 751-6/20-21 Photography December 4, 2020





Photo 3: 12 Collins Drive, Copper Cliff  
View of westerly interior side yard  
File 751-6/20-21 Photography December 4, 2020





Photo 4: 12 Collins Drive, Copper Cliff  
View of rear yard  
File 751-6/20-21 Photography December 4, 2020



Photo 5: 8 Collins Drive, Copper Cliff  
Single detached dwelling abutting easterly  
File 751-6/20-21 Photography December 4, 2020





Photo 6: 14 Collins Drive, Copper Cliff  
Duplex dwelling abutting westerly  
File 751-6/20-21 Photography December 4, 2020



Photo 7: Collins Drive, Copper Cliff  
Low density housing opposite subject land  
File 751-6/20-21 Photography December 4, 2020

## Request for Decision

953 Howey Drive, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Thursday, Dec 24, 2020
Type:	Public Hearings
File Number:	751-6/20-19

### Resolution

THAT the City of Greater Sudbury denies the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3 Special", Medium Density Residential Special on lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim, as outlined in the report entitled "953 Howey Drive, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal seeks to expand the range of housing in the community and therefore aligns with the Strategic Plan.

### Report Summary

An application for rezoning has been submitted in order to convert a duplex dwelling to a multiple dwelling with four (4) units. The existing building was constructed in order to accommodate four (4) units, two (2) of which are currently occupied. Applications for rezoning were previously submitted in 2010 (denied) and 2014 (conditional approval lapsed).

Consistent with the position taken on the previous applications, Planning Services does not support the proposal on the basis that it represents over-development of the lot. If Planning Committee deems to approve the application, the appropriate conditions and necessary relief are outlined in the body of the report.

#### Signed By

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

Mauro Manzon  
Senior Planner  
*Digitally Signed Dec 24, 20*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Dec 24, 20*

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

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 24, 20*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 6, 21*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 7, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 7, 21*



## **Financial Implications**

This report has no financial implications as staff recommends that this amendment to the Zoning By-law request be denied.

**Date: January 4, 2021**

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to convert a duplex dwelling to a multiple dwelling with four (4) units. The existing building has two (2) occupied main floor units and two (2) unoccupied basement units according to the application.

**Existing Zoning:** "R2-2", Low Density Residential Two

R2-2 zoning permits low density residential uses in form of single detached, duplex and semi-detached dwellings.

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

The proposed R3 Special zoning would permit single detached, duplex and semi-detached dwellings and a multiple dwelling with a maximum of four (4) units. Site-specific relief is also requested for lot frontage, railway setback, parking in the required front yard, the amount of landscaped open space including planting strips, the location of the existing building, and retaining wall setbacks.

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

PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim (953 Howey Drive, Sudbury)

The subject lot is located on the south side of Howey Drive, east of Somerset Street. The area is fully serviced by municipal sewer and water. Howey Drive is designated as a Secondary Arterial Road and is serviced by public transit. The closest transit stops are located to the west, an approximate walking distance of 53 metres (eastbound service) and 85 metres (westbound service).

The lot has a total area of 699 m<sup>2</sup>, with 12.19 metres of road frontage and an approximate depth of 58 metres. The site is occupied by a 199 m<sup>2</sup> one-storey dwelling constructed to accommodate four (4) units. The application indicates that two (2) of the units are currently occupied.

A single detached dwelling built in 1955 abuts to the east (957 Howey Drive). A triplex constructed in 1951 is situated to the west (947 Howey Drive). Both abutting dwellings have non-complying setbacks from their respective lot lines. The setbacks are deemed legal non-complying, as the dwellings were constructed prior to the implementation of zoning in 1962. Lands directly opposite the subject property are undeveloped.

The subject property backs onto the Canadian Pacific railway. The rail corridor is located at a lower elevation compared to adjacent residential uses.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North: Undeveloped residential lands

East: Single detached dwelling

South: CPR rail corridor

West: Triplex dwelling

**Title: L.S. Bock Developments Inc.**

**Date: January 4, 2021**

**Related Applications:**

The first rezoning application was submitted in 2011 (File 751-6/10-40), which was denied by Council on March 30, 2011 (Recommendation 2011-48). The owner appealed the decision to the Ontario Municipal Board on April 20, 2011. The appellant did not address the notice requirements as set out by the Board and the appeal was eventually withdrawn on November 24, 2011.

Concurrent with the appeal process, the owner submitted an application for a minor variance for the rear yard setback to the railway (8.23 m where a minimum of 30 m is required). Committee of Adjustment approved the variance on the basis that the dwelling was to be a duplex (File A0115/2011).

On January 2, 2013, a permit was issued for a semi-detached dwelling with a finished basement area (Permit #B11-1653). The semi-detached dwelling was constructed to accommodate four (4) units.

On October 22, 2014, a public complaint was received concerning drainage from the site. Following a site investigation by Development Engineering, Building Services issued an Order to Comply on October 29, 2014. The order requires the owner to address the following:

- Construct the retaining wall as per approved drainage plan; and,
- Construct grading as per approved plan.

The second rezoning application was submitted in 2014 (File 751-6/14-29). Resolution PL2015-27 was subsequently approved by City Council on March 31, 2015 as follows:

THAT the City of Greater Sudbury approves the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential Special on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim subject to the following conditions:

- a. That prior to the adoption of the amending by-law, the owner shall meet the following conditions:
  - i) Apply for a building permit to the satisfaction of the Chief Building Official;
  - ii) Rectify outstanding drainage issues and, if required, submit a revised design lot grading plan to the satisfaction of the Director of Planning Services;
  - iii) The owner enter into an agreement with the City to dedicate on demand a 2-metre wide strip along Howey Drive; and,
- b. That the amending by-law include the following site-specific provisions:
  - i) A maximum of four (4) dwelling units within the existing building shall be permitted;
  - ii) A rear yard setback of 8.2 metres abutting a railroad right-of-way shall be permitted;
  - iii) The lot frontage of the existing lot shall be permitted;
  - iv) That an opaque fence with a minimum height of 1.5 m shall be required along the easterly and westerly lot lines from the required front yard setback to the rear lot line.

The conditional approval issued in 2015 was extended in 2017, 2018 and 2019. The conditions were never fully addressed and the approval eventually lapsed on September 30, 2019. The report and minutes from the 2015 rezoning approval are attached for review, including the floor plans for the building.

**Title: L.S. Bock Developments Inc.**

**Date: January 4, 2021**

### **Public Consultation:**

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicant indicated no further public consultation is proposed beyond the statutory requirements under the Planning Act.

As of the date of this report, no phone calls or written submission have been received for the current application.

### **Policy & Regulatory Framework:**

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

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

#### **Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Under Section 1.1 of the PPS, Planning authorities shall accommodate an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, 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.

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Service Hubs, which includes Greater Sudbury and other major centres in Northern Ontario.

**Official Plan for the City of Greater Sudbury:**

**Living Area 1**

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing types. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

- a. the site is suitable in terms of size and shape to accommodate the proposed density and building form;
- b. the proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks, and the location of parking and amenity areas;
- c. adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
- d. the impact of traffic on local streets is minimal.

**Residential intensification**

The application is a form of residential intensification given the increased density that is proposed. Section 2.3.3 of the Plan addresses residential intensification in settlement areas. The following criteria, amongst other matters, may be used to evaluate applications for intensification:

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with the existing and planned character of the area;
- c. the provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d. the availability of existing and planned infrastructure and public service facilities;
- e. the provision of adequate ingress/egress, off-street parking and loading facilities, and safe and convenient vehicular circulation;
- f. the impact of traffic generated by the proposed development on the road network and surrounding land uses;
- g. the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
- h. the level of sun-shadowing and wind impact on the surrounding public realm;
- i. impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

**Zoning By-law 2010-100Z:**

Based on a review of the submitted rezoning sketch, the proposed R3 Special zoning requires the following site-specific relief in order to accommodate a fourplex dwelling:

- Lot frontage of 12 metres where 18 metres is required;
- Setback of 8.2 metres to the railway right-of-way where 30 metres is required;
- Parking which encroaches into the required front yard;
- Opaque fencing along the easterly and westerly lot lines in lieu of a planting strip;
- The amount of landscaped open space, which will likely be less than the required 30% depending on the approved design lot grading plan;
- Zero setback for retaining walls along the easterly and westerly lot lines; and,
- Interior side yard setbacks less than the required 1.2 metres for a one-storey building.

**Title: L.S. Bock Developments Inc.**

**Date: January 4, 2021**

### **Site Plan Control:**

Site plan control is not implemented for a multiple dwelling under five (5) units based on the Site Plan Control By-law.

### **Department/Agency Review:**

Commenting departments and agencies advised that if this application is approved, the same conditions should be carried forward as applied in 2015.

### **Planning Analysis:**

Concerning the 2011 application, Council's reasons for the refusal as set out in the meeting minutes were the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

The second application was approved by Council in 2015 with appropriate conditions of approval as outlined in the Background section of this report. Three (3) extensions were granted prior to lapsing in 2019.

The proposal currently before the Committee is similar to the 2011 and 2015 applications, although a more detailed rezoning sketch with a lot grading overlay has been provided. The overall layout and parking configuration are essentially the same.

### **Neighbourhood context**

An inventory of adjacent uses based on assessment data indicates that the area is low density in character with single detached and duplex dwellings as the predominant housing types. There are some small multiple dwellings in the vicinity on lots also zoned R2-2, including a triplex which directly abuts the subject land to the west (947 Howey Drive). There are also triplexes located at 937 Howey Drive and 961 Howey Drive. The non-conforming status of these multi-residential properties is not known. A derelict multiple dwelling that previously occupied 943 Howey Drive has been demolished.

### **Suitability of site**

The major constraint is the narrow width of the lot and the proximity of the abutting dwellings, both of which have legal non-complying setbacks along the interior side yards. Based on the rezoning sketch, it also appears the interior side yard setbacks of the subject building are deficient. The result is an extremely tight fit, which is exacerbated by the elevation of the building and the parking area that encompasses almost the entire front yard.

The property is not suitable for a multiple dwelling based on the following considerations:

- The lot has insufficient frontage for a multiple dwelling;
- Planting strips cannot be provided due to the narrow width of the lot;
- Parking encroaches into the required front yard in contravention of the Zoning By-law;
- The entire front yard would essentially function as a parking area with little or no landscaping, which is not an acceptable standard for new development;
- The parking area will directly abut the property lines, which presents safety concerns and provides no opportunity to buffer the adjacent dwellings; and,
- There is no room for snow storage.

## **Conclusion:**

Although the Provincial Policy Statement encourages residential intensification, it is silent on site-specific considerations such as the suitability of the lot. However, the PPS does require that appropriate development standards be implemented in order to facilitate intensification. Accordingly, the policies of Section 2.3.3 of the Official Plan were expanded as part of the Phase 1 amendments adopted by Council and approved by the Province in 2018.

In this regard, the proposal fails to meet the policies applied to residential intensification under the Official Plan, being the suitability of the site to accommodate the proposed use, including the location of parking, the provision of landscaping, and drainage impacts. Consistent with the previous recommendations concerning this proposal, Planning Services cannot support the application on the basis that it represents over-development of the lot.

If the Committee deems to approve the application, it is recommended that the following conditions be addressed by the owner prior to the adoption of the amending by-law:

1. Apply for a building permit to the satisfaction of the Chief Building Official; and,
2. Rectify outstanding drainage issues and submit a revised design lot grading plan to the satisfaction of the Director of Planning Services.

The resolution should also include the following site-specific provisions incorporating the necessary relief:

- i) A maximum of four (4) dwelling units within the existing building shall be permitted;
- ii) A rear yard setback of 8.2 metres abutting a railroad right-of-way shall be permitted;
- iii) Lot frontage of 12 metres shall be permitted;
- iv) The location of the existing building shall be permitted;
- v) An opaque fence with a minimum height of 1.5 metres shall be required along the easterly and westerly lot lines from the required front yard setback to the rear lot line;
- vi) The minimum amount of landscaped open space shall be based on the approved design lot grading plan;
- vii) Parking shall be permitted within the required front yard; and,
- viii) A zero setback shall be permitted for retaining walls along the interior side lot lines.

# Appendix 1

## Departmental & Agency Comments

**File:** 751-6/20-19

**RE:** Application for Rezoning – L.S. Bock Developments Inc.  
PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3,  
Township of McKim (953 Howey Drive, Sudbury)

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### Development Engineering

This site is presently serviced with municipal water and sanitary sewer.

With respect to the lot grading, a design lot grading submission was received, with comments being issued to the lot grading professional in January 2019 and a subsequent meeting was held July 25, 2019. No further submission has been received to address the outstanding issues. This condition will need to be carried forward from the previous conditional approval which has lapsed.

### Infrastructure Capital Planning Services

As a condition of approval, we require the owner transfer to the City a two-metre strip of property along the entire frontage of the land along Howey Drive. The City shall be responsible for all survey and legal costs associated with this transfer.

### Building Services

A building permit application and zoning compliance review to legalize two (2) basement units in an existing semi-detached dwelling as well as two (2) retaining walls was completed and a list of comments was submitted on December 12, 2018 for the applicant's information. The previous comments are attached to this memo for your reference.

To date, the conditions imposed by Council have not been addressed.

### Attachment:

Building Services comments dated December 12, 2018 related to outstanding matters:

Building Services has reviewed the building permit application and proposed lot grading plan for compliance with Zoning By-law 2010-100Z and the Ontario Building Code and provide the following comments:

1. A building permit will be required for all retaining walls over 1 m in height which have been built without benefit of a building permit on the east and west property lines. Therefore, a professional engineer's design and review of the existing retaining walls will be required. A building permit will also be required for the proposed height increase of retaining walls as well as a detailed design and review by a professional engineer. The retaining walls exceed 1 m in height and therefore require a minor variance.



2. The retaining walls on the east and west side of the property appear to encroach on the adjacent properties. There are three options available to deal with the retaining walls on the adjacent properties if approved through the lot grading review as follows:

- Obtain an easement from the adjacent property owners and minor variance;
- Purchase a portion of property from adjacent land owners and obtain a minor variance;
- Remove the retaining walls or portion to become in compliance with Zoning By-law 2010-100Z.

3. Vehicular guards will be required along the areas where there is parking and will need to be designed and construction certified by a professional engineer.

4. The required opaque fence will need to be designed and reviewed by a professional engineer for the connection to the retaining walls and compliance as a pedestrian guard.

5. One window in basement must comply with Ontario Building Code Div. B, 9.9.10, required secondary means of egress from bedrooms. This will be verified in the field. Raising grades may require window wells and if installed, clearances as per Section 9.9.10.1 may be an issue with proposed retaining walls, and proposed swales may be affected.

6. Backfill height will be exceeded on 10 inch concrete block by the proposed raising of the grades in the required lot grading plan. Permitted backfill heights are as follows:

5 ft - 11 inch laterally supported

3 ft - 11 inch laterally unsupported where windows exceeded 4 feet in width

The walls must be re-designed to accept the proposed additional backfill height.

7. Drawings submitted to legalize two (2) basement units are not acceptable as they do not show separate entrances to units. The building elevations provided, cross-section and upper floor layout do not reflect the as-built conditions and have been copied from the original building permit submission for the semi-detached dwelling. In addition, the revised elevations are required to indicate the new grades and retaining walls and must match the proposed lot grading plan.

8. No part of any parking area shall be located in any required front yard, which in this case is 7.5 m. A minor variance is required if parking is shown in the front yard. Width of parking aisles providing access to a parking space is required to be 6.0 m. Dimensions of all parking spaces are required to be shown as well as the dimension of the width of the parking aisle. A minor variance may be required once these dimensioned parking lot details are provided.

9. An as-built Ontario Land Surveyor survey will be required to ensure that the current building location meets the required setbacks and does not require a minor variance.

10. Building permit application for the construction of attached decks has not been issued and the decks have been constructed without benefit of a building permit or required inspections. The fee of \$135.00 is outstanding in order to issue the permit.

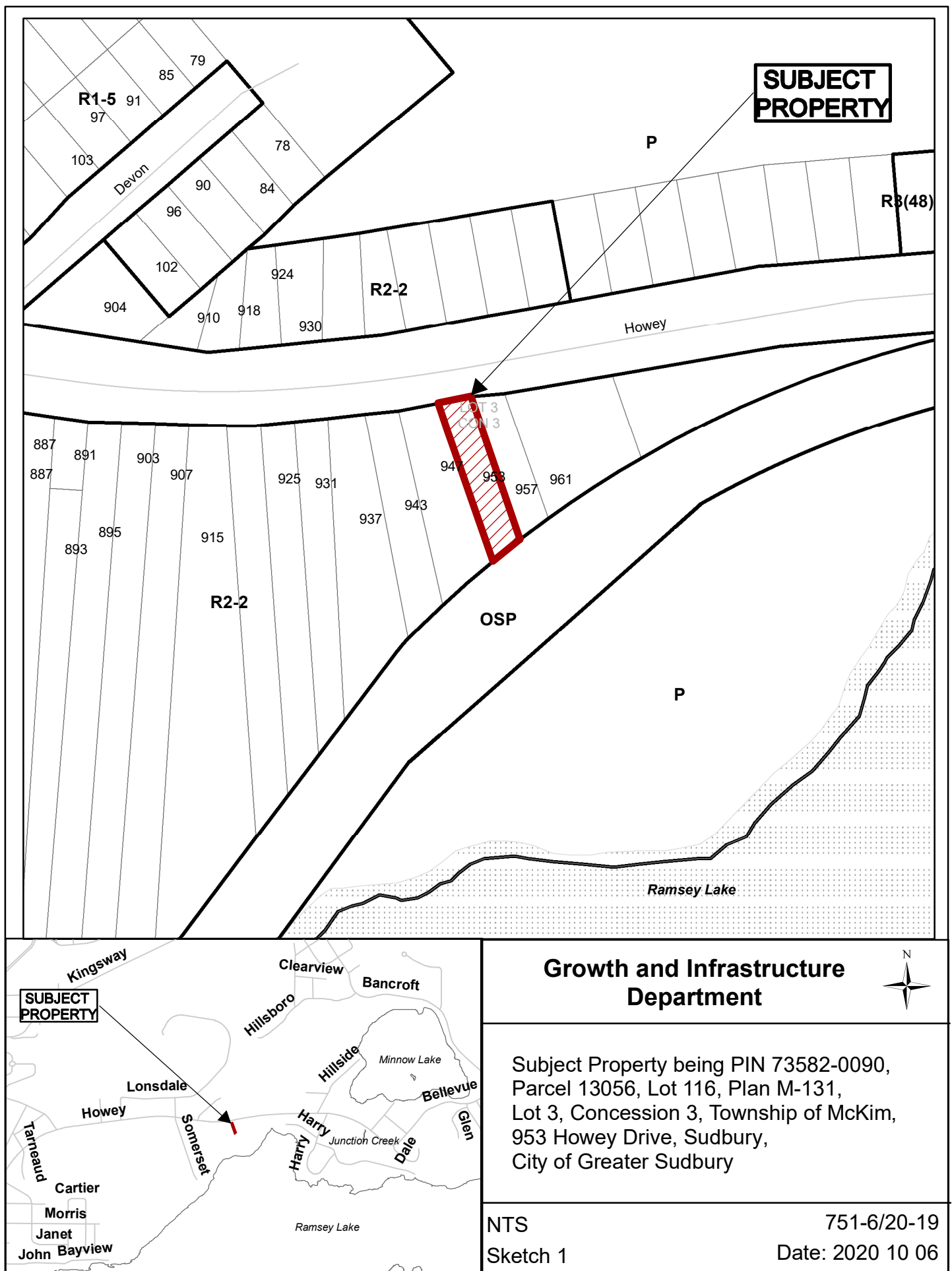
#### Water/Wastewater Services (Source Protection Plan)

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

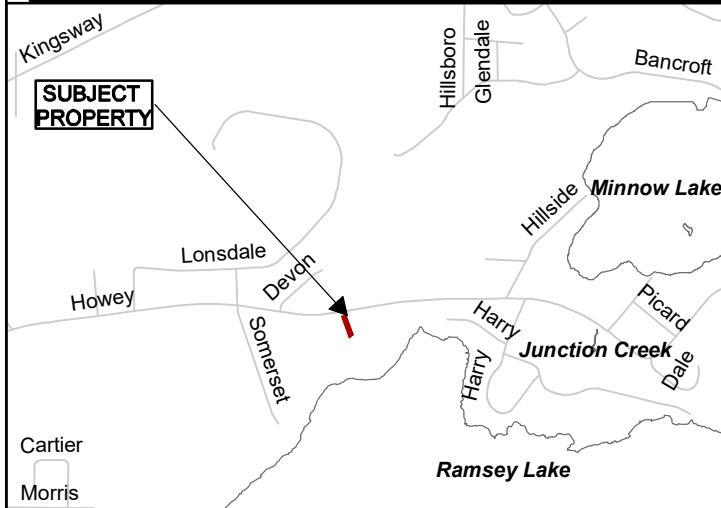
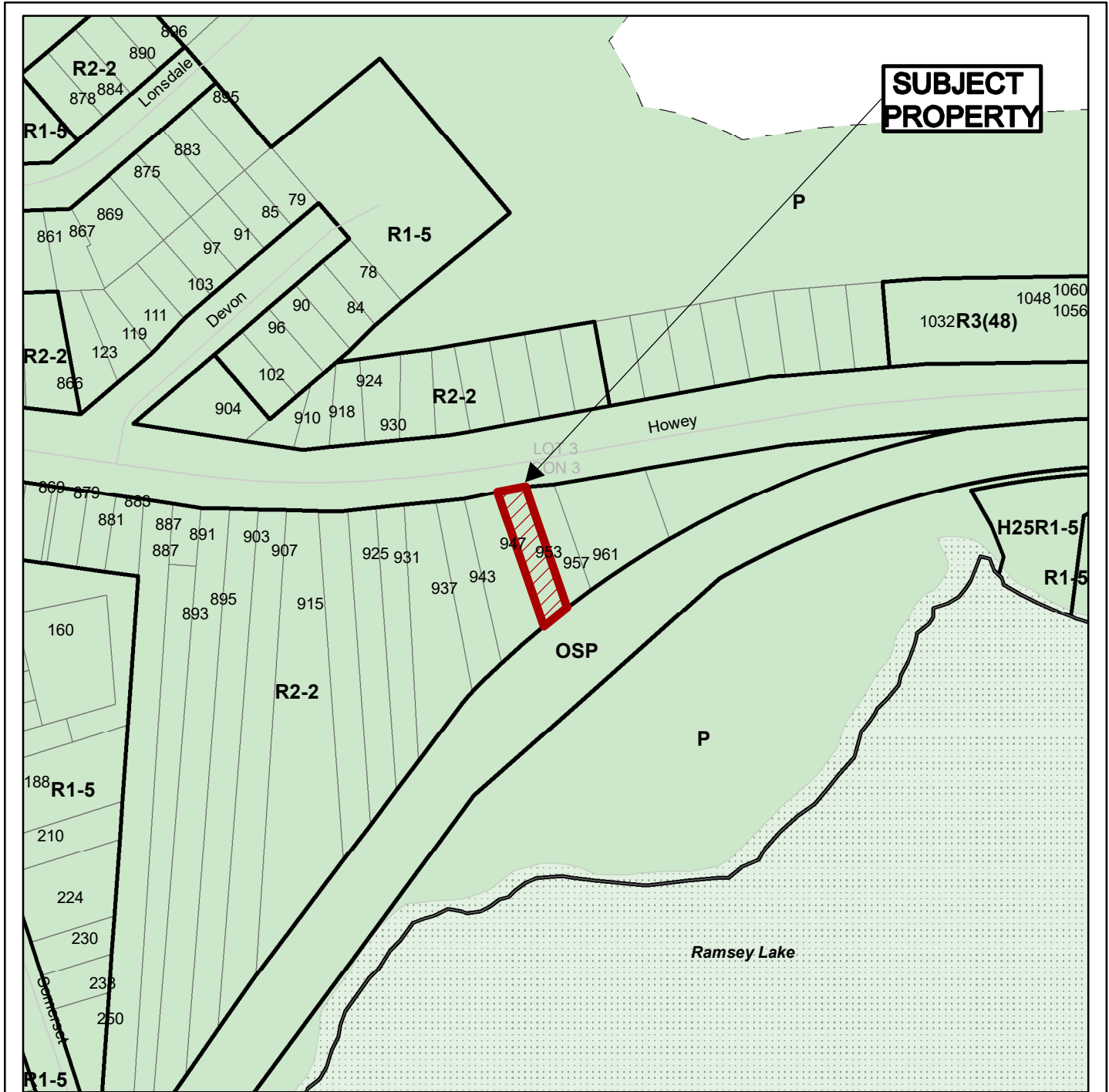
## CPR

CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. Those guidelines are found at the following website address: <http://www.proximityissues.ca/>

The safety and welfare of residents can be adversely affected by rail operations. CP is not in favour of residential uses that are not compatible with rail operations. Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.



## Source Protection Plan Map



## Growth and Infrastructure Department



**Subject Property being PIN 73582-0090,  
Parcel 13056, Lot 116, Plan M-131,  
Lot 3, Concession 3, Township of McKim,  
953 Howey Drive, Sudbury,  
City of Greater Sudbury**

**SPP: Ramsey Lake Watershed, IPZ 3**

## Sketch 1

### NTS

751-6/20-19  
Date: 2020 10 06







Photo 1: 953 Howey Drive, Sudbury  
View of subject property and front yard parking area  
File 751-6/20-19 Photography December 10, 2020



Photo 2: 953 Howey Drive, Sudbury  
View of westerly interior side yard  
File 751-6/20-19 Photography December 10, 2020





Photo 3: 953 Howey Drive, Sudbury  
View of easterly interior side yard  
File 751-6/20-19 Photography December 10, 2020





Photo 4: 947 Howey Drive, Sudbury  
Triplex dwelling abutting westerly  
File 751-6/20-19 Photography December 10, 2020



Photo 5: 957 Howey Drive, Sudbury  
Single detached dwelling abutting easterly  
File 751-6/20-19 Photography December 10, 2020

Presented To:	Planning Committee
Presented:	Monday, Feb 09, 2015
Report Date	Monday, Jan 26, 2015
Type:	Public Hearings
File Number:	751-6/14-29

## Request for Decision

**Application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc**

### Recommendation

THAT the City of Greater Sudbury deny the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R3", Medium Density Residential on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim.

### STAFF REPORT

#### **Applicant:**

L.S. Bock Developments Inc.

#### **Location:**

PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim (953 Howey Drive, Sudbury)

#### **Application:**

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R3", Medium Density Residential.

#### **Proposal:**

Application for rezoning in order to permit a multiple dwelling with four (4) units. The owner is proposing to convert an existing semi-detached dwelling to a fourplex. The newly constructed dwelling is currently unoccupied. A fourplex requires six (6) parking spaces.

#### **Official Plan Conformity:**

#### Signed By

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

Mauro Manzon  
Senior Planner  
*Digitally Signed Jan 26, 15*

##### **Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Jan 26, 15*

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

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Jan 26, 15*

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

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Jan 26, 15*

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

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jan 26, 15*

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Within these areas, a range of residential uses are permitted subject to the rezoning process.

Applications for rezoning in Living Area 1 are reviewed based on criteria established under Section 3.2.1 of the Plan, including such matters as the suitability of the site, proposed density and built form, land use compatibility, the availability of on-site parking and the traffic impact on local streets.

The Plan also places a strong emphasis on maintaining compatibility with surrounding uses. New residential development should form a good fit with the existing physical character of established residential areas.

Conformity with the Official Plan is based on a review of the above noted considerations.

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

The subject lot is located on the south side of Howey Drive, east of Somerset Street. The area is fully serviced by municipal sewer and water. Howey Drive is designated as a Secondary Arterial Road.

The lot has a total area of 699 m<sup>2</sup> (7,520 sq. ft.), with 12.19 m (40 ft.) of road frontage and an approximate depth of 58 m (190 ft.). The site is occupied by a 199 m<sup>2</sup> (2,143 sq. ft.), one-storey semi-detached dwelling with a finished basement area.

A single detached dwelling built in 1955 abuts to the east (957 Howey Drive). A triplex constructed in 1951 is situated immediately to the west (947 Howey Drive). Both abutting dwellings have non-complying setbacks from their respective lot lines: the abutting triplex has an easterly interior side yard setback of approximately 0.8 m (2.6 ft.); the single detached dwelling to the east is approximately 0.6 m (2 ft.) from the lot line. The setbacks are deemed legal non-complying, as the dwellings were constructed prior to the implementation of zoning in 1962. Lands directly opposite the subject property are undeveloped.

The subject property backs onto the Canadian Pacific railway. The rail corridor is located at a lower elevation compared to adjacent residential uses.

### **Departmental & Agency Comments:**

#### Development Engineering

This site is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential in order to permit a four-unit multiple dwelling provided the outstanding drainage issues are rectified and, if required, a revised design lot grading plan superseding the plan approved on August 27, 2012 is approved by the City.

#### Roads and Transportation

As a condition of approval, the owner understands and agrees that he will transfer to the City a 2 metre strip of property along the entire frontage of Howey Drive upon demand, if and when required for future road improvements, free of mortgages, charges, trust deeds and other encumbrances securing financing. The City shall be responsible for all survey and legal costs associated with this transfer.

#### Building Services

Based on the information and site plan provided, we can advise that Building Services has no objections to this application other than the following comments for the applicant's information:

1. An application for a building permit will be required for the additional two (2) units.
2. Drawings prepared by a qualified designer are to be submitted showing the basement floor layout, exits, fire separations and all fire and life safety requirements to the satisfaction of the Chief Building Official.
3. As per Section 5.2.4.3 of CGS Zoning By-law 2010-100Z, outdoor parking areas shall be permitted in any part of any yard, except that no part of any parking area shall be located in any required front yard.

### **Neighbourhood Consultation:**

The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

As of the date of this report, one phone call has been received concerning negative drainage impacts on abutting properties.

### **Background:**

The property was subject to the same application in 2011 (File 751-6/10-40), which was denied by Council on March 30, 2011 (Recommendation 2011-48). The owner appealed the decision to the Ontario Municipal Board on April 20, 2011. The notice requirements as set out by the Board were not addressed by the appellant and the appeal was eventually withdrawn by the applicant on November 24, 2011.

Concurrent with the appeal process, the owner submitted an application for a minor variance for the rear yard setback to the railway (8.23 m where a minimum of 30 m is required). Although the appeal was still active, the variance was approved by Committee of Adjustment on the basis that the dwelling was to be a duplex (File A0115/2011).

On January 2, 2013 a permit was issued for a semi-detached dwelling with a finished basement area (Permit #B11-1653). Based on the submitted plans and the subsequent construction of the building, it appears the semi-detached dwelling has been constructed to accommodate four (4) units. To date, occupancy has not been granted.

On October 22, 2014 a public complaint was received concerning drainage from the site, which is negatively impacting abutting properties. Following a site investigation by Development Engineering, an Order to Comply was issued by Building Services on October 29, 2014. The order requires the owner to address the following:

- Construct the retaining wall as per approved drainage plan;
- Construct grading as per approved plan.

### **Planning Considerations:**

The proposal before the Committee is the same as the 2011 application. As recorded in the minutes at that time, Council's reasons for the refusal were the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.



A review of the building permit file and a site visit reveal that the dwelling has been constructed to facilitate conversion to a fourplex. There are four exterior entrances and a layout that it designed to accommodate two (2) more units in the basement (see attached floor plan).

### Mix of existing housing

An inventory of properties comprising the residential blocks between Devon Road and CPR Bay indicates that the predominant housing types are single detached and duplex dwellings. There are some exceptions including two (2) semis and two (2) triplexes, one of which directly abuts the subject land to the west (947 Howey Drive). The second triplex is located at 937 Howey Drive in the form of a duplex with a basement apartment. The non-conforming status of these properties has not been verified.

Further to the west is a two-storey building on a property that is assessed as a multiple dwelling. It appears to have been unoccupied for some time, as the windows have been boarded up for several years (943 Howey Drive). Undeveloped lands directly opposite the subject property are zoned “R2-2”, Low Density Residential Two.

### Suitability of site

The property is not suitable for a multiple dwelling based on the following considerations:

- Planting strips cannot be provided due to the narrow width of the lot;
- Parking would be located within the required front yard in contravention of the Zoning By-law;
- There will be no landscaping in the front yard in order to accommodate parking, which is not an acceptable standard for new development;
- The lot has insufficient frontage for a multiple dwelling (12 m where 18 m are required);
- The parking lot will have a zero (0) setback along the easterly property line, providing no opportunity to buffer the abutting single detached dwelling; and,
- There is no room for snow storage.

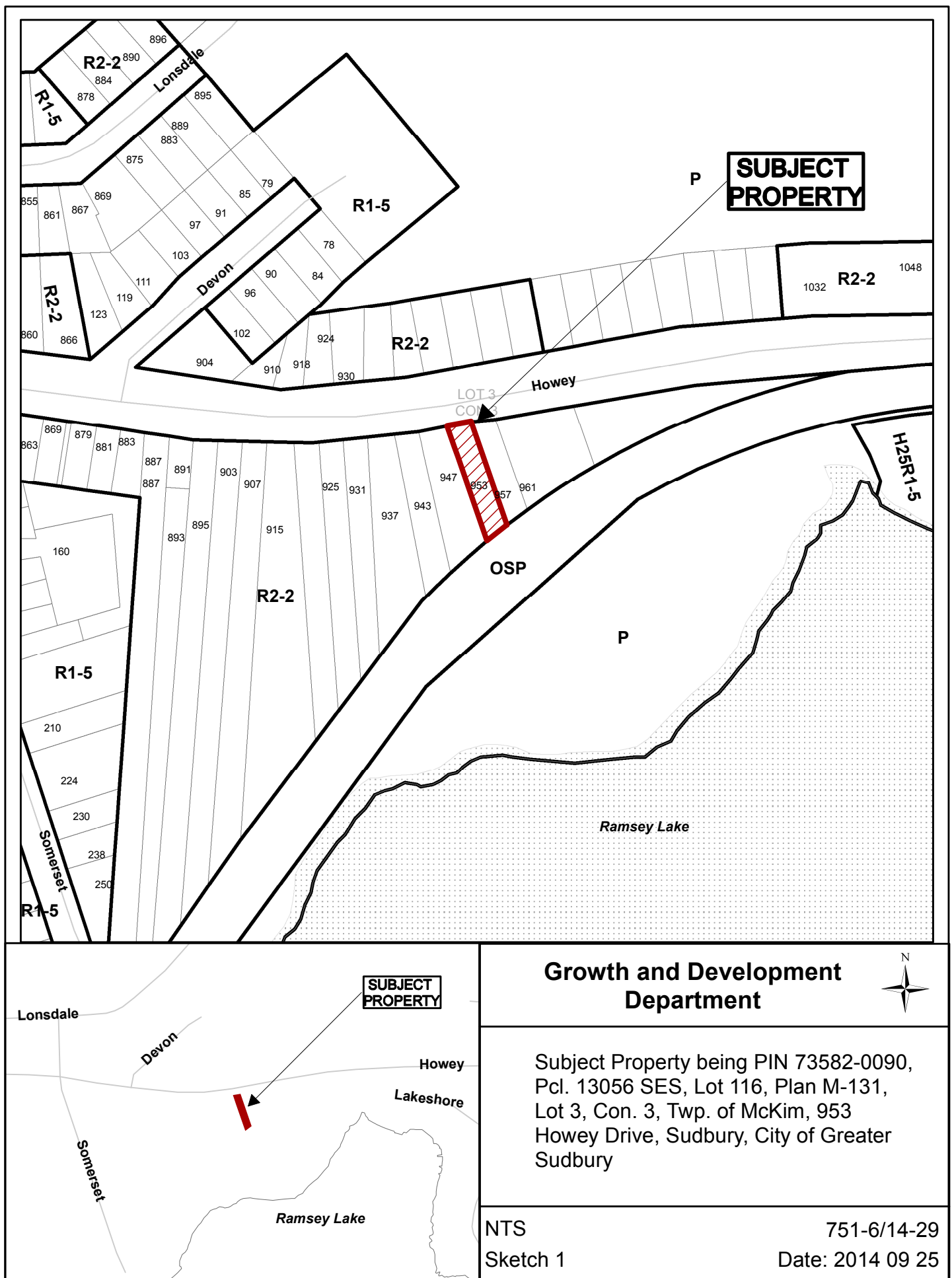
### Summary

Planning Services cannot support the application on the basis that it represents over-development of the lot, as reflected by the site-specific relief required from zoning provisions. In this regard, the proposal fails to meet a key requirement of the Official Plan, that being the suitability of the site to accommodate the proposed use.

In order to provide parking and driveway access, the full width of the lot would have to be paved. Planting strips, normally intended to buffer and screen medium density uses from abutting low density residential zones, cannot be implemented. The current semi-detached dwelling is the more appropriate housing form.

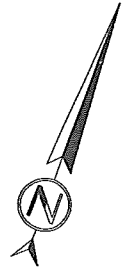
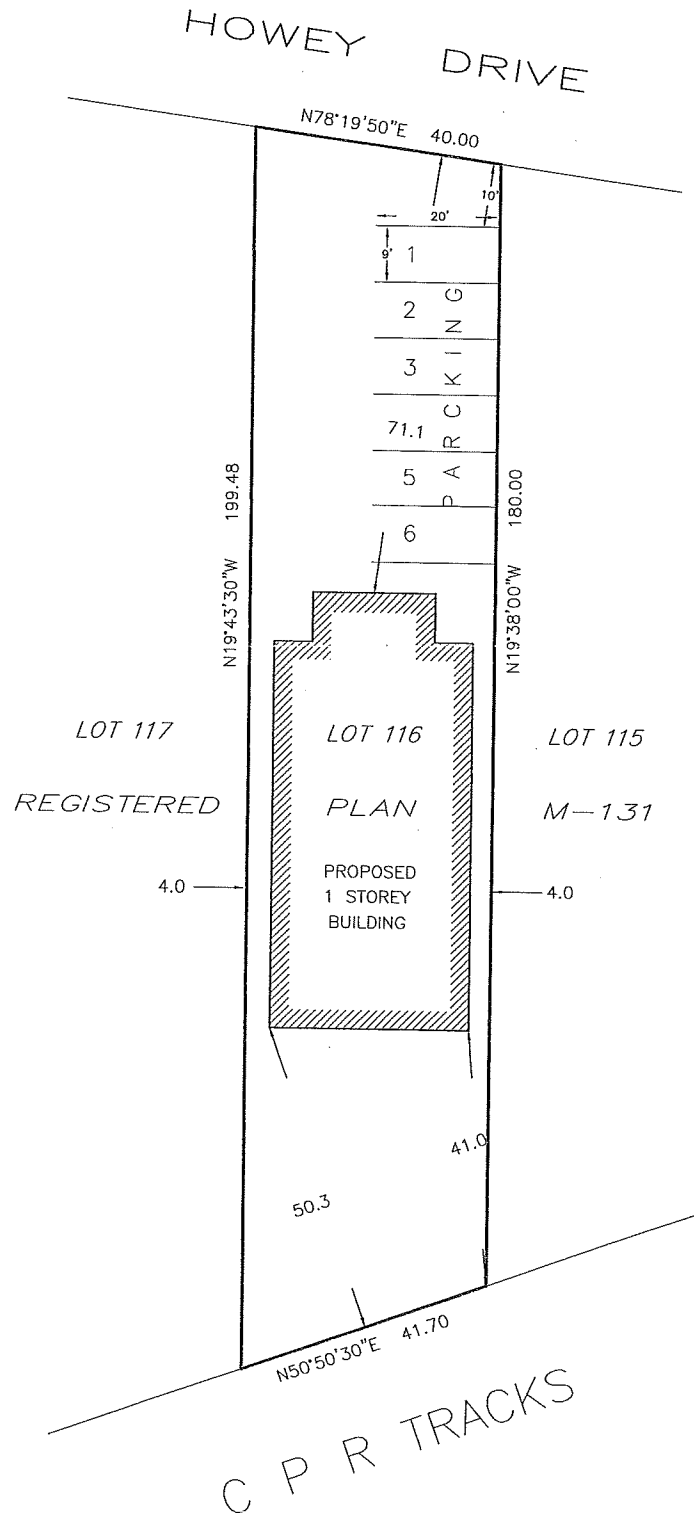
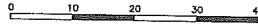
Planning Services recommends that the application for rezoning be denied.

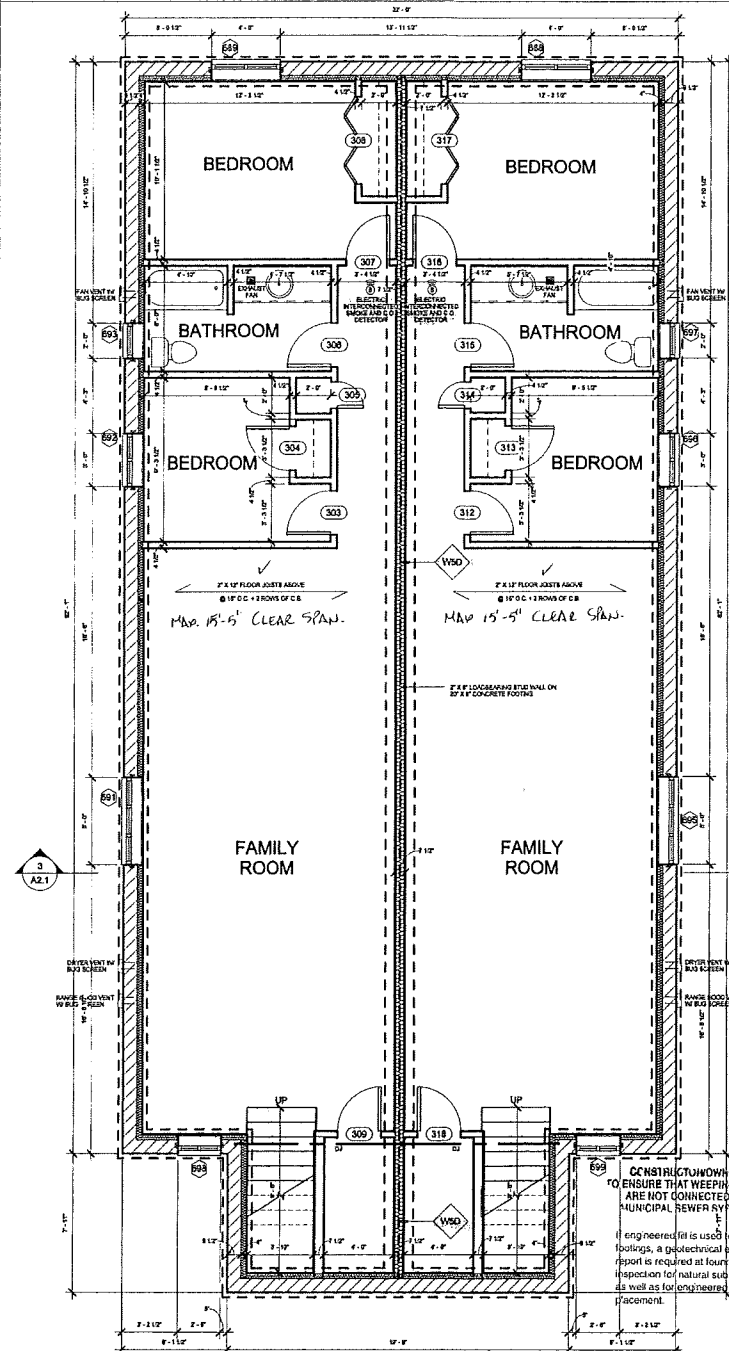




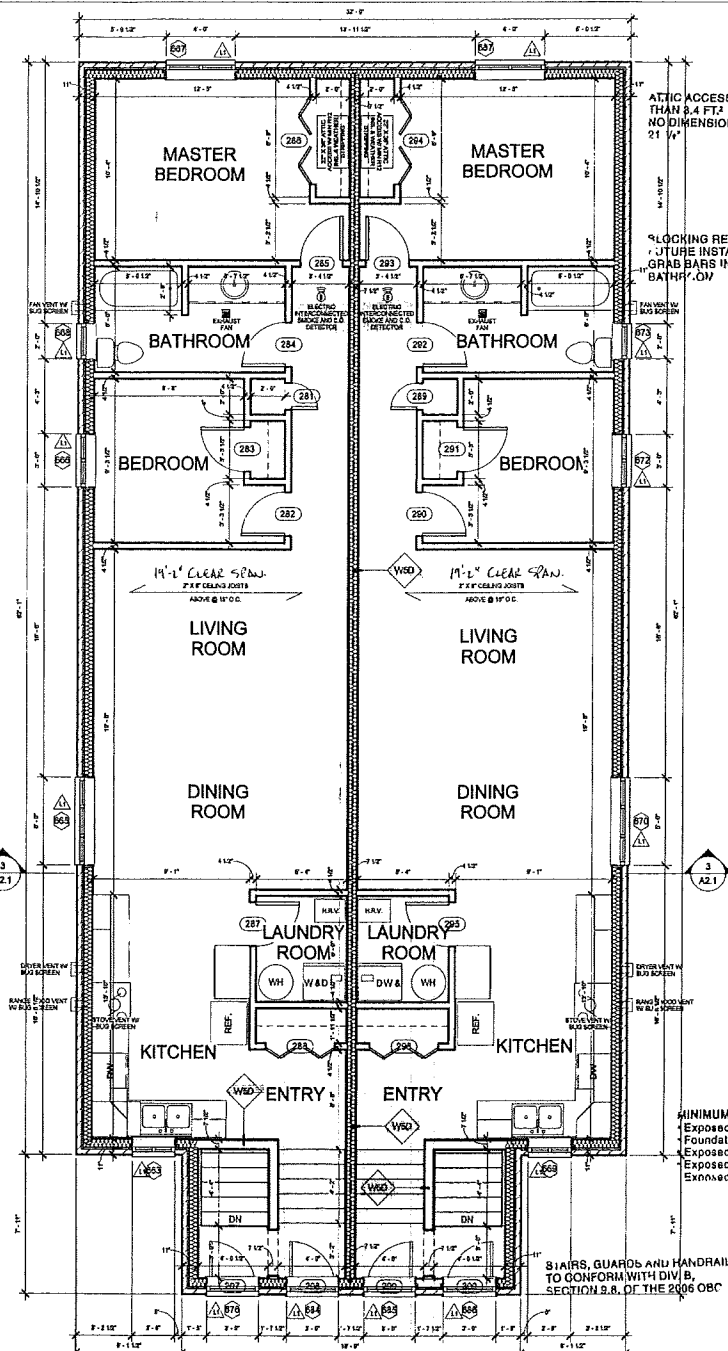
SKETCH OF PROPOSED FOURPLEX  
LOT 116  
REGISTERED PLAN M-131  
CITY OF GREATER SUDBURY

SCALE : 1 INCH = 20 FEET





1 BASEMENT PLAN  
1/4" = 1'-0"



2 FIRST FLOOR PLAN  
1/4" = 1'-0"

File 751-6/14-29  
953 Howey Drive, Sudbury  
Floor plan

MCCANN CONSULTING GROUP  
891 CORNAUGHT AVENUE  
SUDBURY, ONTARIO  
P5E 5H9  
PHONE: (705) 688-0018  
FAX: (705) 688-0925  
EMAIL: rhd@sympatico.ca

PROJECT  
PROPOSED DUPLEX FOR  
L.S. BOCK  
ON THE STREET  
PLANS

DATE  
NOV/08  
SCALE  
As indicated





PHOTO 1 953 HOWEY DRIVE, SUDBURY – FRONT ELEVATION  
OF EXISTING DWELLING ON SUBJECT LAND



PHOTO 2 953 HOWEY DRIVE, SUDBURY – EASTERLY VIEW OF  
SITE EXCAVATION IN FRONT YARD

751-6/14-29 PHOTOGRAPHY OCT 23, 2014





PHOTO 3 953 HOWEY DRIVE, SUDBURY – WESTERLY INTERIOR  
SIDE YARD WITH VIEW OF ABUTTING TRIPLEX AT  
947 HOWEY DRIVE

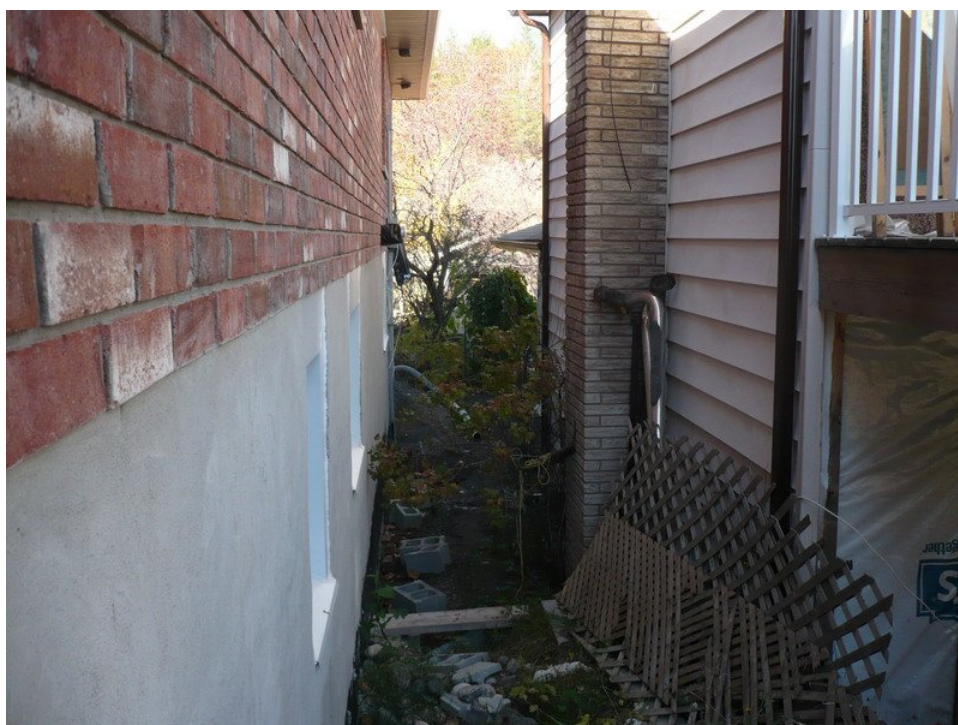


PHOTO 4 953 HOWEY DRIVE, SUDBURY – EASTERLY INTERIOR  
SIDE YARD WITH VIEW OF ABUTTING SINGLE DETACHED  
DWELLING AT 957 HOWEY DRIVE

751-6/14-29 PHOTOGRAPHY OCT 23, 2014



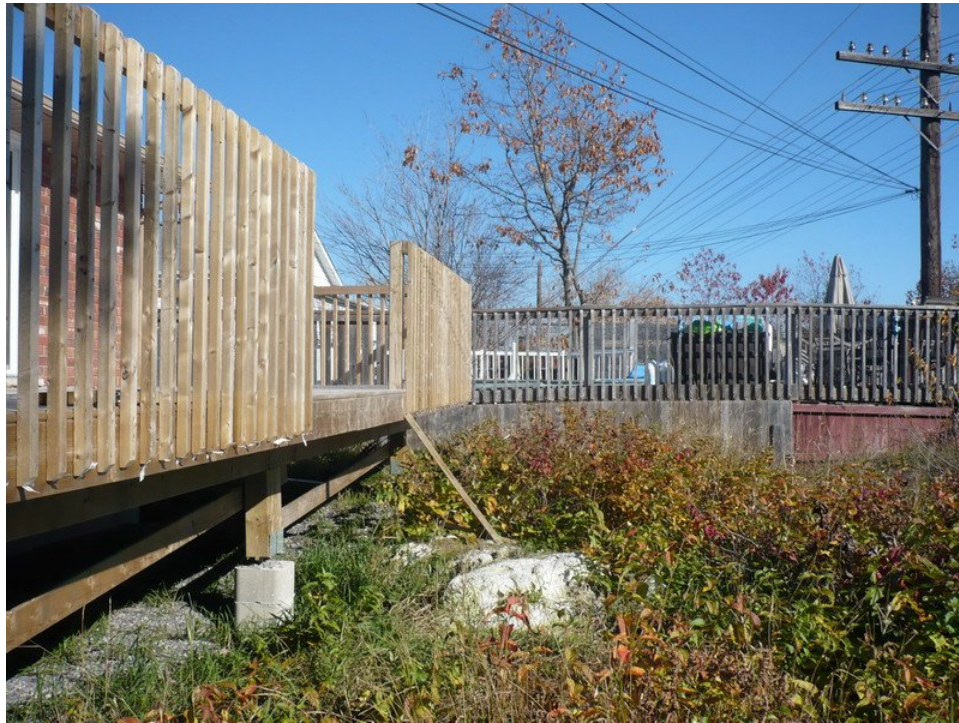


PHOTO 5 953 HOWEY DRIVE, SUDBURY – VIEW OF REAR DECK  
FACING SWIMMING POOL ON PROPERTY ABUTTING EAST



PHOTO 6 953 HOWEY DRIVE, SUDBURY – VIEW OF REAR YARD  
FACING RAIL CORRIDOR AND LAKE

751-6/14-29 PHOTOGRAPHY OCT 23, 2014



**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS ON A LOT ZONED FOR A LOW DENSITY RESIDENTIAL USE, HOWEY DRIVE – L. S. BOCK DEVELOPMENTS INC.**

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**The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated February 14, 2011 was received from the General Manager of Growth and Development regarding an application for rezoning in order to permit a multiple dwelling with four (4) units on a lot zoned for a low density residential use, Howey Drive – L. S. Bock Developments Inc.

Adrian Bortolussi, agent for the applicant, was present.

Letter of objection dated February 22, 2011 was received from Bonnie McAlister, area resident.

The Director of Planning Services outlined the application to the Committee.

Mr. Bortolussi stated the property owner reviewed the plans and felt it was appropriate to move the building closer to the train tracks to keep the front yard available for parking. If the building is built close to the road the visibility for the neighbor to the east would be blocked. The property will require a setback whether the building is close to the road or the train tracks. He does not believe there will be an impact on traffic. He is aware a neighbour has concerns regarding the location of the building and is willing to move it to the originally planned position.

Gerald Chamberland, adjoining property owner, questioned how the applicant will be attaching the water and sewage services for the property as the previous owner had difficulties with blasting and was not able to remove the rock. He is also concerned with damage to his property should there be any blasting.

The Supervisor of Development Engineering stated the building permit will include requirements for pre and post blasting reports.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following recommendation was presented:

2011-48 Belli - Rivest: That the application by L.S. Bock Developments Inc. to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law by changing the zoning classification of lands described as PIN 73582-0090, Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim from "R2-2", Low Density Residential Two to "R3-Special", Medium Density Residential Special be denied.

**YEAS: Councillors Belli, Craig, Dutrisac, Rivest, Kilgour**

**CARRIED**

The Committee denied the application due to the small size of the lot, insufficient setbacks, impact on the adjoining neighbours, potential negative impact for snow removal, lack of room for planting strips and insufficient room for parking.

## MINUTES - FEBRUARY 23, 2015

### REFERRED AND DEFERRED MATTERS

#### **APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS, 953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC**

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated February 9, 2015 from the Acting General Manager of Growth & Development regarding an application for rezoning in order to permit a multiple dwelling with four (4) units, 953 Howey Drive, Sudbury - L.S. Bock Developments Inc.

Luc Bock, the applicant and Dave Dorland, agent of the applicant were present.

Mauro Manzoni, Senior Planner, outlined the application to the Committee.

Mauro Manzoni, Senior Planner, stated that what is present today is a semi-detached building and they maintain two (2) parking spaces to abide to the by-law. He informed that it is legally a semi-detached building and there should only be two (2) parking spots which is the requirement for a duplex. He stated there is a significant difference between a duplex and fourplex and that any building with three (3) or more units is considered a medium density residential unit. He informed that buffer slips, width of lot, parking spaces and a whole range of additional problems are problematic in this case as it is a forty foot wide lot which does not meet the requirements for this fourplex. He stated that if the entire front yard is paved for parking it would cause draining problems which is not an acceptable standard.

Eric Taylor, Manager of Development Approvals, stated that in terms of the landscaped area, the two (2) parking spaces required would free up the front yard space for landscaping and there is opportunity for more landscaping to occur in the front yard. He stated that as for intensification, they look for medium density opportunities where there are arterial roads and suitable parking on the site and where the location is suitable for intensification. He informed there were the same issues in the previous staff report from 2011 regarding the same property, where it was recommended that the application be denied. He informed that the applicant came with an application for a duplex only and it was originally approved.

Mr. Dorland stated he received the plan showing where the building is located unfortunately, the sketch that was submitted with the application is not correct. He stated that it may have a more positive impact with planning staff's concerns about parking spaces. He informed the building was constructed with room for six (6) parking spaces in the front yard and the requirement for setback is 7.5 metres on a secondary arterial road. He stated the original plan that was prepared had 3 metre parking stalls and if you reduce the parking stall width to 2.75 metres, which is the required size, there would be 7 metres of setback from Howey Drive so that would not be an issue. He stated that he wanted to review some of the sections of the staff report applying the new information which would provide some relief regarding some of the staff's concerns. He stated that although area is zoned R2 this fourplex, multi-family dwelling is compatible with the surrounding uses and the photos provided show that there is only one single-family dwelling to east of the property. He informed that the other dwellings in the area are triplexes or sevenplexes that are no longer in use and the pictures show that all the building except one to east are multi-functional and not duplexes. He stated the owner of the single-family dwelling, to who they are to provide a buffer and landscaping, approves this lot as multi-family zoning use and his signature is on handout page included with our submission. He stated that Staff are suggesting that if medium density designation is granted then a revised drainage and lot grading agreement would have to be prepared. He stated that construction has not yet been completed. He informed that Mr. Bock is agreeable to a 2 metre road widening when they are widening Howey Drive if that is a concern of the Planning Committee. He informed that the Applicant is also amiable to including his occupancy

**REFERRED AND DEFERRED MATTERS (Cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,  
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

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agreements and drainage plan prior to occupancy. He stated there is room for six (6) parking spaces and instead of 10 foot setback from Howey Drive there is room for landscaping and rear yard landscaping. He stated there is adequate room for a walkway on the side of the building to access the front or backyard from south side of the lot. He stated there is a fair bit of tree cover along the west side of adjoining property and to the east of parking stalls that face neighbor and the parking spaces are to be supported by a retaining wall atop of which an opaque fence is to provide privacy for owner east of property, who also has no problem with this development. He informed that the owner of the land to the west of the property, Mr. Chamberlain, is in the audience whose primary concern is drainage and activity by users and occupants of the building that may cross the lot-line onto his property. He informed that to address that issue they are prepared to construct a suitable barrier along his east side of the property.

Mr. Bock advised he was provided with R3 zoning in 2011 and constructed a duplex and will be rented as such until the Committee decision changes this. He informed that he intended it to be duplex however there was a mistake on the drawings when the original application changed to duplex so forgot to remove the four (4) doors on the drawing.

Mr. Dorland advised that Building Services did not have problem with the four (4) doors on the plan.

Mr. Bock stated there were a lot of things going on that needed to get resolved with this property and has spent almost a year going over the lot grading plan and he submitted the incorrect drawing. He informed that there was a lot of work involved 2011 to 2013 when the permit was issued and it was put forward to him that a duplex would be approved if concessions were made on his part and whether a duplex or fourplex it meets all requirements for the setbacks.

Mr. Dorland advised that he presented the previous application to the Committee of Adjustment to seek relief from the rear yard setback and the main concern was moving the building closer to the railroad tracks. He informed that this was made acceptable to the Committee as the tracks are down 30 feet of rock cut so the normal noise issues are not an issue. He stated that the minutes and decision reflected a duplex and does not recall any discussion what would happen if this was a fourplex. He stated it was a sound and vibration issue because of the nature of the location of the tracks in respect to the house and it was approved it was not the number of units that was the issue.

Eric Taylor, Manager of Development Approvals, stated that there are a couple of matters here. He informed the Committee at the time had to deal with a reduction in the set back to Canadian Pacific Railway to allow for a duplex, which was what they considered at that time. He informed that safety is the reason there is such a setback for derailment because cars can come off track and damage buildings. He stated the property is higher than the rail line, which was part of their consideration in making their decision to allow the duplex. He stated that the current application is to allow a fourplex, which is setback at that same distance, whether a duplex or a fourplex and the Committee should include exceptions to allow 30 metre setback in their decision if they decide to allow the fourplex.

Mr. Dorland advised the plan that was handed out was reviewed by City through the Development Engineer Department to put a building on the property and adjust the drainage and lot grading issues. He informed the same surveyor laid the building out and wanted to move it back to the tracks as far as possible. He stated the sketch shows 71 feet at Howey Drive but it is actually setback far enough if we use 2.75 metres for parking stall, which is the required width, and provide six (6) parking spaces to meet the requirements of not having parking in the required front yard. He stated that they could

**PUBLIC HEARINGS (Cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,  
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

investigate shifting the parking to other side of lot. He stated that one of the suggested conditions of the recommendation is to submit a new lot grading plan and shift the parking spaces. He informed that planting strips cannot be provided due to narrow width of the lot which would be the same for duplex or fourplex. He informed that they could put planting strips on front of Howey Drive and some landscaping on the south boundary of the property so residents could still view Ramsey Lake. He informed that giving the scaling that has been given by the City, we can get the six (6) parking spaces, have landscaping and meet the required setback of Howey Drive. He informed that the landscaping is not complete as Mr. Bock was putting in the service connections this fall but has not finished the retaining walls to carry drainage on his property and not spill off in neighbor's properties however they are not yet completed due to weather.

George Melnyk, area resident, provided a presentation including photos opposing the application on behalf of Gerald Chamberlain his landlord.

Gerald Chamberlain, area resident, stated he is concerned with the noise level and stated that if Mr. Bock had talked to him before they could probably have worked something out. He informed that he is also concerned with the drainage issues and wondered where the drainage will go when they build the retaining walls.

Guido Mazza, Director of Building Services, advised that there is an order on this property in regards to the lack of compliance with the lot grading plan and there have been a number of visits to the property and one of the issues is the elevation of building. He informed the City has an order against Mr. Bock since October regarding the lot grading plan and the retaining wall. He stated the City's lot grading by-law requires that it be approved and be in compliance within six (6) months of occupancy being issued. He informed when developers build homes in a subdivision and occupancy occurs in the late fall, they have until May to complete the final lot grading and the building codes states that one shall not diversely affect adjoining property owners.

Rob Webb, Supervisor of Development Engineering, stated that they do not have as built for applications and the drainage did not match the design of the plan therefore the order to comply was issued. He stated that there was to be no retaining wall to be on Mr. Chamberlain's side and water drains toward the back corner of his house. He informed that the erection of a retaining wall may not be solution. He stated that this is an intricate lot, and when the original lot grading plan was not followed it has caused some problems and the space where the parking spots were proposed to be located were on same side as the proposed retaining wall.

Mr. Chamberlain stated that he did not have drainage issues prior to construction of this property which was built up by six (6) feet and was zoned an R3 in 1991. He informed that water is pooling at the corners and going underneath the house into the crawlspace and he has a sump pump now which he never needed before. He stated that when they blasted for the basement they may have blasted a vein and he has been calling the City regularly regarding his drainage issues.

Rob Webb, Supervisor of Development Engineering, advised that the surface water is draining towards the neighbor's house and this is why the City has a lot grading plan compliance order to deal with drainage issues. He stated that the footprint of the building would not be different whether it is a duplex or a fourplex. He informed that In order to follow the lot grading plan rock would have to be removed which could be done this time of year, however the retaining wall would have to wait and it is almost impossible to deal with drainage problems in the winter.

**PUBLIC HEARINGS (Cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,  
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

Mr. Bock stated that the entire reason there may be some negative impact to neighboring properties is that there has been zero landscaping completed to date. He stated that when the City did their inspection, they were still digging for sewer lines and gas. He assured that as soon as the application is approved by the City staff he will complete the draining plans and the retaining wall. He stated that he has never had issues with neighbors in the past and would like to satisfy Mr. Melnyk and Mr. Chamberlain's concerns. He informed that he could not do anything about the workers making noise as this is a common occurrence on construction sites. He stated that the project is incomplete but when it is complete it will not negatively impact the neighborhood.

Mr. Dorland advised the drainage and grades on this property were designed to meet the requirements of the policies and the approved drainage plan. He stated that drainage will not flow onto either neighbor's property. He stated the photos show swale on the west side and retaining wall on the east side and given the fact most of the grade work for service connections was completed in October these issues were not addressed. He stated that Mr. Guido has advised that landscaping is to be completed six (6) months after occupancy but they do not even have occupancy for either a duplex or a fourplex. He informed that there is time to deal with those issues and we will. He stated the placement of the building mitigates and addresses many of the concerns regarding front of the property and conforms to the official plan with respect to parking and landscaping. He stated that this is not a fourplex in middle of a single-family dwelling area, it was zoned R3 and there are many multi-unit dwellings. He stated that Building Services or the neighbour to the east have not objected to this application.

Proceed Past  
10:00 p.m.

THAT this meeting proceed past the hour of 10:00 p.m.

**CARRIED**

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following recommendation was presented:

PL2015-27 Reynolds/ Dutrisac THAT the City of Greater Sudbury approves the application by L.S. Bock Developments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2-2", Low Density Residential Two to "R3", Medium Density Residential Special on those lands described as PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3, Concession 3, Township of McKim subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall meet the following conditions:
  - I. Apply for a building permit to the satisfaction of the Chief Building Official;
  - II. Rectify outstanding drainage issues and, if required, submit a revised design lot grading plan to the satisfaction of the Director of Planning Services;
  - III. The owner enter into an agreement with the City to dedicate on demand a 2 metre wide strip along Howey Drive; and
- b) That the amending by-law include the following site-specific provisions:
  - i. A maximum of four (4) *dwelling units* within the *existing building* shall be permitted;
  - ii. A *rear yard setback* of 8.2 metres abutting a railroad right-of-way shall be permitted;
  - iii. The *lot frontage* of the *existing lot* shall be permitted; and,

**PUBLIC HEARINGS (Cont'd)**

**APPLICATION FOR REZONING IN ORDER TO PERMIT A MULTIPLE DWELLING WITH FOUR (4) UNITS,  
953 HOWEY DRIVE, SUDBURY - L.S. BOCK DEVELOPMENTS INC (Cont'd)**

- iv. That an opaque fence with a minimum height of 1.5 m shall be required along the easterly and westerly lot lines from the front yard setback to the rear lot line.

**YEAS:** Councillors Dutrisac, Cormier, Reynolds

**NAYS:** Councillors McIntosh, Landry-Altmann

**CARRIED**

**CONSENT AGENDA**

The following recommendation was presented:

PL2015-28 McIntosh/Landry-Altmann: THAT the City of Greater Sudbury approves Planning Committee Consent Agenda Item C-1.

**CARRIED**

The following are the Consent Agenda Items.

**ROUTINE MANAGEMENT REPORTS**

Item C-1  
Consent referral  
request, Raft Lake  
Subdivision – Nickel  
Range Investments  
Ltd.

Report dated January 27, 2015 was received from the Acting General Manager of Growth and Development regarding Consent referral, Extension to draft plan of subdivision approval, Raft Lake Subdivision, South Lane Road, Sudbury - Nickel Range Investments Ltd.

The following recommendation was presented:

PL2015-29 Reynolds/McIntosh: THAT upon payment of Council's processing fee of \$1,407.00, the conditions of draft approval for the draft plan of subdivision on those lands known as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, File 780-6/96003, shall be amended as follows:

a) By deleting Condition #4 and replacing it with the following:

4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval."

b) By deleting Condition #7 and replacing it 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."



11300-69

23 February 2015

**Public Hearing for L.S. Bock Developments Inc.**

Reference: PIN 73582-0090, Parcel 13056 S.E.S., Lot 116, Plan M-131 in Lot 3,  
Concession 3, Township of McKim (953 Howey Drive, Sudbury)

First of all I would like to submit photographs and a written copy of my forth coming statement to this committee.

Good Evening;

My name is George Melnyk and I have resided in the rear apartment of a triplex at 947 Howey Drive from 1954 to 1978, and from 2003 to the present for a total of 35 years. But before I go any further, I would like to bring to the attention of the Planning Committee, that there is a major type o in the letter that I received for the Notice of Public Hearing dated January 22, 2015.

Under the section named **Proposal** it reads and I quote "The owner is proposing to convert an existing semi-detached dwelling to a fourplex." unquote. This is not quite correct. It should have read "The owner has built an existing fourplex, and is applying to have his property rezoned so that the property can potentially accommodate twice the number of dwelling units than what the existing zoning presently allows.

I believe that the "semi-detached" at 953 Howey Drive is in fact a fourplex for the following reasons:

- a. in July of 2013, I approached a contractor that was working on the framing, and asked him how many units he was building. He informed me that it's a fourplex;
- b. 4 hydro meter fixtures where installed to the exterior of the building in August 2013. They were marked and numbered 1 through 4. Meters 1& 2 are located on the east wall, and meters 3&4 are on the west wall;

c. in the late part of the summer of 2014, four natural gas meters were installed in the exact configuration, and general locations as the hydro meters. They are also marked 1 through 4 (**photo 1&2**), and finally

d. The interior layout of the dwelling at 953 Howey is such that it consists of a main floor and basement equally divided into 4 separate cubicles/units. Two units are on the main floor and two units are in the basement (**photo 3**). There is no internal access between adjacent units on the main floor, nor is there internal access from the main floor units to the basement units. Access to all four units is gained by 4 exterior doors situated in the front of the dwelling (**photo 4**). I'm not a contractor, but suspect that a fourplex was indeed built at 953 Howey Drive.

In mid summer of 2013 I verified through city records that an application for a building permit for 953 Howey Drive was submitted for the construction of a "Semi-Detached with Finished Basement". After constructing a fourplex in error, I really don't blame anyone for not posting a building permit on this dwelling. In accordance with the Ontario Building Code Act quote " shall have a permit or copy posted at all times during construction" unquote. I've been looking for the past 2 1/2 years, and have yet to see one posted on this construction site.

Here is a description of the parcel of land at 953 Howey Drive Sudbury. It is situated between my dwelling at 947 Howey Drive and 957 Howey Drive. Prior to the start of construction in 2012 this parcel of land was a depression and was vacant of any dwellings or development for over 60 years. Now we have a building with a driveway that has been built up to approximately 6 ft above it's natural 2012 elevation levels. This has resulted in the reversal of the grade/slope from his property, so water now drains towards our dwelling instead of away from it, as it had in the past. At the time of the final inspection, I hope that someone will take a good look at the Architects Drainage Plan which was submitted for this newly constructed dwelling, because thanks to the grade reversal,

excavating, blasting for the foundation. water, sewer, and natural gas services, we now have 2 sump pumps recently installed in our basement. I also hear that my neighbours next to him at 957 Howey are also been having water issues in their basement since this construction began.

This new dwelling at 953 Howey is sand wedged between us and 957 Howey Drive. By sand wedged I mean that the buildings exterior is approximately 4 and 1/2 feet from the dwelling at 957 Howey (**photo 5**), and 8 feet from my apartment wall (**photo 6**). The possibility of having any side yards goes out the window for this new building.

Speaking of yards, there will be little or no yard in the front for this proposed fourplex. In accordance with municipal bylaw 210-100Z there must be 1 1/2 parking spaces per unit for a total of 6 spaces. Good luck with that. The front property would likely be totally utilized as parking only (**photo 7**).

So where would the adults, children, guests, and pets from 4 units hang out and have social intercourse? Probably in their back yard (**photo 8&9**). This yard is approximately 25 X 40 ft.in dimensions, and has 1,000 square feet of usable space. There is no landscaping, no trees, no fence, and comes with a 30 foot vertical drop to railroad tracks from a rock cliff. Our back yard on the other hand has 8,775 sq ft of space with lawn, trees, and includes a path to the railroad tracks so that you can access the shores of Lake Ramsey which is only a stones throw away (**photo 7**).

I hope that their children and pets don't notice our back yard, believing that they can use it as their playground, and a shortcut to the lake. In the past we have had issues with roaming neighbourhood dogs using our back yard as their personal toilet.

For the last 2 1/2 years I have been listening to drilling, blasting, excavating, back hoeing, buzz sawing, hammering, generators, compressors, ghetto blasters, and workers yelling & talking only a few feet away from my apartment windows. I would definitely prefer noise from 2 units any day of the week vice the proposed 4 units.

In conclusion, Mr. L.S. Bock is attempting to have his property rezoned so that the property can potentially accommodate twice the number of dwelling units than what the existing zoning presently allows. The result of such a zoning change would cause a substantial increases in noise, traffic, neighbours, roaming pets, and general unhappiness in my life, while reducing property values for existing area homes.

For all of these reasons, the L.S. Bock Developments Inc. application should be denied.

For your info and action.

Thank you.

George Melnyk

(705) 675-2102

[georgemelncc1701@yahoo.com](mailto:georgemelncc1701@yahoo.com)

**SERVITIUM NULLI SECUNDUS**

**Service Second to None**

Attachments: 9

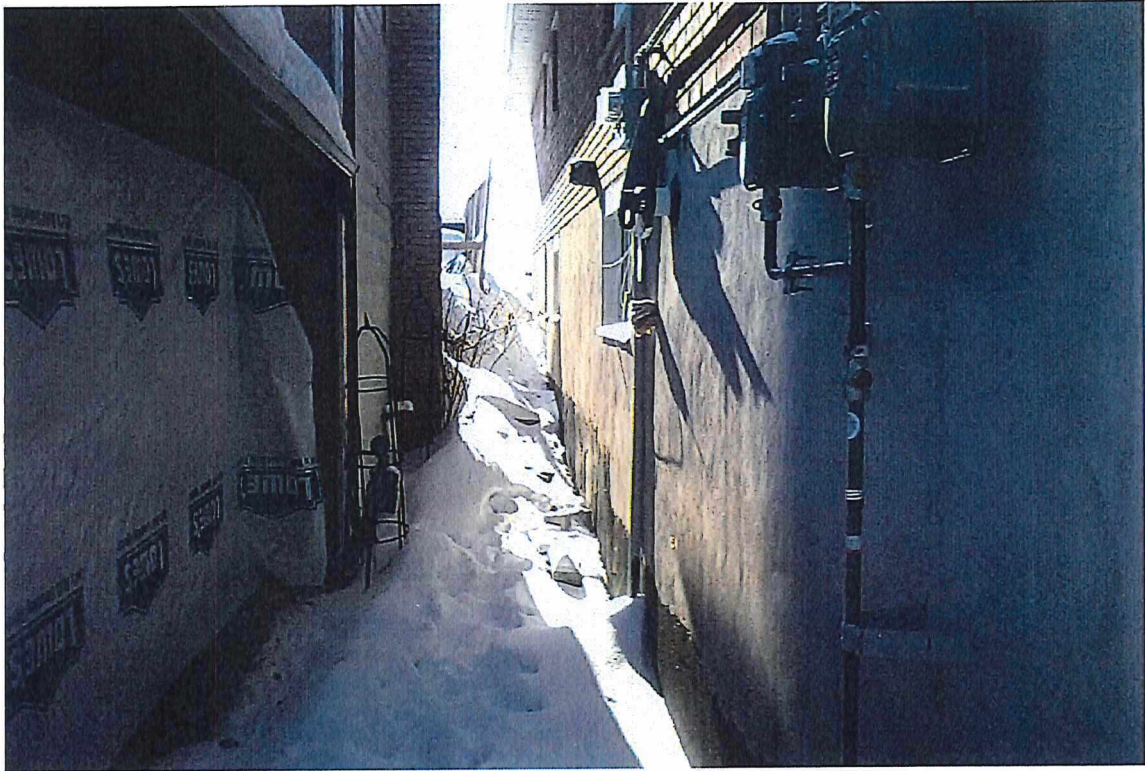


















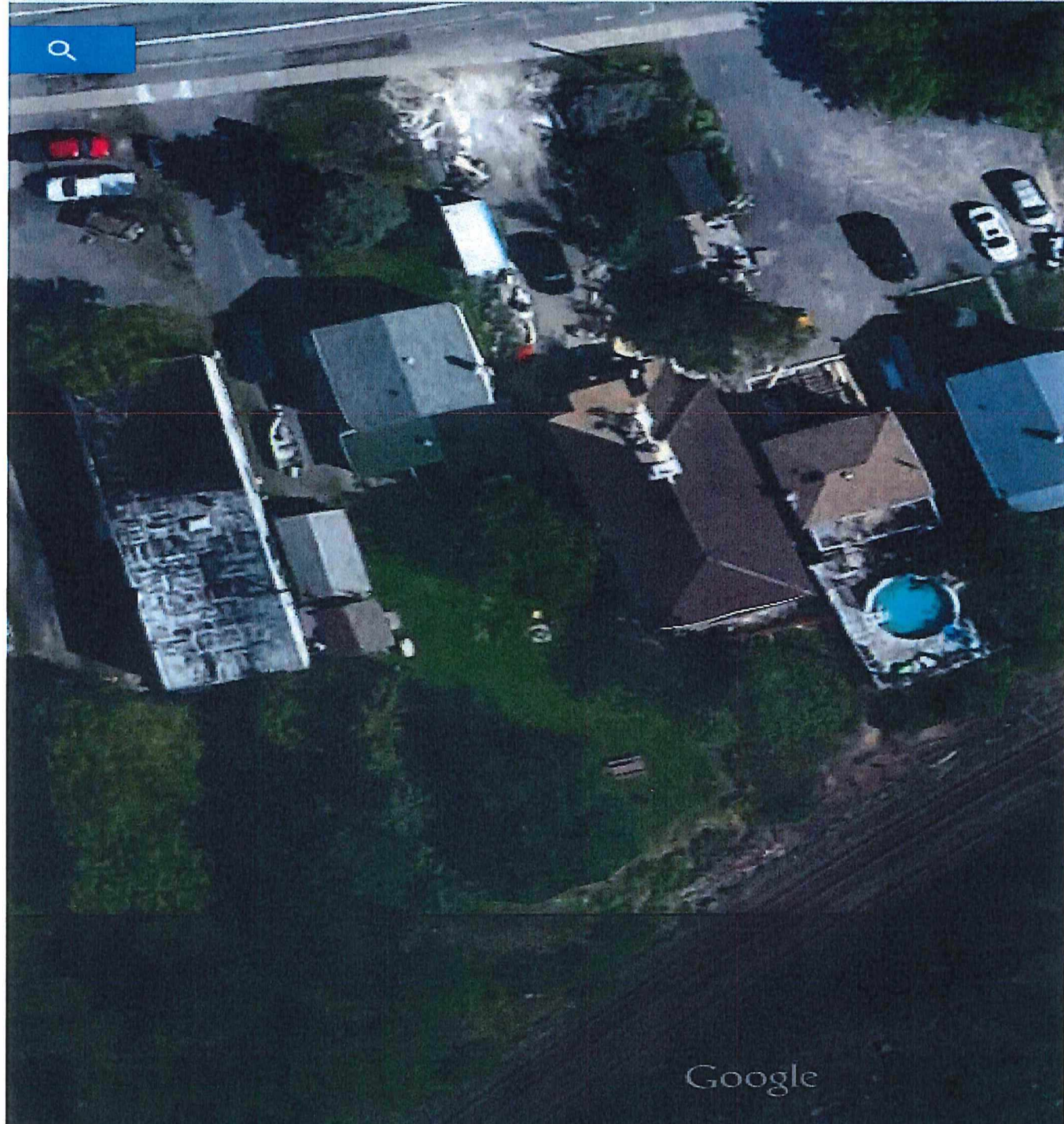






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Home - Greater Sudbury Recycling for Greater S... TD EasyWeb How to update A



## Request for Decision

### Commercial Vehicle Parking Standards

Presented To: Planning Committee

Presented: Monday, Jan 25, 2021

Report Date: Wednesday, Dec 23, 2020

Type: Public Hearings

### Resolution

THAT the City of Greater Sudbury approves the proposed By-law amendment, which would permit the parking of commercial vehicles in the form of tow trucks, on Agricultural (A) and Rural (RU) zoned properties, as outlined in the report entitled "Commercial Vehicle Parking Standards", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021.

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

Establishing policies that would permit the parking of commercial vehicles in a wider range of zones is consistent with the Business Attraction, Development and REtention goal of the Strategic Plan, which is advanced by supporting existing businesses, making municipal services efficient and accessible, facilitating partnerships with private industry and hosting promotional activities to attract targeted sectors.

### Report Summary

This report requests direction to initiate an amendment to Zoning By-law 2010-100Z to permit the parking of a commercial vehicle, in the form of a tow truck on Agricultural (A) and Rural (RU) zoned properties.

### Financial Implications

There are no financial implications associated with the report.

#### Signed By

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

Melissa Riou  
Senior Planner  
*Digitally Signed Dec 23, 20*

##### **Manager Review**

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 23, 20*

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

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 23, 20*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 6, 21*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 7, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 7, 21*

**Staff Report: Proposed Zoning By-law Amendments for Commercial Vehicle Parking**  
**December 23, 2020**  
**Planning Services Division**

**Background**

On September 11, 2018 Council passed resolution CC2018-249 (the Resolution) which directed staff to initiate the process to amend Zoning By-law 2010-100Z to permit one commercial tow truck exceeding a registered gross weight of 4,500 kilograms and height of 2.2 metres per dwelling unit on any residential lot within the Agricultural and Rural Zones (see Reference 1).

The intent of the resolution is to address tow truck response times to emergency situations. Town truck response times to accident scenes or traffic tie-ups can be hampered by on-call or on-duty tow truck drivers having to drive to the shop or parking area from his/her home to pick up the necessary tow truck before proceeding to the scene.

On December 15, 2020, Council endorsed Planning Committee Resolution PL 2020-162, through resolution CC2020-304 which directed staff to initiate an amendment to the Zoning By-law to permit the parking of commercial vehicles in the form of tow trucks on 'A' and 'RU' zoned lots. This report and draft by-law address the resolution.

**Overview of Changes**

Where the parking of commercial vehicles is permitted within rural areas, generally a restriction is placed on the number permitted. It is recommended that a maximum of one tow truck, exceeding a registered gross vehicle weight of 4,500 kilograms and exceeding the height of 2.2 metres is permitted to be parked within the Agricultural (A) and Rural (RU) Zones.

**Provincial Policy Statement (PPS)**

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

The proposed amendment does not conflict with the Provincial Policy Statement, 2020.

## **Growth Plan for Northern Ontario (GPNO)**

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

There is no conflict with the 2011 Growth Plan.

## **Official Plan for the City of Greater Sudbury**

The intent of the rural area designation is to accommodate a variety of land uses that are appropriate for a rural location, especially those that provide rural economic benefits that are balanced with the protection of the natural environment and the agricultural resource based.

The proposed amendment respects the rural area designation.

## **Summary and Recommendation**

Tow trucks provide support to essential services within our community. The geography of our City presents challenges with respect to the provision of timely service balanced with the protection of the character of residential neighbourhoods. The proposed amendment would provide additional options for the parking of commercial vehicles in the form of tow trucks, within the Rural (RU) and Agricultural (A) Zones and represents a step towards enabling more efficient response times. Further, the proposed amendment would be consistent with Council's strategic objective of Business Attraction, Development and Retention. It is recommended that the zoning by-law amendment (Attached to this report as Appendix A) be approved.

## **References**

1. City of Greater Sudbury. Council Resolution CC2018-249.  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1246&itemid=rec>
2. City of Greater Sudbury Zoning By-law 2010-100Z.  
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/#PART%205:%20%20%20PARKING%20AND%20LOADING%20PROVISIONS>



**By-law 2020-XXXZ**

**A By-law of the City of Greater Sudbury  
to Amend By-law 2010-100Z being the  
Comprehensive Zoning By-law for the City of Greater Sudbury**

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

1. That By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury be and the same is hereby amended by:

- (1) In Part 5, PARKING AND LOADING PROVISIONS, Section 5.4.5, PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL LOTS, by adding a new Section at the end of subsection b) “Notwithstanding Section 5.4.5(a) above:” as follows:**

“iii) the parking of one commercial vehicle that is a tow truck and exceeds a registered gross vehicle weight of 4,500 kilograms and exceeds the height of 2.2 metres is permitted within the Agricultural (A) and Rural (RU) Zones.”

## Request for Decision

### Coniston Seniors Non-Profit Housing Corporation - Application for Modification to a Cost Sharing Agreement

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Friday, Oct 30, 2020
Type:	Routine Management Reports

### Resolution

THAT the City of Greater Sudbury approves the request for modification to the cost sharing request by the Coniston Seniors Non-Profit Housing Corporation for the upgrading of approximately 283m length of 200mm watermain on Concession Street for the proposed Seniors Development on Part of PIN's 73561-0035 and 75360-1248, Lot 4, Concessions 3 & 4, Township of Neelon, Elm Street, Coniston as outlined in the report entitled "Coniston Seniors Non-Profit Housing Corporation - Application for Modification to a Cost Sharing Agreement", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021.

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

The application to modify the cost sharing agreement is an operational matter under the City's Cost Sharing policy to which the City is responding.

### Report Summary

On August 12th, 2019, a Request for Decision was brought forward to Planning Committee to extend the sunset clause regarding the Coniston Seniors Non-Profit Housing Corporation cost sharing request with the City. Upon a successful extension, the proponents undertook a review of their original 2016 cost estimate. Based on their revised estimate, they are asking for consideration to update the value of the proposed cost sharing to reflect the same 50/50 cost split with current unit costs for a City share of \$363,325.50.

### Financial Implications

If approved, the City's portion of the cost sharing agreement is \$363,325.50 and will be funded from existing

#### Signed By

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

Robert Webb  
Supervisor of Development  
Engineering  
*Digitally Signed Oct 30, 20*

##### **Reviewed By**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Oct 30, 20*

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

Kris Longston  
Manager of Community and Strategic  
Planning  
*Digitally Signed Jan 7, 21*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Nov 10, 20*

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

Tony Cecutti  
General Manager of Growth and  
Infrastructure  
*Digitally Signed Jan 8, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 13, 21*

Water cost sharing capital account.

**Title: Coniston Seniors Non-Profit Housing Corporation**

**Date: December 7, 2020**

## **Staff Report**

### **Applicant:**

Coniston Seniors Non-Profit Housing Corporation

### **Location:**

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

### **Application:**

To modify the cost sharing agreement to retain a 50/50 share, as set out in the original approval from the September 12, 2016 Planning Committee meeting, and update the monetary value of this cost sharing to reflect current construction costs. A copy of the original staff report is attached.

### **Proposal:**

The applicant is working towards creating a "shovel ready" project for senior's housing and this application is intended to modify the upset limit imposed as the City's share of the costs to reflect current unit prices for construction work. An updated estimate for the entirety of the works to service their site has been provided and is included as Appendix A to this report. Development Engineering staff have reviewed the cost estimate and modified the estimate to reflect the estimated costs for the works to be shared. The actual amount of the City's portion of the cost sharing will be determined based on actual costs of construction of the works after construction is complete as per section 3.0 – Definition of Terms for "cost" within the road right-of-way for Concession Street. The section of watermain on private lands and along the portion of Elm Street would be considered a watermain connection and the developer would be responsible for 100% of the cost. Based on the portions that are subject to cost sharing, the new upset amount for the City's 50% share is \$363,325.50, an increase of \$76,555.00 from the original 2016 allocation.

Section 2.2 g) of the Policy on Development Cost Sharing references the ability to add a sunset clause to the approval for cost sharing requests. It is prudent to add a sunset clause to requests to ensure that the City's funds are not allocated to a project that will not be proceeding to construction. A sunset clause of three years would be appropriate in this instance.

### **Summary**

Staff has reviewed the request to modify the cost sharing agreement to reflect current construction costs to better suit the applicant's wish to have a "shovel ready" seniors housing project. We are satisfied that the requested cost sharing continues to meet the requirements of the City's 2016 Development Cost Sharing Policy and the upgrades to the watermain and sanitary sewer system remain as requirements for the development of the applicant's site. As such, staff are satisfied that an update to the upset cost for the City's share for the fulfilment of the cost sharing agreement is warranted and that this approval be valid for three years from the date of approval.



1942 Regent Street, T. 705 671.2295  
Unit L F. 705 671.9477  
Sudbury, ON sudbury@tulloch.ca  
P3E 5V5  
[www.TULLOCH.ca](http://www.TULLOCH.ca)

## **APPENDIX A: Preliminary Watermain Upgrades Cost Estimate Breakdown**



Item No.	Description	Units	Estimated Quantity	Unit Price	Item Amount
<b>Construction Costs</b>					
1	Asphalt Removal	m <sup>2</sup>	1440	\$ 6.75	\$ 9,720.00
2	Removal of Concrete Curb and Gutter	m	320	\$ 9.50	\$ 3,040.00
3	Earth Excavation	m <sup>3</sup>	3000	\$ 17.50	\$ 52,500.00
4	Connection to Existing Watermain w/ Pressure Reduction Valve	ea.	3	\$ 40,000.00	\$ 120,000.00
5	Connect to Existing Hydrant	ea.	3	\$ 5,850.00	\$ 17,550.00
6	200mm dia. PVC DR 18 Watermain	m	320	\$ 575.00	\$ 184,000.00
7	Transfer Existing Service Connection	ea.	30	\$ 2,350.00	\$ 70,500.00
8	Temporary Water Service	L.S.	1	\$ 57,500.00	\$ 57,500.00
9	Granular 'B' (600mm depth)	t	1500	\$ 20.00	\$ 30,000.00
10	Granular 'A' (150mm depth)	t	400	\$ 30.00	\$ 12,000.00
11	HL8 Hot Mix Asphalt Base Course (50mm)	t	175	\$ 185.00	\$ 32,375.00
12	HL3 Hot Mix Asphalt Surface Course (40mm)	t	140	\$ 180.00	\$ 25,200.00
13	Concrete Curb and Gutter	m	320	\$ 250.00	\$ 80,000.00
14	Misc. Restorations	L.S.	1	\$ 10,000.00	\$ 10,000.00
				<b>SUBTOTAL</b>	<b>\$ 704,385.00</b>
<b>Design and Inspection Costs</b>					
15	Detailed Design and Tender Preparation	L.S.			\$ 25,000.00
16	Construction Inspection	L.S.			\$ 50,000.00
				<b>SUBTOTAL</b>	<b>\$ 75,000.00</b>
Definitions: ea. – each, t. – Tonnes, k.g. – kilograms, L.S. – Lump Sum m. – Linear Metres, m2 – Square Metres, m3 – Cubic Metres			<b>TOTAL ESTIMATED COSTS</b>		<b>779,385.00</b>

Presented To:	Planning Committee
Presented:	Monday, Sep 12, 2016
Report Date	Monday, Aug 22, 2016
Type:	Managers' Reports

## Request for Decision

### Application for a cost sharing agreement between Coniston Seniors Non-Profit Housing Corp. and the City of Greater Sudbury

#### Resolution

THAT the City of Greater Sudbury approves the cost sharing request by the Coniston Seniors Non-Profit Housing Corporation for the upgrading of approximately 283m length of 200mm watermain on Concession Street for the proposed Seniors Development on Part of PIN's 73561-0035 and 75360-1248, Lot 4, Concessions 3 & 4, Township of Neelon, Elm Street, Coniston;

AND THAT the General Manager of Infrastructure Services enters into a Cost Sharing Agreement with the registered owner to include a fifty percent share of watermain upgrading and restoration at an estimated total cost of \$286,770.50 as the City's share, and a sunset clause limiting the duration of the agreement to 3 years from the date of Council's approval with any extension to the agreement to be approved by Council.

#### STAFF REPORT

##### Applicant:

Coniston Seniors Non-Profit Housing Corp

##### Location:

Part of PIN's 73561-0035 and 75360-1248, Lot 4, Concessions 3 & 4, Township of Neelon, Elm Street, Coniston.

##### Application:

Request for a cost sharing agreement between the applicant and the City based on the City's Policy on Development Cost Sharing 2016.

##### Proposal:

The applicant is requesting a cost sharing agreement with the City with a 50/50 cost share for construction

#### Signed By

##### Report Prepared By

Robert Webb  
Supervisor of Development  
Engineering  
*Digitally Signed Aug 22, 16*

##### Reviewed By

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Aug 22, 16*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 22, 16*

##### Recommended by the Department

Tony Cecutti  
General Manager of Infrastructure  
Services  
*Digitally Signed Aug 24, 16*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 26, 16*

of a 200mm watermain and appurtenances on Concession Street in Coniston.

### **Site Description:**

The subject property is located on the west end of Elm Street in Coniston. The location is currently serviced with a 150mm watermain and built to an urban standard to the intersection of Elm/Concession and John Street.

The proposed development comprises a total of 55 units in a five-storey apartment complex. The associated rezoning application was recommended for approval by the Planning Committee on August 8, 2016, which was ratified by Council on August 9, 2016. The cost sharing agreement is to upgrade the existing 150mm watermain on Concession Street to the City's current standard of a 200mm watermain. This upgrade is required in order to address the low fire flow in the area and service the proposed development.

### **Departmental & Agency Comments:**

#### Water/Wastewater

The watermain upgrades will increase fire flow in the area along Elm Street in addition to renewing our infrastructure. Hence we will be willing to cost share the upgrades.

### **Background:**

Elm Street is currently serviced with a 150mm watermain to the intersection of Elm/Concession and John Street. Elm street is the westerly extension of Concession Street west of John Street. The fire flow has been modeled and shown to be deficient in this area of Coniston. Given the low fire flow available in the area the water main on Concession Street needs to be upgraded. The City is currently upgrading the watermain on Second Ave under capital project ENG 16-7 which includes the replacement of the watermain on Second Avenue from Highway 17 southwards past Concession Street.

Both the Capital project and the upgrading that is the subject of this application are required for sufficient fire flow to the Coniston Seniors Non-Profit development site.

### **Finance:**

Funds have been set aside for development cost sharing starting with \$ 200,000.00 in the 2012 budget when the Cost Sharing Policy was approved by Council. The current amount in the cost sharing account is approximately \$1,049,539.00 for Roads/Drainage growth related projects and \$922,760.98 for Water/Wastewater system improvements. A previous successful cost sharing application has allocated approximately \$381,944.04 of the Roads/Drainage growth related projects funding to the Koskiniemi subdivision in Azilda. This project proposes to use Water/Wastewater system improvements funding for the watermain replacement.

### **Cost Sharing:**

The City's 2012 Development Cost Sharing Policy was recently reviewed and replaced by Council approving on August 9, 2016 a new Development Cost Sharing Policy. This policy establishes a basis for the City to share the costs of upgrading certain infrastructure with private land owners and developers. The cost distribution between the developer and the City will be applied as follows based on the 2016 policy:

### **Watermain**

Section 4.3 External Services C) states that "In situations where a new development creates a deficiency in the external system and there are no existing deficiencies, the developer shall be responsible for 100% of the cost. In situations where there is an existing deficiency; the City shall be responsible for 50% of the cost.

## **Water Connections**

An existing 150mm watermain with insufficient capacity is currently installed on Concession Street. The developer will be required to pay 100% of the cost for their service connections from their site to the watermain location at the intersection of Elm/Concession and John Streets.

## **Associated Costs**

The Developer's Engineering cost estimate for the works (see attached) includes as the estimated City share, \$341,600.00 for the construction of the works and associated engineering. Development Engineering staff have reviewed the cost estimate and modified the estimate to reflect the estimated costs for the works to be shared. The actual amount of the City's portion of the cost sharing will be determined based on actual costs of construction of the works after construction is complete as per section 3.0 – Definition of Terms for "cost" within the road right-of- away for Concession Street. The section of watermain on private lands and along the portion of Elm Street would be considered a watermain connection and the developer would be responsible for 100% of the cost.

## **Sunset Clause:**

Section 2.2 g) of the 2016 Development Cost Sharing Policy allows for the City to include a sunset clause in the cost sharing agreement that limits the amount of time that City funds would be reserved exclusively for a particular project. To this effect, the cost sharing agreement would contain a clause limiting the duration of the agreement to three (3) years from the date that the request is approved by Council. Any extension to the duration of the agreement must be approved by Council.

## **Summary:**

The application, for cost sharing is supported by staff based on the information submitted and the City's Policy on Development Cost Sharing.

Planning Services recommends that the City enter into a cost sharing agreement with Coniston Seniors Non-Profit Housing Corporation regarding the watermain upgrade on Concession Street to service the proposed development detailed in the engineer's breakdown of costs as modified by Development Engineering staff.

The City's share is calculated to be approximately \$286,770.50 while the applicant's share, including what is shown for their watermain connection is calculated to be \$341,600.00. The associated cost sharing agreement will have a sunset clause of three years from the date that the request gains approval by Council.

Tulloch Engineering  
Project No. 135769  
Sudbury, ON

Coniston Seniors Non-Profit Housing Corporation  
Elm Street Development  
Preliminary Watermain Upgrades Cost Estimate

October 2014

Item No.	Description	Units	Estimated Quantity	Unit Price	Item Amount
<b>Construction Costs</b>					
1	Asphalt Removal	m <sup>2</sup>	1440	\$ 5.25	\$ 7,560.00
2	Removal of Concrete Curb and Gutter	m	320	\$ 7.00	\$ 2,240.00
3	Earth Excavation	m <sup>3</sup>	3000	\$ 15.00	\$ 45,000.00
4	Connection to Existing Watermain w/ Pressure Reduction Valve	ea.	3	\$ 35,000.00	\$ 105,000.00
5	Connect to Existing Hydrant	ea.	3	\$ 5,000.00	\$ 15,000.00
6	200mm dia. PVC DR 18 Watermain	m	320	\$ 500.00	\$ 160,000.00
7	Transfer Existing Service Connection	ea.	30	\$ 2,000.00	\$ 60,000.00
8	Temporary Water Service	L.S.	1	\$ 50,000.00	\$ 50,000.00
9	Granular 'B' (600mm depth)	t	1500	\$ 16.00	\$ 24,000.00
10	Granular 'A' (150mm depth)	t	400	\$ 25.00	\$ 10,000.00
11	HL8 Hot Mix Asphalt Base Course (50mm)	t	175	\$ 160.00	\$ 28,000.00
12	HL3 Hot Mix Asphalt Surface Course (40mm)	t	140	\$ 175.00	\$ 24,500.00
13	Concrete Curb and Gutter	m	320	\$ 250.00	\$ 80,000.00
14	Misc. Restorations	L.S.	1	\$ 6,900.00	\$ 6,900.00
<b>SUBTOTAL</b>					<b>\$ 618,200.00</b>
<b>Design and Inspection Costs</b>					
15	Detailed Design and Tender Preparation	L.S.			\$ 25,000.00
16	Construction Inspection	L.S.			\$ 40,000.00
<b>SUBTOTAL</b>					<b>\$ 65,000.00</b>
Definitions: ea. – each, t. – Tonnes, k.g. – kilograms, L.S. – Lump Sum m. – Linear Metres, m2 – Square Metres, m3 – Cubic Metres			<b>TOTAL ESTIMATED COSTS</b>		<b>683,200.00</b>



Coniston - Senior's Development  
Cost Sharing Application  
Water Supply Servicing



Highway 17 East

Proposed  
Development

Amanda Street

A

B

C

Concession Street

Balsam Street

John Street

King Street

First Avenue

Spruce Street

Second Avenue

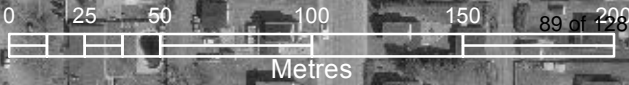
Third Avenue

Subject  
Location

Poplar Street

Aubrey Street

Edward Avenue



## Request for Decision

339 Harrison Drive, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Wednesday, Jan 13, 2021
Type:	Routine Management Reports
File Number:	751-6/18-18

### Resolution

THAT the City of Greater Sudbury amends Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18, as outlined in the report entitled "339 Harrison Drive, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on January 25, 2021;

AND THAT the amendment include the deletion of Clause iv) of Paragraph c) concerning the requirement for a five-metre planting strip along the southerly lot line;

AND THAT it be replaced with the following clause: "Provide a vehicular guard along the southerly lot line where the outdoor parking area abuts the fence line".

### 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

A request to amend Planning Committee Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18 has been submitted in order to reconsider the requirement for a five-metre planting strip along the southerly lot line.

### Financial Implications

There are no financial implications associated with this report.

#### Signed By

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

Mauro Manzon  
Senior Planner  
*Digitally Signed Jan 13, 21*

##### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Jan 13, 21*

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

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Jan 13, 21*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 13, 21*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 13, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 13, 21*

**Title: K.S. Flinn Investment Inc.**

**Date: December 21, 2020**

## **Staff Report**

### **Applicant:**

K.S. Flinn Investments Inc.

### **Location:**

PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder (339 Harrison Drive, Sudbury)

### **Background:**

In 2018, an application for rezoning was approved in order to permit a paint spray booth as an accessory use within an existing maintenance garage on the southwest portion of the subject property. Site-specific relief was also granted to permit the temporary parking and outdoor storage of vehicles for hire within the front yard without screening. As a condition of approval, the owner is required to remove the shipping containers and partially dismantled vehicles from the site. Planting strips with a minimum depth of five (5) metres were also required along the northerly and southerly lot lines.

The following resolution PL2019-115 was passed by Planning Committee on September 23, 2019 and ratified by Council on October 8, 2019:

THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands;

**Date: December 21, 2020**

- iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility; and,
  - iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

## **Planning Considerations:**

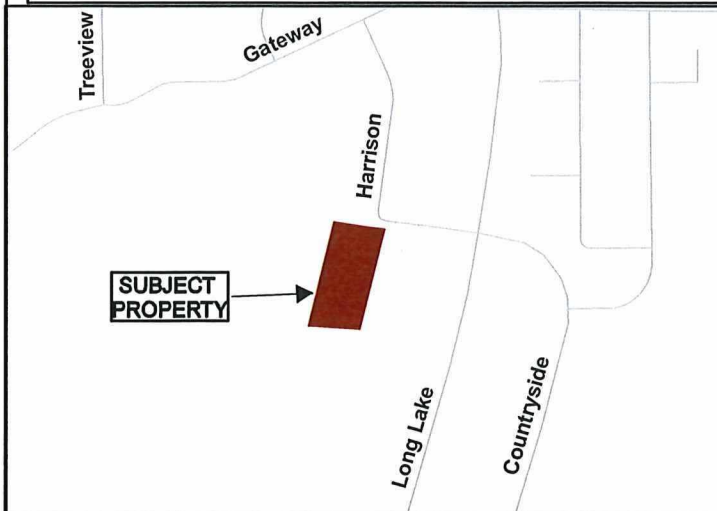
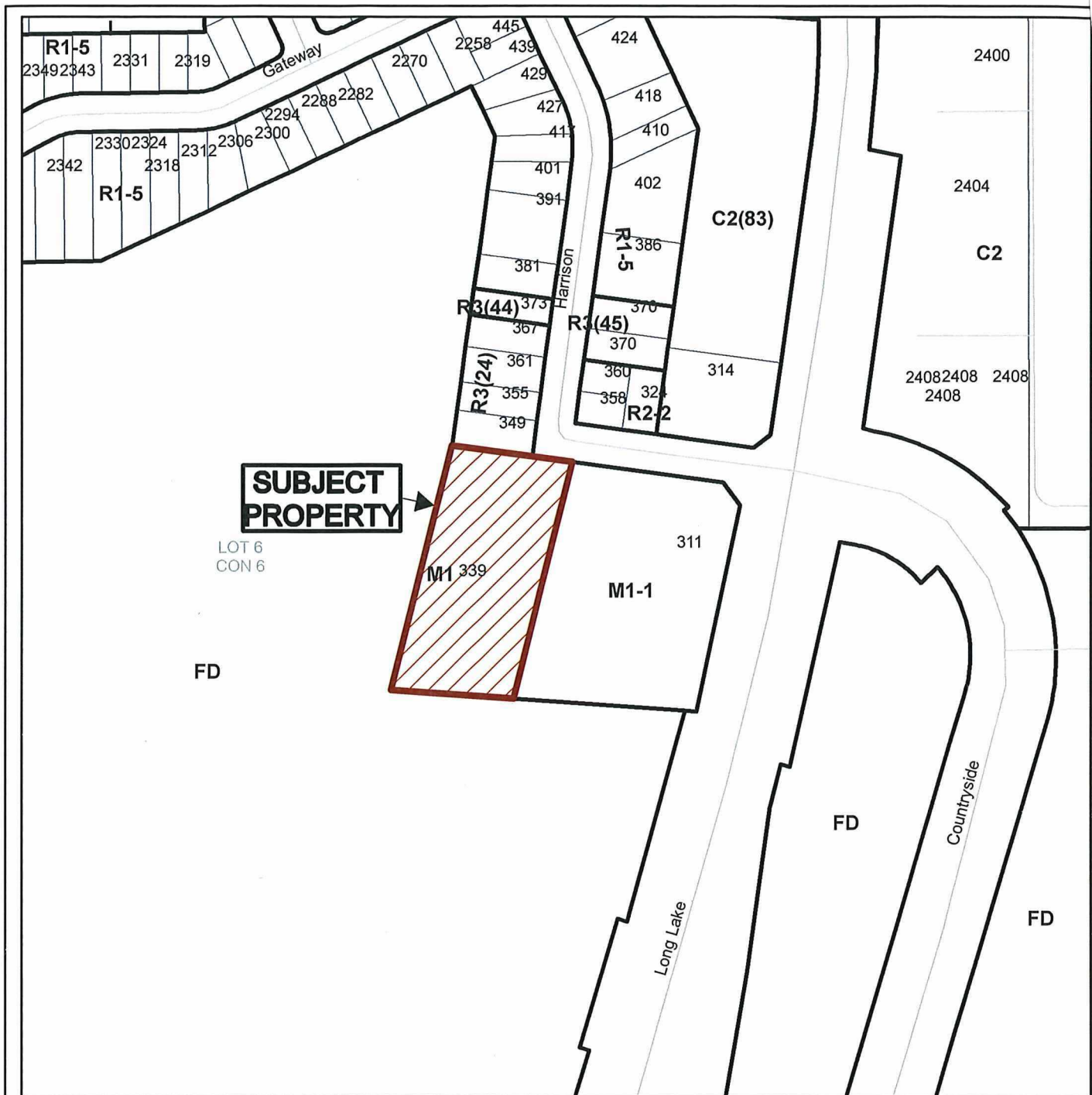
Staff attended the site on November 6, 2020 at the owner's request in order to review and clear various conditions of approval. Landscaping has been installed in the southwesterly portion of the property in an area that was formerly exposed gravel and rock (Photo 1). The shipping containers and partially dismantled vehicles have been removed from the property (Photo 2). A planting strip has also been installed along the northerly lot line abutting a multiple dwelling as per Council's resolution (Photos 3 and 4). Furthermore, the owner has installed the test manhole to City specifications subject to final inspection.

The outstanding condition concerns the required planting strip along the southerly limit of the property, excluding the landscaping provided in the southwest corner. The requirement for enhanced landscaping was implemented by the Committee in order to address concerns from the abutting property owner related to damage to the fence and vehicle parts discarded on their property.

Photos 5 and 6 illustrate existing conditions. The owner has submitted a letter requesting that Council delete this condition due to existing site conditions in the form of a concrete pad, as well as consideration of potential future use of the abutting land, which is designated as Mixed Use Commercial. In response, the abutting property owner has also made a submission presenting some alternative options including installing a second fence equidistant to the lot line, or alternatively, removal of a portion of the concrete pad to accommodate a hedge along the lot line.

Given the site conditions and the history of use, it is unlikely that plantings would survive at this location. As an alternative resolution, Planning Services recommends that a vehicular guard be required in lieu of a planting strip, which would protect the fence from further damage. The vehicular guard should be installed along the southerly lot line where the outdoor parking area abuts the fence line to the satisfaction of the Director of Planning Services.





## Growth and Infrastructure Department



Subject Property being PIN 73475-0205.  
Part 1, Plan 53R-9523,  
Pcl 46093, Lot 6, Concession 6,  
Township of Broder,  
339 Harrison Drive, Sudbury,  
City of Greater Sudbury

NTS  
Sketch 1

751-6/18-18  
Date: 2018 09 19





Photo 1: 339 Harrison Drive, Sudbury  
Newly landscaped area in southwest corner of property  
File 751-6/18-18 Photography November 6, 2020



Photo 2: 339 Harrison Drive, Sudbury  
Shipping containers and partially dismantled vehicles have been removed  
File 751-6/18-18 Photography November 6, 2020





Photos 3 & 4: 339 Harrison Drive, Sudbury  
Enhanced planting strip along northerly limit of property  
File 751-6/18-18 Photography November 6, 2020



Photos 5 & 6: 339 Harrison Drive, Sudbury  
Existing conditions along southerly limit of property  
File 751-6/18-18 Photography November 6, 2020



Presented To:	Planning Committee
Presented:	Monday, Sep 23, 2019
Report Date	Friday, Aug 30, 2019
Type:	Public Hearings
File Number:	751-6/18-18

## Request for Decision

**K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury**

### Resolution

THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
  - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an

### Signed By

#### Report Prepared By

Mauro Manzon  
Senior Planner  
*Digitally Signed Aug 30, 19*

#### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 30, 19*

#### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 30, 19*

#### Financial Implications

Jim Lister  
Manager of Financial Planning and Budgeting  
*Digitally Signed Sep 2, 19*

#### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Sep 9, 19*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Sep 9, 19*



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**

An application for rezoning has been submitted in order to permit a paint spray booth as an accessory use within the existing maintenance garage located at 339 Harrison Drive, Sudbury (Lockerby Transportation Group). The Ministry of the Environment issued a Certificate of Approval (COA) for one (1) paint spray booth subject to various operational requirements in 2008. The owner is also requesting relief to provide no planting strip abutting a Residential zone and to permit the outdoor storage of vehicles within the front yard with no screening.

The following conditions of approval are recommended, to be addressed prior to the adoption of the amending by-law to the satisfaction of the Chief Building Official and the Director of Planning Services:

- Removal of the shipping containers and partially dismantled vehicles from the site;
- Installation of a test manhole in compliance with the Sewer Use By-law 2010-188;
- Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting the Residential zone, excluding the area occupied by the fuelling facility.

It is further recommended that the approval be limited to one (1) paint spray booth to be located within the existing maintenance garage.

## **Financial Implications**

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time as rezoning may increase the assessment value based on the change in the zoning.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

## **STAFF REPORT**

### **PROPOSAL:**

An application for rezoning has been submitted in order to permit a paint spray booth as an accessory use within the existing maintenance garage on the southwest portion of the subject property. Site-specific relief is also requested for a planting strip abutting a Residential zone and to permit the unscreened outdoor storage of vehicles within the front yard.

**Existing Zoning:** "M1", Mixed Light Industrial/Service Commercial

The subject land is zoned "M1", Mixed Light Industrial/Service Commercial under Zoning By-law 2010-100Z, which permits a range of light industrial and commercial uses.

**Requested Zoning:** "M1", Mixed Light Industrial/Service Commercial Special

The site-specific zoning as requested would permit a paint spray booth as an accessory use within the existing maintenance garage; provide relief for no planting strip abutting a Residential zone; and, permit the outdoor storage of vehicles within the front yard with no screening.

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

PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder (339 Harrison Drive, Sudbury)

The subject property is located on Harrison Drive in the South End. The area is fully serviced by municipal water and sanitary sewer. Harrison Drive is classified as a Local Road and is constructed to a rural standard. Public transit is available at the Smart Centres site on Long Lake Road.

Total lot area is 0.8 ha, with 21 metres of frontage and an approximate depth of 129 metres. The site functions as the base of operations for Lockerby Transportation Group, including a taxi stand that has legal non-conforming status. Existing buildings include a two-storey office building and a 668 m<sup>2</sup> maintenance garage on the southwesterly portion of the property. The non-complying setback for the maintenance garage, which directly abuts the westerly lot line, was recognized through a minor variance approval in 1981.

There is unscreened outdoor storage across the site, as illustrated by the attached aerial photograph. A site visit revealed the presence of six (6) shipping containers, which are not permitted in an M1 zone. It was also noted that there are a number of unplated vehicles on the southerly portion of the property which are being disassembled and used for parts.

A fuelling facility is located in the northwest corner of the lot. The agent confirmed that the owner has an active licence to operate a Compressed Natural Gas – Fast Fill facility on the subject property (TSSA Licence No. 000261026).

A light industrial property zoned M1-1 abuts to the east, containing an auto repair shop and a service trade (311 Harrison Drive). Sudbury Boat and Canoe occupies the northwest corner lot at Long Lake Road (314 Harrison Drive).

Low and medium density residential uses form the remainder of Harrison Drive, including a fourplex dwelling directly abutting to the north (349 Harrison Drive). There is no screening or buffering installed along the length of the northerly lot line abutting the Residential zone, other than a board fence adjacent to the fuelling facility. There are also vehicles parked along the northerly lot line.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

**Surrounding Land Uses:**

The area surrounding the site includes:

North:	Multiple dwelling (fourplex)
East:	Auto repair shop and service trade
South:	Vacant lands designated as Mixed Use Commercial
West:	Vacant lands designated as Living Area 1

**Related Applications:**

The subject lot was created through a consent process in 1981 (File B0226/1981). The consent file indicates that the main use was related to the rewinding of electrical engines. A concurrent minor variance was required in order to address frontage, depth, lot area and the interior side yard setback for the maintenance building (File A0164/1981).

In 1985, an application for rezoning under Interim Zoning By-law 76-327 was approved from "RU", Rural to "LI", Light Industrial District in order to recognize the automotive use of the property, being the manufacturing, repairing and dealing in automotive parts and accessories (File 751-6/85-5 - Bagley Auto Electric Ltd.).

The property is not subject to a Site Plan Control Agreement with the City.

**Public Consultation:**

As of the date of this report no written submissions have been received in opposition to this application. Notice of complete application was circulated to the public and surrounding property owners on October 1, 2018. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within a minimum of 120 metres of the property on September 5, 2019.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The owner's agent indicated that a public information session would be conducted prior to the hearing.

**POLICY & REGULATORY FRAMEWORK:**

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

- 2014 Provincial Policy Statement
- 2011 Growth Plan for Northern Ontario
- Official Plan for the City of Greater Sudbury, 2006
- Zoning By-law 2010-100Z

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

**Provincial Policy Statement:**

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

The PPS identifies settlement areas as the focus of growth and development. Under Section 1.1.3.4, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, 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.

**Official Plan for the City of Greater Sudbury:**

The subject land is designated as Mixed Use Commercial in the *Official Plan*. All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to criteria under Section 4.3 of the Plan.

New development may be permitted provided that:

- a. sewer and water capacities are adequate for the site;
- b. parking can be adequately provided;
- c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- d. the traffic carrying capacity of the Arterial Road is not significantly affected;
- e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent; and,
- f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided.

**Zoning By-law 2010-100Z:**

The subject land is zoned "M1", Mixed Light Industrial/Service Commercial under *Zoning By-law 2010-100Z*, which permits a range of light industrial and commercial uses. A transport terminal and a taxi stand are not permitted uses in M1 zones. However, a Letter of Opinion dated July 12, 2019 from the Chief Building Official confirmed that the property has legal existing status as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance of vehicles owned or leased by K.S.Flinn Investments, as well as a taxi stand.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

Under Section 4.34 of the Zoning By-law, shipping and storage containers shall not be placed or used on any lot in a Residential (R), Commercial (C), Mixed Light Industrial/Service Commercial (M1) or Business Industrial (M1-1) Zone.

Section 4.26 of the Zoning By-law prohibits the outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts unless otherwise permitted.

The zoning history is as follows:

Minister's Zoning Order under Ontario Regulation 355/70 (1970-1976);  
Interim By-law 76-327: "RU", Rural (1976-1985);  
Interim By-law 76-327: "LI", Light Industrial District (1985-1995);  
Zoning By-law 95-500Z: "M1", Mixed Light Industrial/Service Commercial (1995-2010);  
Zoning By-law 2010-100Z: "M1", Mixed Light Industrial/Service Commercial (2010 to present).

**Site Plan Control:**

Staff are not recommending the implementation of Site Plan Control at this time.

**Department/Agency Review:**

Development Engineering Section requires a test manhole to be installed prior to the adoption of the amending by-law in order to bring the property into compliance with the City's Sewer Use By-law 2010-188.

Building Services noted the presence of shipping containers and partially dismantled vehicles on the site. Staff advised that shipping containers and a salvage yard are not permitted on M1 properties. A building permit is required in order to install the paint spray booth.

Remaining commenting departments and agencies have no objections.

**PLANNING ANALYSIS:**

The site has a history of light industrial use that predates Interim Zoning By-law 76-327, which was the first zoning by-law adopted following the formation of the Regional Municipality of Sudbury. The use of the property has varied over the years, but has generally been geared to automotive uses. The current owner acquired the property on January 31, 1995.

**Land use compatibility**

The main concerns related to land use compatibility are as follows:

- Impact on existing residential uses on Harrison Drive located in close proximity to the site;
- Potential implications for vacant lands abutting to the west, which are designated as Living Area 1;
- Presence of shipping containers and partially dismantled vehicles, which are not permitted in M1 zones.



**Date: August 27, 2019**

a. Existing residential uses

In 2008, the Ministry of the Environment issued a Certificate of Approval (COA) for one (1) paint spray booth subject to various operational requirements, including the hours of operation (between 7 am and 7 pm) and the design of the exhaust stack (COA no. 3927-7FHQ9Z).

The Ministry provides guidelines related to adequate separation distances for industrial uses from sensitive land uses. Under the industrial categorization criteria of Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses, the paint spray booth is defined as a Class II Industrial facility. The recommended separation distance is 70 metres, which may be measured from the point source if the location of the adverse activity can be addressed through site-specific zoning provisions. The Committee shall note that these are general guidelines only.

The paint spray booth will be sufficiently set back from the street line to mitigate the impact on existing residential uses. The distance from the proposed point source (stack) to the Residential zone boundary at its closest point is approximately 78 metres based on the rezoning sketch. It is on this basis that the proposal can be supported, provided the paint spray booth is restricted to the existing maintenance garage as a site-specific zoning requirement.

From a zoning perspective, a minimum 150-metre setback is established for any building, structure or open storage area either associated with, or pertaining to, an automotive body shop in an M3 zone. An automotive body shop is defined in part as a building or structure used for the painting or repairing of motor vehicle bodies. In this case, a variance is technically not required, as the provision applies only to M3 zones.

b. Designated residential lands

Vacant lands abutting to the west are designated as Living Area 1 and are intended for future residential development over the long-term planning horizon. The timing and type of development are not known at this time. The lands are unimproved and are currently zoned "FD", Future Development.

Given the uncertainty as to the nature of future development, the paint spray booth may be appropriately viewed as an accessory use that is minor in scale. If and when development of the vacant land occurs, appropriate buffers can be established through the approvals process if the adverse activity is still present on the site. The abutting landowners may also consider a lot addition to increase the separation distance and improve the non-complying setback of the existing garage.

It is therefore recommended that only one (1) paint spray booth be permitted to limit the intensity of use. This is consistent with the Certificate of Approval, which also limits the approval to one (1) paint spray booth.

c. Shipping containers and dismantled vehicles

There are a number of unscreened, partially dismantled vehicles located in the southerly rear yard. The owner's agent confirmed in writing that the vehicles are being disassembled and used as parts inventory for vehicle maintenance. It is the interpretation of the Chief Building Official that the storage and disassembling of vehicles is a salvage yard use and is not an accessory use to an automotive repair shop, transport terminal, commercial garage or taxi stand.

**Title: KS Flinn Investments Inc.**

**Date: August 27, 2019**

The definition of salvage yard is as follows:

“A place used for the wrecking or disassembling of vehicles or the storage, collecting, sale or resale of such wrecked or disassembled vehicles; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored, collected or sold.”

Shipping containers are also present on the site in contravention of the Zoning By-law. Shipping containers are not permitted in M1 zones.

#### Conditions of approval

The following conditions of approval are recommended, to be addressed prior to the adoption of the amending by-law to the satisfaction of the Chief Building Official and the Director of Planning Services:

- Removal of the shipping containers and partially dismantled vehicles from the site;
- Installation of a test manhole in compliance with the Sewer Use By-law 2010-188 in order to control potential discharges of hazardous substances into the City's sewage system;
- Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting the Residential zone, excluding the area occupied by the fuelling facility.

It is further recommended that the approval be limited to one (1) paint spray booth to be located within the existing maintenance garage.

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

The subject property is located in a fully serviced settlement area that is designated for mixed commercial use. The proposal is deemed to be consistent with the PPS provided appropriate development standards are implemented through the approvals process, including the installation of a test manhole, the provision of a planting strip to address the proximity to a sensitive land use, and the removal of shipping containers and partially dismantled vehicles.

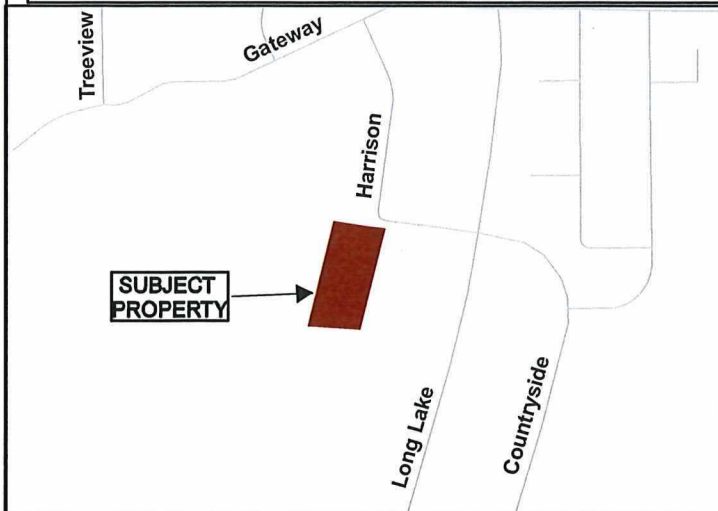
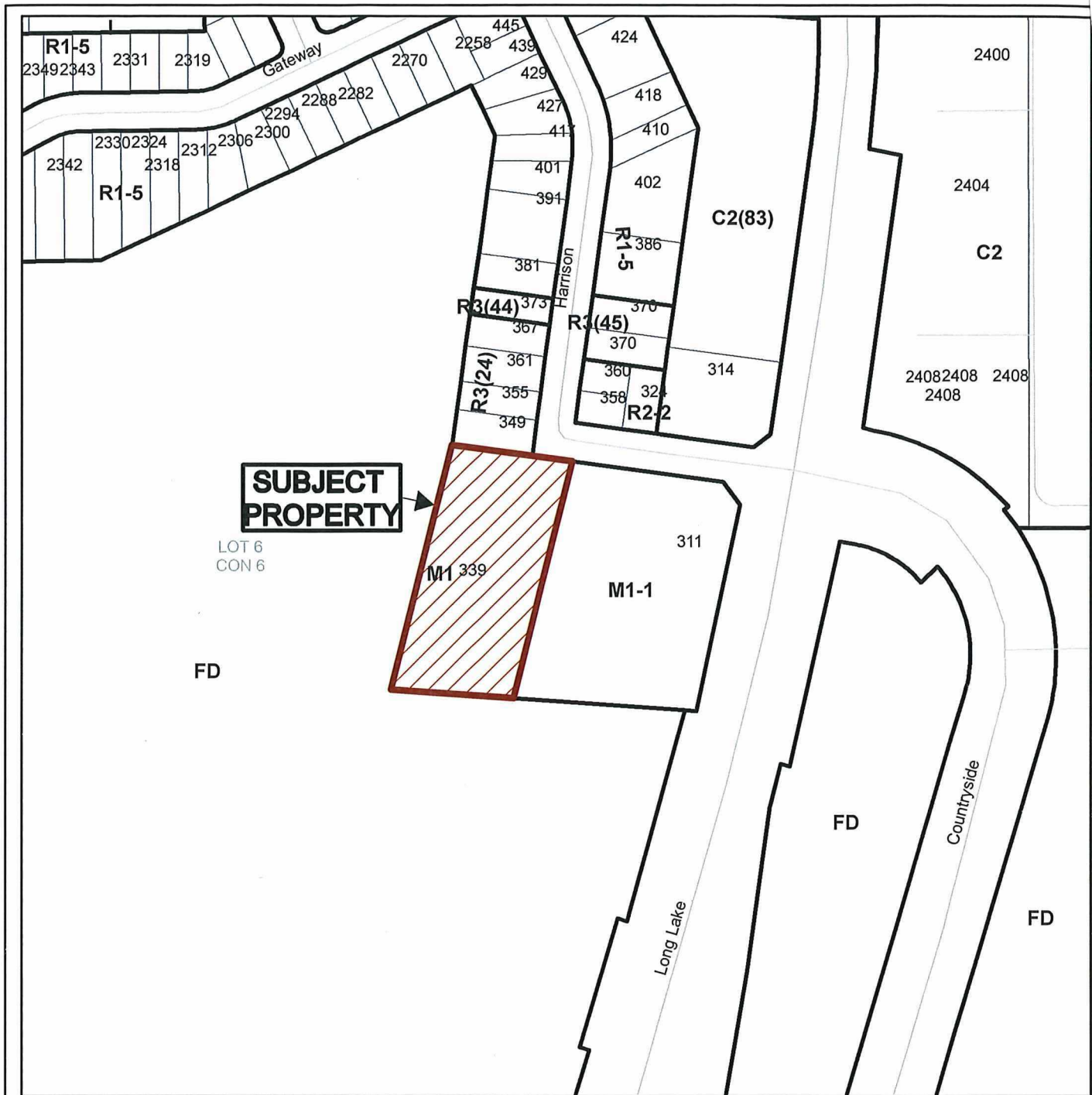
The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses. The application conforms to the GPNO.

#### **CONCLUSION:**

The proposal presents general conformity with the Mixed Use Commercial policies of the Official Plan, with two exceptions that shall be addressed as conditions of approval:

1. In lieu of site plan control, the installation of improved landscaping along the northerly limit of the property to better screen the industrial use from the abutting multiple dwelling.
2. The installation of a test manhole to effectively monitor flows from the site.

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



## Growth and Infrastructure Department



Subject Property being PIN 73475-0205.  
 Part 1, Plan 53R-9523,  
 Pcl 46093, Lot 6, Concession 6,  
 Township of Broder,  
 339 Harrison Drive, Sudbury,  
 City of Greater Sudbury

NTS  
 Sketch 1

751-6/18-18  
 Date: 2018 09 19

# Appendix 1

## Departmental & Agency Comments

File: 751-6/18-18

**RE:** Application for Rezoning – K.S. Flinn Investments Inc. (Agent: Tulloch Engineering)  
PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6,  
Township of Broder (339 Harrison Drive, Sudbury)

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### Development Engineering

This site is currently serviced with municipal water and sanitary sewer. A test maintenance hole is required to be construction on the sanitary sewer service for this lot. We have no objection to changing the zoning classification provided that the sanitary test maintenance hole is installed.

### Infrastructure Capital Planning Services (Roads and Transportation)

No concerns.

### Building Services

Building Services has the following comments:

1. A 5-metre wide planting strip is required where the M1 zone abuts the Residential zone.
2. Outdoor storage is only permitted in the side and rear yards and no closer than 9.0 metres to a road or street line.
3. Five percent landscaping is required for the lot.
4. A building permit is required for the paint booth.
5. Shipping containers are not permitted and are to be removed.
6. A salvage yard is not permitted in an M1 Zone and the storage of derelict vehicles is not permitted.

### Conservation Sudbury (NDCA)

Conservation Sudbury has reviewed the subject application and has no objection to the rezoning. Please be advised that a portion of this property is located in a regulated area of the Conservation Authority as indicated on the attached map. Any development in the regulated area requires a direct application to Conservation Sudbury under Ontario Regulation 156/06.

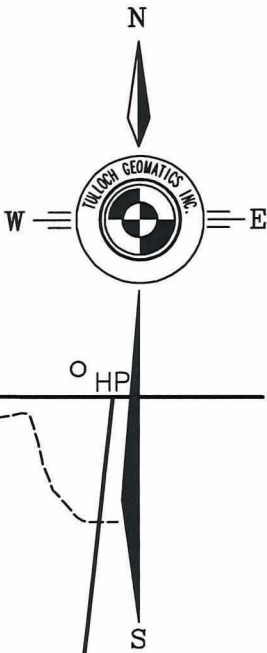
CAUTION

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

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

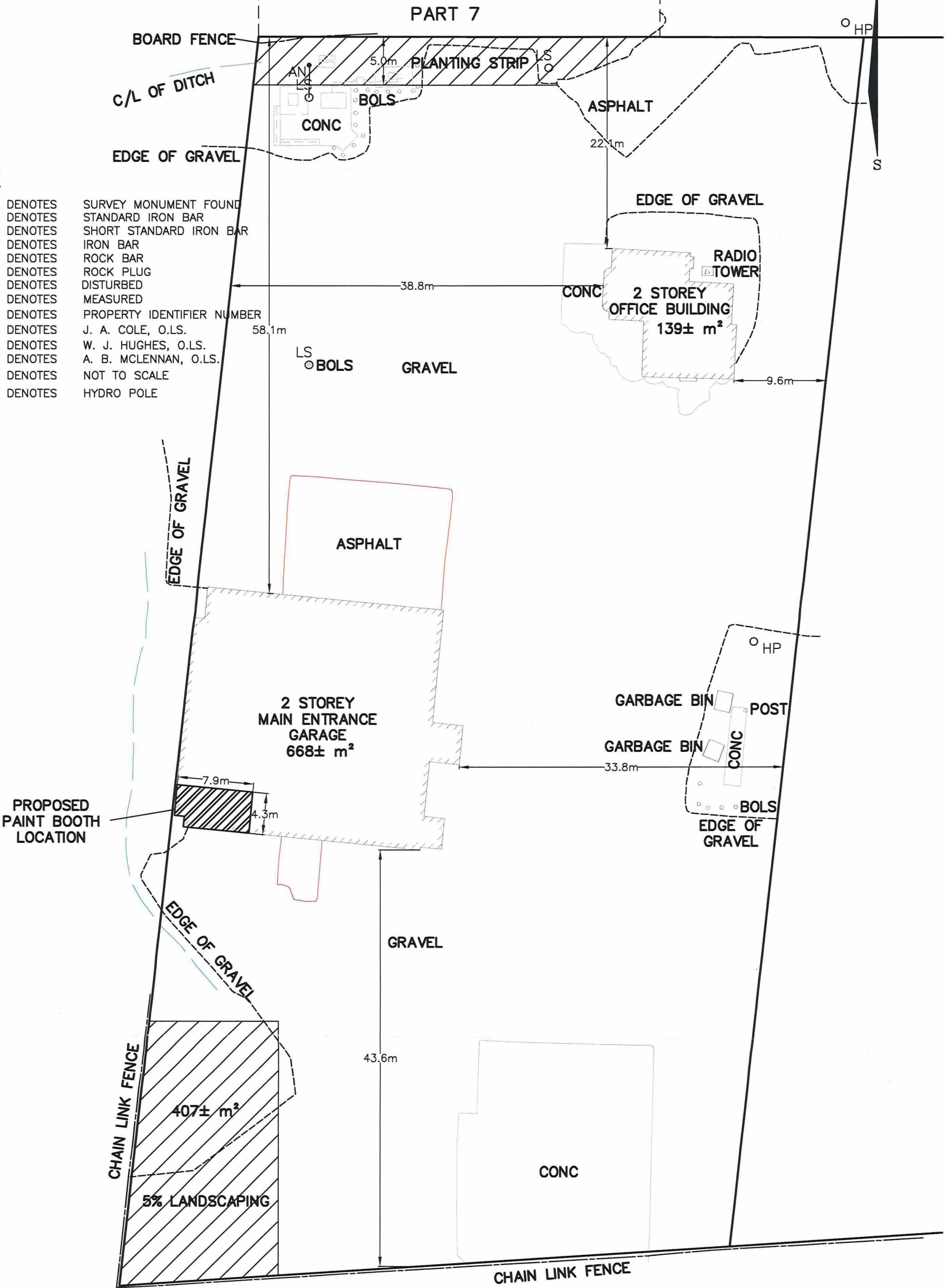
PART 5, PLAN 53R-14325  
PART 7, PLAN 53R-14325

PIN 73475-0176



LEGEND

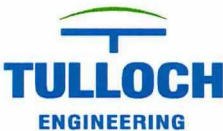
- |      |         |                            |
|------|---------|----------------------------|
| ■    | DENOTES | SURVEY MONUMENT FOUND      |
| SIB  | DENOTES | STANDARD IRON BAR          |
| SSIB | DENOTES | SHORT STANDARD IRON BAR    |
| IB   | DENOTES | IRON BAR                   |
| RB   | DENOTES | ROCK BAR                   |
| RPL  | DENOTES | ROCK PLUG                  |
| DIST | DENOTES | DISTURBED                  |
| M    | DENOTES | MEASURED                   |
| PIN  | DENOTES | PROPERTY IDENTIFIER NUMBER |
| 1542 | DENOTES | J. A. COLE, O.L.S.         |
| 919  | DENOTES | W. J. HUGHES, O.L.S.       |
| 638  | DENOTES | A. B. MCLENNAN, O.L.S.     |
| ↗    | DENOTES | NOT TO SCALE               |
| ●    | DENOTES | HYDRO POLE                 |



RECEIVED

JUL 23 2019

PLANNING SERVICES



LOCKERBY TAXI AUTOSHOP  
HARRISON DRIVE, ONTARIO

ZBA SKETCH

SCALE	1:400
DRAWN	S.S.
CHECKED	K.J.
DATE	NOV 8, 2018
PROJECT No.	18-5335
SHEET	108 of 128

K1





Photo 1: 339 Harrison Drive, Sudbury  
View of subject property from street including two-  
storey office building  
751-6/18-18 Photography October 24, 2018



Photo 2: Harrison Drive, Sudbury  
Adjacent residential uses on Harrison Drive  
(multiple dwellings)  
751-6/18-18 Photography October 24, 2018





Photo 3: 339 Harrison Drive, Sudbury  
Northerly interior yard abutting multiple dwelling  
751-6/18-18 Photography October 24, 2018



Photo 4: 339 Harrison Drive, Sudbury  
View of maintenance garage  
751-6/18-18 Photography October 24, 2018





Photo 5: 339 Harrison Drive, Sudbury  
Proposed location of paint booth (southwest corner  
of existing maintenance garage)  
751-6/18-18 Photography October 24, 2018





Photo 6: 339 Harrison Drive, Sudbury  
View of rear yard including shipping containers and  
unplated vehicles  
751-6/18-18 Photography October 24, 2018



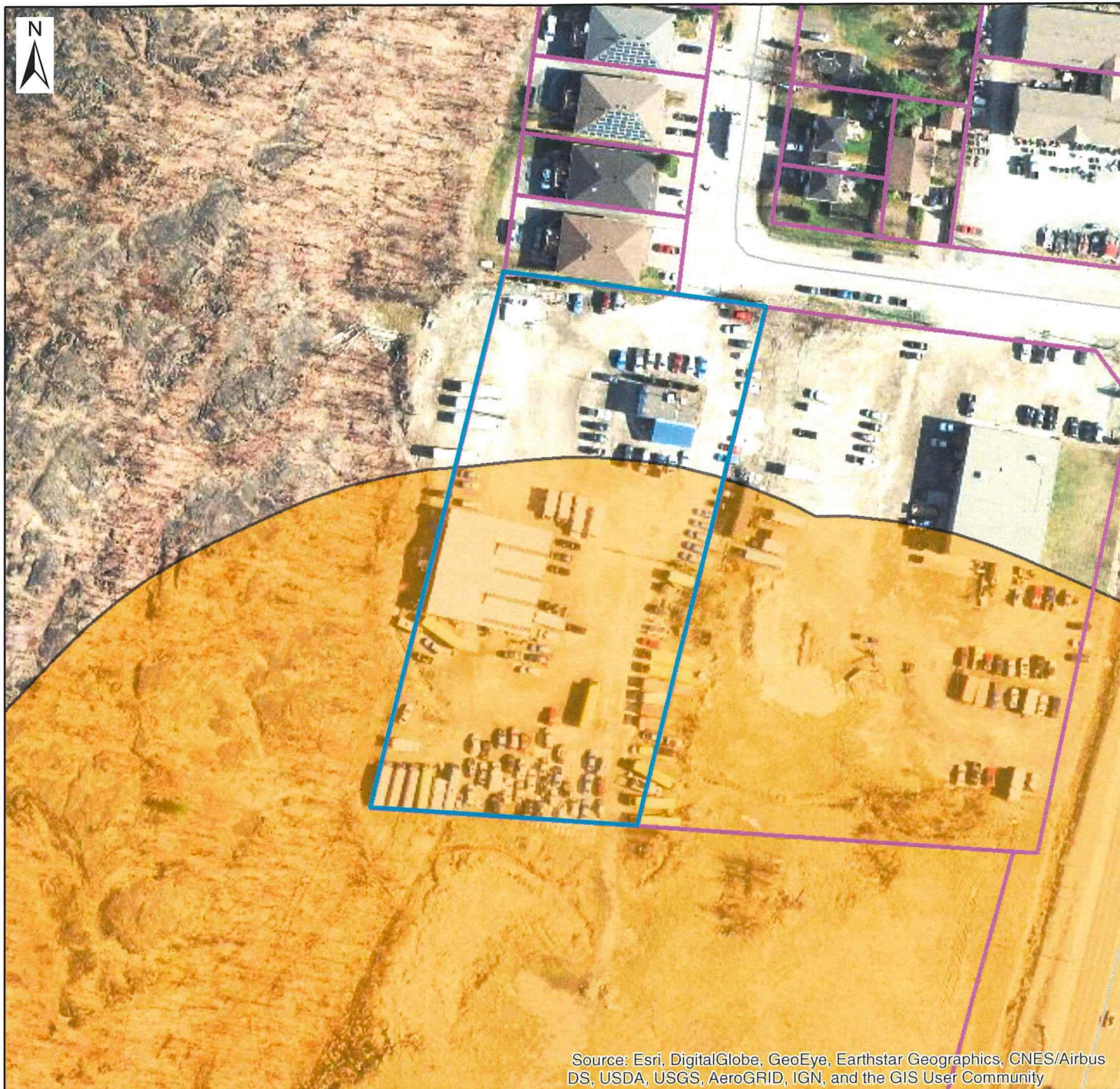




File 751-6/18-18  
339 Harrison Drive, Sudbury  
2017 Orthophotography







**Spart-PC2018-056  
ReZoning  
333 Harrison Drive  
Sudbury**

**NOTE:**

Please be advised that a portion of subject property is located in a Regulated Area of the Conservation Authority. Any Development in this area requires a direct application to the Conservation Sudbury under Ontario Regulation 156/06.

**Legend**

- Roads
- Waterbody
- Wetlands
- Watercourse
- Parcels
- Flood Plain
- Regulation Limits



**RECEIVED**

**JUL 18 2019**

**PLANNING SERVICES**

July 12, 2019

Sinclair & Sinclair  
214 Alder Street South  
Sudbury, Ontario  
P3C 4J2

**Attention: Mr. M.D. Sinclair**

Dear Mr. Sinclair:

**Re: Letter of Opinion – Transport Terminal  
K.S. Flinn Investments (Lockerby Taxi)  
339 Harrison Drive, Sudbury, Ontario  
Broder, Con 6, Lot 6, Pcl 46039, 53R9523, Pt 1**

PO BOX 5000 STN A  
200 BRADY STREET  
SUDBURY ON P3A 5P3

CP 5000 SUCCA  
200, RUE BRADY  
SUDBURY ON P3A 5P3

705.671.2489

[www.greatersudbury.ca](http://www.greatersudbury.ca)  
[www.grandsudbury.ca](http://www.grandsudbury.ca)

Further to a letter from Tulloch Engineering dated April 25, 2019 (Appendix 'A') requesting an opinion of this office with respect to whether or not the above referenced property has legal non-conforming status with respect to the use as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance on all vehicles owned or leased by K.S. Flinn Investments, as well as a taxi stand as defined (Appendix 'B'), we offer the following comments:

- We have reviewed the zoning and zoning by-laws that have applied to this property and building since the structure's approximate construction in 1971:
  - City of Sudbury Interim Zoning By-law 76-327; effective December 22, 1976; LI, Light Industrial District
  - City of Sudbury Zoning By-law 95-500Z; effective July 12, 1995; M1, Mixed Light Industrial/Service Commercial
  - City of Greater Sudbury Zoning By-law 2010-100Z; effective September 29, 2010; M1, Mixed Light Industrial/Service Commercial
- We have reviewed correspondence between the Chief By-law Enforcement Officer for the Regional Municipality of Sudbury and Hinds & Sinclair from 1994 regarding a zoning confirmation.
- We have reviewed the signed Affidavit dated March 29, 2019 from Sharon S. Flinn.
- We have reviewed building permit 07-1221 (Pre-fab office addition).

.../2



**Page 2**

**July 12, 2019**

**339 Harrison Drive, Sudbury, Ontario**

The information provided as well as our research of your property information appears to be in alignment.

Therefore, based on this information we are prepared to agree with your assertion that this property has "legal existing" status with respect to the use, lot and building as a transport terminal for the purposes of operating a transportation centre for taxis and school buses, including the related repair, rebuilding and maintenance of vehicles owned or leased by K.S. Flinn Investments, as well as a taxi stand, as defined under the current CGS Zoning By-law 2010-100Z. However, this does not include the use of a "salvage yard" which would entail the storage of derelict vehicles observed.

Further we do not fully agree with the assertion that the absence of front yard landscaping and parking within the front yard is legal non-conforming. We provide air photos from 1994 (Appendix 'C') indicating that some landscaping was in place along the northern lot line and adjacent to the driveway entrance in 1994 and has been reduced by parking placed in this area seen in 2017 air photo (Appendix 'D').

However, as you are aware, legally we reserve our judgement pending any new information provided from whatever source that would show that the "legal existing" status was surrendered by virtue of the building having been reverted back to a lower residential density use.

Trusting this meets with your request in your correspondence, however, should you have any further questions, please do not hesitate to contact this office.

Yours very truly,



**GUIDO A. MAZZA, P.ENG.  
DIRECTOR OF BUILDING SERVICES/  
CHIEF BUILDING OFFICIAL**

GAM/cjd  
Attachments

cc: Melissa Laalo, Acting Manager of Corporate Security & By-law Services  
Alex Singbush, Manager of Development Approvals  
Sherri Budgell, Manager of Plans Examination  
Andre Guillot, Manager of Building Inspection Services  
Phil Doiron, Chief Fire Prevention Officer

Tulloch Engineering  
Attn: Mr. K. Jarus  
1942 Regent St, Unit 1  
Sudbury, ON P3E 5V5



## Minutes For the Planning Committee Meeting held Monday, September 23, 2019

Location:	Tom Davies Square - Council Chamber
Commencement:	12:51 PM
Adjournment:	6:58 PM

### Councillor Cormier, In the Chair

Present	Councillors McCausland, Sizer, Cormier, Landry-Altmann [A 12:53 p.m.]
City Officials	Keith Forrester, Manager of Real Estate; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Danielle Wicklander, Legislative Compliance Coordinator; Christine Hodgins, Legislative Compliance Coordinator

#### Closed Session

The following resolution was presented:

PL2019-114 McCausland/Sizer: THAT the City of Greater Sudbury move into Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matter:

- Sale of Vacant Land - West of Suffolk Lane, Sudbury

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

**CARRIED**

At 12:51 p.m. the Committee moved into Closed Session.

Recess	At 12:53 p.m. the Committee recessed.
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Reconvene	At 1:13 p.m. the Committee commenced the Open Session in the Council Chamber.
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### Councillor Cormier, In the Chair

Present	Councillors McCausland, Sizer, Cormier, Landry-Altmann
City Officials	Councillor McIntosh [A 4:11 p.m., D 4:58 p.m.] Jason Ferrigan, Director of Planning Services; Alex Singbush, Manager of

Development Approvals; Robert Webb, Supervisor of Development Engineering; Mauro Manzon, Senior Planner; Glen Ferguson, Senior Planner; Wendy Kaufman, Senior Planner; Andre Guillot, Manager of Building Inspection Services; Brigitte Sobush, Manager of Clerk's Services/Deputy City Clerk; Danielle Wicklander, Legislative Compliance Coordinator; Christine Hodgins, Legislative Compliance Coordinator; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Lisa Locken, Clerk's Services Assistant

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

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None declared.

## **Public Hearings**

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1. K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury.

**The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:**

Report dated August 30, 2019 from the General Manager of Growth and Infrastructure regarding K.S. Flinn Investments Inc. - Application for rezoning in order to permit a paint spray booth as an accessory use within an existing maintenance garage, 339 Harrison Drive, Sudbury.

Kevin Jarus, Tulloch Engineering, agent for the applicant was present.

Mauro Manzon, Senior Planner, outlined the report.

### Planning Department Response to Committee Questions:

In response to questions from Committee Members, Mr. Manzon advised that a Site Plan Control Agreement is not required for this application as it is a change of use only. The application is for the alteration and interior expansion of an existing building on the site. There is no proposed expansion of the current built form. Mr. Manzon advised that when there is no substantial increase in the intensity of the use of the property Site Plan Control is not recommended, however, the applicants will be required to make some minimum improvements to the site and comply with the conditions.

Mr. Manzon stated that the Nickel District Conservation Authority (NDCA) has indicated that Conservation Sudbury has reviewed the subject application and has no objection to the rezoning. However, they have advised that a portion of this property is located in a regulated area of the Conservation Authority and that any development in the regulated area will require a direct application to Conservation Sudbury under Ontario Regulation 156/06.

### Applicant or Agent's Comments and Response to Committee Questions:

Mr. Jarus stated that the intent of this application is to permit the use of a paint booth within the property's existing commercial building. The primary use of the paint booth will be for Lockerby Taxi's fleet, however they do imagine in the future it will be available for use by 128

the public. The Building Services department identified some deficiencies on the property such as shipping containers and derelict vehicles, which will be removed.

Mr. Jarus advised that a public information session was held and notice was provided to all nearby property owners.

In response to the Department's comments and overview of the application, Mr. Jarus advised that generally they agree with the staff report, however, they are asking for reconsideration regarding the five (5) metre wide landscape strip. Feedback was received from residents regarding this proposed strip, and it was indicated that they would prefer not to have this planting strip as it would block their view from lower level windows . Additionally, Mr. Jarus stated that there are currently some cedar trees where the planting strip would be located, which currently provide some screening and a buffer. He stated that this application is consistent with the Provincial Policy Statement and conforms with the City's Official Plan and represents good planning.

In response to a question from the Committee, Mr. Jarus advised that the paint booth would not increase the number of body damaged vehicles on the property beyond what is already permitted.

In response to a question from the Committee, Mr. Jarus stated that the normal hours of operation would be typical office hours for the paint booth use and any concerns being brought forth regarding hours of operation would be dealt with through the City's own By-law Department.

In response to a question from the Committee, Mr. Jarus, stated that there is a concern about the planting strip requirement as it is a relatively confined site and it would take away operational area for parking of vehicles by Lockerby Taxi. Mr. Jarus stated that there is no significant difference between the front and rear of the property; however, it is easier to access the vehicles from the front yard. Mr. Jarus further stated that it is also an inconvenience for the property owner to have to install the landscaping strip.

#### Public Comments:

Ben Haavisto, Hautamaki Estates Limited, owner of the abutting property, stated that it is not their intention of having Lockerby Taxi stop performing work on their fleet, however they do have some concerns.

Mr. Haavisto, stated that he reviewed the environmental certificate and advised that it is outdated, as it was issued in 2008. As such he does not believe it would still be in effect. Mr. Haavisto further stated that the conditions of the environmental certificate must be met three (3) months after the certificate is issued, not eleven (11) years later when the system goes into use. Mr. Haavisto believes the applicants are in violation of the environmental certificate.

Mr. Haavisto, advised that there is zero clearance between his building and the applicant's building. Mr. Haavisto indicated that in 2013 they erected a fence, which is now damaged from vehicles hitting it. The fence is now bowed and leaning in several areas and the applicant's vehicles and parts are encroaching on his property. Mr. Haavisto showed pictures of the damage to his fence as well as car parts being left on his property.

Mr. Haavisto stated that he has further concerns about a water based scrubber being used and the possibility that it will freeze up when not in use.

In closing Mr. Haavisto stated that he cannot support the application as it stands.

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The Chair asked whether there was anyone else in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following resolution was presented:

PL2019-115 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
  - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

#### Rules of Procedure

Councillor Landry-Altmann presented the following amendment:

PL2019-115-A1 Landry-Altmann/Sizer: THAT the resolution be amended to add a new condition c iv) as follows:

- iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.

**YEAS:** Councillors Cormier, Sizer, Landry-Altmann

**NAYS:** Councillor McCausland

**CARRIED**

The resolution as amended was presented:

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## Rules of Procedure

With the concurrence of the Committee, the reading of the resolution was waived.

PL2019-115 Sizer/McCausland: THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands; and,
  - iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility.
  - iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

**YEAS:** Councillors McCausland, Sizer, Cormier, Landry-Altmann  
**CARRIED**

Public comment was received and considered and had effected the Planning Committee's decision in the following manner:

- a) Amended proposed and adopted as recorded.

## For Information Only

### Public Art Call - Tom Davies Square Courtyard

Presented To:	Planning Committee
Presented:	Monday, Jan 25, 2021
Report Date	Thursday, Dec 17, 2020
Type:	Correspondence for Information Only

#### Resolution

For Information Only

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

This initiative is most closely aligned with Council's Strategic Objective of Strengthening Community Vibrancy.

#### Report Summary

This report provides an update on the procurement of Public Art for the Tom Davies Square Courtyard.

#### Financial Implications

This report has no financial implications at this time. The funding for this Public Art is the result of a Canada 150 Grant for Public Art in the Tom Davies Square Courtyard, as well as funds received through the AMO Main Street Funding Initiative.

#### Signed By

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

Ed Landry  
Senior Planner  
*Digitally Signed Dec 17, 20*

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

Kris Longston  
Manager of Community and Strategic Planning  
*Digitally Signed Dec 21, 20*

##### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Jan 8, 21*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Jan 8, 21*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Jan 11, 21*

**Update on Public Art for the Tom Davies Square Courtyard**  
**Planning Services Division**  
**Report Date: January 4, 2021**

## **BACKGROUND**

Council passed the following motion on June 26, 2015:

“THAT the City of Greater Sudbury approves the following project for application of funding for the Canada 150 Community Infrastructure Program: 4. Tom Davies Square – Courtyard Improvements;

AND THAT any funds received for the courtyard project be dedicated to public art and other cultural elements as part of the courtyard improvements;

AND THAT The City of Greater Sudbury includes the projects in the 2016 Capital Budget Plan with appropriate municipal funding if funding application(s) are approved” (See Reference 1).

The City eventually received \$100,000 from the Federal Government for the public art (See Reference 2).

The City commenced the redesign of the Tom Davies Square Courtyard in 2017 (See Reference 3). With these monies, the City commissioned 7 benches with public art display areas (See Attachment A).

Each bench can sit four people. They complement the design of the new Courtyard as they are shaped like a top of a canoe with an area for each bench to display public art. These benches were delivered on October 22, 2020 (See Attachment A).

## **Call to Artists**

The City will be launching a Call to Artists, inviting artists to submit proposals for art in the courtyard benches. The themes for the public art pieces are "community" "people" and "water". These themes were selected as these were the most often mentioned as part of the public engagement for the Tom Davies Courtyard Redesign in 2016. The budget for this art call is \$30,000.

Staff is currently finalizing the procurement elements; the details of which will soon be communicated to the community.

## **References**

1. **Council resolution CC2015-207, passed on June 23, 2015**  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=817&itemid=rec>
2. **“Canada 150 Grant”, February 28, 2017 report to Council**  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=26&id=1122>



3. **“Tom Davies Square Courtyard Project”, April 11, 2017 report to Council**  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1125&itemid=12932&lang=en>



