



PLANNING COMMITTEE AGENDA

Planning Committee Meeting
Monday, November 23, 2020
Tom Davies Square - Council Chamber / Electronic Participation

COUNCILLOR FERN CORMIER, CHAIR

Robert Kirwan, Vice-Chair

11:45 A.M. CLOSED SESSION, COMMITTEE ROOM C-12 / ELECTRONIC PARTICIPATION
1:00 P.M. OPEN SESSION, COUNCIL CHAMBER / ELECTRONIC PARTICIPATION

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publicly online and on television in real time and will also be saved for public viewing on the City's website at:
<https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

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

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing clerks@greatersudbury.ca.

ROLL CALL

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

- Sale of Property - Lourdes Street, Sudbury
- Purchase of Land - MR 35, Chelmsford
- Purchase of Land - MR 35, Chelmsford
- Purchase of Land - MR 35 Chelmsford

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 October 30, 2020 from the General Manager of Growth and Infrastructure regarding 380 Second Avenue North, Sudbury. **9 - 24**
(RESOLUTION PREPARED)
 - Mauro Manzon, Senior Planner

(This report provides a recommendation regarding an application for rezoning in order to permit a veterinary clinic at 380 Second Avenue North, Sudbury - Barrydowne Animal Hospital.)
2. Report dated November 2, 2020 from the General Manager of Growth and Infrastructure regarding 0 Gravel Drive, Hanmer. **25 - 57**
(RESOLUTION PREPARED)
 - Glen Ferguson, Senior Planner

(This report provides recommendations regarding applications for an official plan and rezoning amendment at 0 Gravel Drive, Hanmer - Michael & Carole Leblanc.)

MATTERS ARISING FROM THE CLOSED SESSION

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

CONSENT AGENDA

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

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

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

ADOPTING, APPROVING OR RECEIVING ITEMS IN THE CONSENT AGENDA

(RESOLUTION PREPARED FOR ITEMS C-1 TO C-3)

ROUTINE MANAGEMENT REPORTS

- C-1. Report dated October 30, 2020 from the General Manager of Growth and Infrastructure regarding Cote Boulevard, Hanmer. **58 - 70**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the approval of an extension to the draft plan of subdivision at Nature's Haven II Subdivision, Cote Boulevard, Hanmer - DIN Global Investments Inc.)
- C-2. Report dated October 30, 2020 from the General Manager of Growth and Infrastructure regarding Kingsway Boulevard, Sudbury. **71 - 83**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the approval of an extension to the draft plan of subdivision, Jack Nicholas Business & Innovation Subdivision, at Kingsway Boulevard, Sudbury - 1777222 Ontario Ltd. & 1777223 Ontario Ltd.)
- C-3. Report dated November 2, 2020 from the General Manager of Growth and Infrastructure regarding 185 & 227 Lorne Street, Sudbury. **84 - 117**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding a conditional approval of extension to a rezoning application at 185 & 227 Lorne Street, Sudbury - Oldenburg Inc.)

REGULAR AGENDA

MANAGERS' REPORTS

- R-1. Report dated October 22, 2020 from the General Manager of Growth and Infrastructure regarding Commercial Vehicle Parking Standards. **118 - 123**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding parking standards for commercial vehicles.)

MEMBERS' MOTIONS

CORRESPONDENCE FOR INFORMATION ONLY

- I-1. Report dated November 2, 2020 from the General Manager of Growth and Infrastructure regarding Review of Draft Approved Plan of Subdivision Extensions - Section 19.4.2 of the Official Plan.
(FOR INFORMATION ONLY)

124 - 134

(This report provides information regarding a review of extensions to existing draft approved plan of subdivisions.)

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

ADJOURNMENT

COMITÉ DE PLANIFICATION

ORDRE DU JOUR

Réunion du Comité de planification

23 novembre 2020

Place Tom Davies - Salle Du Conseil / participation électronique

CONSEILLER FERN CORMIER, PRÉSIDENT(E)

Robert Kirwan, Vice-président(e)

11H 45 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-12 / PARTICIPATION ÉLECTRONIQUE

13H 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.

APPEL NOMINAL

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

- Vente d'une propriété - rue Lourdes, Sudbury
- Achat d'une terrain - route municipale 35, Chelmsford
- Achat d'une terrain - route municipale 35, Chelmsford
- Achat d'une terrain - route municipale 35, Chelmsford

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 30 octobre 2020 portant sur 380, avenue Second Nord, Sudbury. **9 - 24**

(RÉSOLUTION PRÉPARÉE)

- Mauro Manzon, planificateur principal

(Dans ce rapport, on formule une recommandation concernant une demande de rezonage afin de permettre une clinique vétérinaire à 380, avenue Second Nord, Sudbury – Barrydowne Animal Hospital.)

2. Rapport directeur général, Croissance et Infrastructure , daté du 02 novembre 2020 portant sur 0, promenade Gravel, Hanmer. **25 - 57**

(RÉSOLUTION PRÉPARÉE)

- Glen Ferguson, planificateur principal

(Dans ce rapport, on formule une recommandation concernant les demandes de modification du Plan officiel et de rezonage à 0, promenade Gravel, Hanmer – Michael et Carole Leblanc.)

QUESTIONS DÉCOULANT DE LA SÉANCE À HUIS CLOS

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

Ordre du jour des résolutions

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

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

(RÉSOLUTION PRÉPARÉE POUR LES ARTICLES DE L'ORDRE DU JOUR DES RÉSOLUTIONS C-1 À C-3)

RAPPORTS DE GESTION COURANTS

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 30 octobre 2020 **58 - 70**
portant sur Boulevard Cote, Hanmer.
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant une approbation de la prorogation de l'ébauche du plan de lotissement, lotissement Nature's Haven II, boulevard Cote, Hanmer – DIN Global Investments Inc.)
- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 30 octobre 2020 **71 - 83**
portant sur Boulevard Kingsway, Sudbury.
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant une approbation de la prorogation de l'ébauche du plan de lotissement, Jack Nicholas Business & Innovation Subdivision (lotissement commercial et innovant Jack Nicholas), à l'angle du boulevard Kingsway, Sudbury – 1777222 Ontario Ltd. & 1777223 Ontario Ltd.)
- C-3. Rapport directeur général, Croissance et Infrastructure , daté du 02 novembre 2020 **84 - 117**
portant sur 185 et 227, rue Lorne, Sudbury.
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant une approbation conditionnelle de la prorogation d'une demande de rezonage au 185 et au 227, rue Lorne, Sudbury — Oldenburg Inc.)

Ordre du jour ordinaire

RAPPORTS DES GESTIONNAIRES

- R-1. Rapport directeur général, Croissance et Infrastructure , daté du 22 octobre 2020 portant sur Normes sur le stationnement de véhicules commerciaux.
(RÉSOLUTION PRÉPARÉE)

118 - 123

(Dans ce rapport, on formule une recommandation concernant les normes sur le stationnement de véhicules commerciaux.)

MOTIONS DES MEMBRES

CORRESPONDANCE À TITRE D'INFORMATION

- I-1. Rapport directeur général, Croissance et Infrastructure , daté du 02 novembre 2020 portant sur Examen des prorogations du plan de lotissement provisoire approuvé – article 19.4.2 du Plan officiel.
(A TITRE D'INFORMATION)

124 - 134

(Dans ce rapport, on fournit des renseignements sur l'examen des prorogations du plan de lotissement provisoire approuvé existant.)

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

LEVÉE DE LA SÉANCE

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Friday, Oct 30, 2020
Type:	Public Hearings
File Number:	751-6/20-14

Request for Decision

380 Second Avenue North, Sudbury

Resolution

THAT the City of Greater Sudbury approves the application by Barrydowne Animal Hospital to amend Zoning By-law 2010-100Z by changing the zoning classification from “H14C2(80)”, Holding General Commercial Special to a revised “C2(80)”, General Commercial Special on lands described as PIN 73573-0006, Parcel 53669 S.E.S., Parts 1, 3 & 4, Plan 53R-15217 in Lot 12, Concession 4, Township of Neelon, as outlined in the report entitled “380 Second Avenue North, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020, subject to the following conditions:

- a) That the H14 holding provision be deleted; and,
- b) That the “C2(80)”, General Commercial Special zoning be amended in order to permit the following uses:

art gallery, commercial recreation centre, commercial school, custom print or copy shop, institutional use, office, personal service shop, pet grooming establishment, pharmacy, residential uses as permitted under Table 7.1, restaurant, retail store, scientific or medical laboratory, veterinary clinic and related accessory uses.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Oct 30, 20

Manager Review

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

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 9, 20

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 aligns with the Strategic Plan by supporting business retention and growth within the municipality.

Report Summary

An application for rezoning has been submitted in order to expand the range of permitted uses on the property municipally known as 380 Second Avenue North, Sudbury. The proposed main use is a veterinary

clinic. Staff support the application provided certain land uses deemed incompatible with existing and planned development are excluded. It is further recommended that the H14 holding designation can be lifted from the property following installation of a centre left-turn lane on Second Avenue.

Financial Implications

This report has no financial implications.

Staff Report

Proposal:

An application for rezoning has been submitted in order to lift the H14 holding designation and expand the range of permitted C2 uses, including a veterinary clinic, which is proposed as the main use.

Existing Zoning: "H14C2(80)", Holding General Commercial Special

The H14C2(80) special zoning permits a limited range of commercial uses accessory to a monuments business subject to a holding provision that requires the installation of a left-turn lane on Second Avenue. Following removal of the H14 holding designation, the following uses would be permitted as a main use:

Retail stores, retail service stores, personal service shops, business offices and medical offices, funeral home, monument/memorial sales and memorial park, funeral supplies, furniture stores, florist shop, horticultural product sales, art studios, art shops, interior decorating stores, together with any accessory buildings and structures.

Requested Zoning: "C2", General Commercial.

C2 zoning permits a broad range of residential and commercial uses, including more than 50 different land uses.

Location and Site Description:

PIN 73573-0006, Parcel 53669 S.E.S., Parts 1, 3 & 4, Plan 53R-15217 in Lot 12, Concession 4, Township of Neelon (380 Second Avenue North, Sudbury)

The subject property comprises a developed commercial property located on the east side of Second Avenue North opposite the Minnow Lake Dog Park. The area is fully serviced by municipal sewer and water. Second Avenue is designated as a Secondary Arterial Road and was recently upgraded to a full urban standard. The area is serviced by public transit with the closest transit stop located approximately 75 metres to the south at Scarlett Road.

Total lot area is 0.83 ha, with 106.7 metres of road frontage and an approximate depth of 125 metres. The site is occupied by a 221 m² one-storey commercial building that was constructed in 1995. The property is subject to a Site Plan Control Agreement dated January 11, 1995. The developed portion of the site is relatively flat. The elevation drops off along the easterly limits of the property, where the subject site abuts low density housing on Camelot Drive. This area is utilized as a naturally vegetated buffer and also contains a 3 metre-wide drainage easement.

The property is located within Ramsey Lake Intake Protection Zone (IPZ) 3 as identified under the Source Protection Plan. A Section 59 application under the Clean Water Act was required concurrent with the rezoning application.

Title: Barrydowne Animal Hospital

Date: October 26, 2020

Surrounding Land Uses:

The area surrounding the site includes:

North: vacant site zoned “R4(7)”, High Density Residential Special (proposed development of a retirement home with 137 guest rooms);

East: low density housing on Camelot Drive (single and semi-detached dwellings);

South: vacant lot owned by the City containing drainage infrastructure (gravity main and catch basin); and,

West: City-owned dog park on west side of Second Avenue.

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 proponents advised Planning Services that a letter would be issued to adjacent residents and property owners based on the City’s standard mailing list.

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 (PPS):

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

Section 1.1.3 of the PPS identifies settlement areas as the focus of growth and development. A mix of land uses is promoted that utilize existing and planned infrastructure and public services facilities, including development that is transit-supportive. New development shall avoid the need for the unjustified and/or uneconomical expansion of services.

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.

Title: Barrydowne Animal Hospital

Date: October 26, 2020

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.

Official Plan for the City of Greater Sudbury:

The subject land is designated as Mixed Use Commercial in the Official Plan. The following policies under Section 4.3 are applied:

1. All uses permitted by this Plan except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process.
2. In order to minimize the disruption of traffic flow along Arterial Roads and promote better development, small lot rezoning will be discouraged and land assembly for consolidated development will be promoted.
3. Subject to rezoning, new development may be permitted provided that:
 - a. sewer and water capacities are adequate for the site;
 - b. parking can be adequately provided;
 - c. no new access to Arterial Roads will be permitted where reasonable alternate access is available;
 - d. the traffic carrying capacity of the Arterial Road is not significantly affected;
 - e. traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
 - f. landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
 - g. the proposal meets the policies of Sections 11.3.2 (Land use policies to support transit needs) and 11.8 (Accessibility), and Chapter 14.0, Urban Design.

Zoning By-law 2010-100Z:

Site-specific zoning relief is not required.

Site Plan Control:

The property is subject to a Site Plan Control Agreement dated January 11, 1995. An amendment to the agreement is not required if only interior renovations are planned at this time.

Department/Agency Review:

Commenting agencies and departments have no objections to the proposal. Development Engineering advised that a test manhole has been installed as required under the Sewer Use By-law. Infrastructure Capital Planning Services indicated that the holding provision can be lifted following reconstruction of Second Avenue.

Planning Analysis:

Background

The property was subject to Official Plan amendment and rezoning applications in 1992 in order to redesignate the lands to General Commercial (Amendment #160) and rezone to C2 Special in order to permit a monuments business with related accessory uses. A holding provision was placed on the property restricting the use until such time that a left-turn lane was installed. This section of Second Avenue has since been reconstructed to a full urban standard including a centre left-turn lane.

Suitability of site

The subject property has ample lot area to accommodate the proposed use. Based on the rezoning sketch, 31 parking spaces are provided where a minimum of nine (9) spaces are required for a veterinary clinic based on the gross floor area of the existing building. The building has an accessible loading area along the north elevation. The front yard is fully landscaped, which enhances the visual appeal of the property. The location also offers good connectivity to public transit and active transportation linkages (bicycle lanes and sidewalks on both sides of the roadway, transit stops a short walk to the south, City-owned park opposite subject land).

Land use compatibility

a. Proposed main use

Concerning the proposed veterinary clinic, there are no issues related to compatibility provided that the use is restricted to the indoors. The owner is advised that a kennel is not permitted under C2 zoning, nor is it permitted as an accessory use to a veterinary clinic. No outdoor storage is permitted in C2 zones, which is important given the high visibility of the site from a major arterial road.

The interface with abutting low density housing on Camelot Drive is addressed by the Site Plan Control Agreement, which requires a minimum 9 metre-wide natural vegetative buffer along the easterly limit of the lot. The trees and shrubs have grown in height over the intervening years, providing an effective screening device even with the difference in elevation.

b. Other General Commercial uses

The lifting of the holding designation would permit all uses under the C2(80) special zoning as listed above. Some of these uses were specific to the monuments business (e.g., funeral supplies). Others are viewed as being redundant (e.g., retail stores, retail service stores, furniture stores, art shops and interior decorating stores are essentially retail stores as defined under the current Zoning By-law).

Beyond the housekeeping amendments described above, the new owner is requesting C2 zoning, which permits more than 50 different land uses. A planning justification report was not provided by the proponents addressing compatibility and site suitability in relation to these uses.

Staff support expanding the permitted uses as requested by the proponents; however, some uses are not appropriate or feasible given the site-specific considerations, such as the lot size or the potential for adverse impacts on existing and planned uses.

Title: Barrydowne Animal Hospital

Date: October 26, 2020

Large format/high occupancy uses such as assembly hall, banquet hall, home improvement centre, private club, mobile and modular home dealerships, RV dealerships and other uses with high parking demand and large site area requirements are not recommended. There is insufficient lot area and parking to accommodate such large scale uses. There is also the potential for nuisance factors, including noise and traffic generation.

Automotive uses are not recommended due to the close proximity to existing and planned residential development, including the proposed retirement home for which development is imminent. Such uses, which often present nuisance factors related to noise and odour and may require environmental compliance approvals due to potential emissions into the environment, are deemed not appropriate given the proximity to sensitive land uses abutting the site.

In addition to the veterinary clinic, Staff therefore recommend the following uses to be implemented through a revised C2(80) special zoning:

Art gallery, commercial recreation centre, commercial school, custom print or copy shop, institutional uses, office uses (business, professional, medical), personal service shops, pet grooming establishment, pharmacy, residential uses as permitted under Table 7.1 of the Zoning By-law, restaurant, retail store, scientific or medical laboratory, and related accessory uses.

The above noted approach will enhance the long-term viability of the site, while also addressing land use compatibility concerns with adjacent sensitive land uses.

Source Protection Plan

Water/Wastewater Services advised that there are no concerns related to the Source Protection Plan. No significant threats have been identified at this time. The owner is advised that a Section 59 application under the Clean Water Act is required at each future stage of development as applicable (building permits, site plan amendments).

Official Plan conformity

The application presents conformity with the Official Plan. The lot is suitably sized for the proposed new use and there is surplus lot area to provide additional parking if and when needed. No additional road improvements are required to accommodate development, as the left-turn lane has been constructed by the City. Servicing is adequate including the installation of a test manhole to monitor potential discharges from the site. Landscaping including a vegetative buffer along the easterly lot line is to be maintained as required under the Site Plan Control Agreement. The proposal is also viewed as transit-supportive given the location on a Secondary Arterial Road with public transit service.

2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The application addresses the major policy components of the PPS. The subject property is located in a fully serviced settlement area adjacent to a built-up urban area. The proposal utilizes existing infrastructure and is viewed as being transit-supportive. In regards to source water protection, no threats have been identified to the vulnerable area. The application is consistent with the 2020 Provincial Policy Statement.

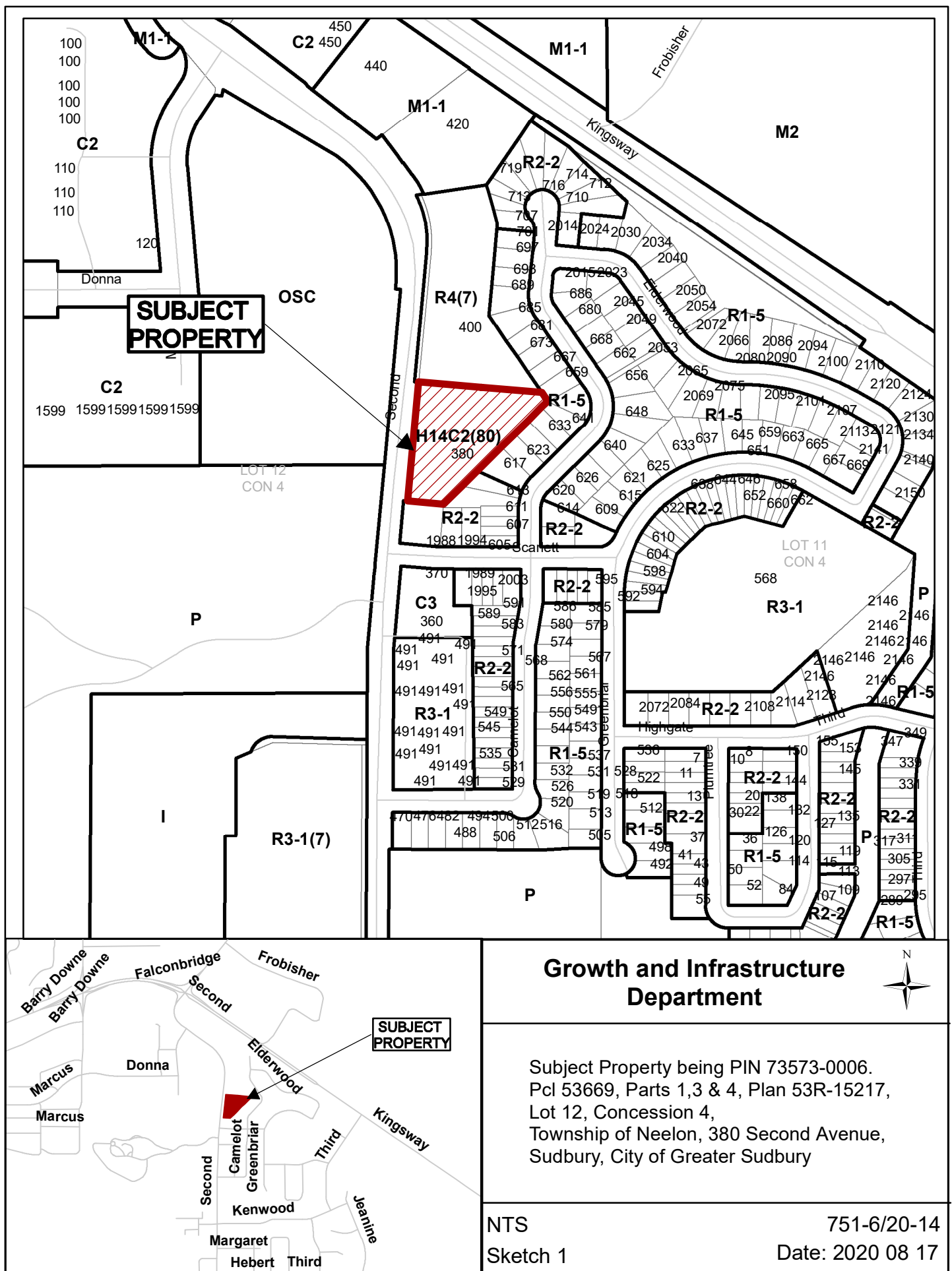
There is no conflict with the 2011 Growth Plan, as the additional uses recommended with the application bolster the City's designation as an Economic and Service Hub.

Title: Barrydowne Animal Hospital

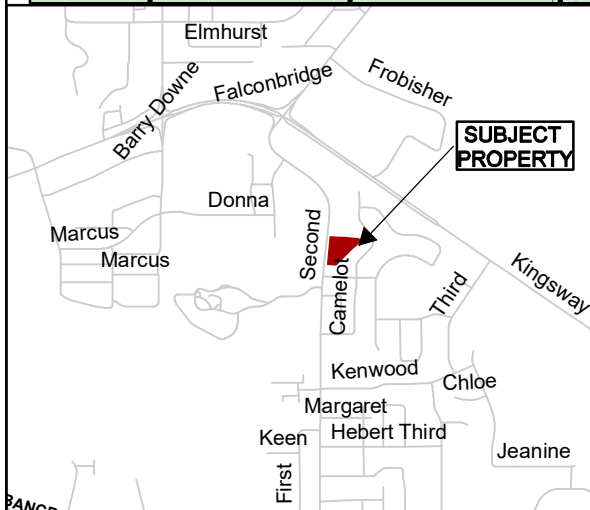
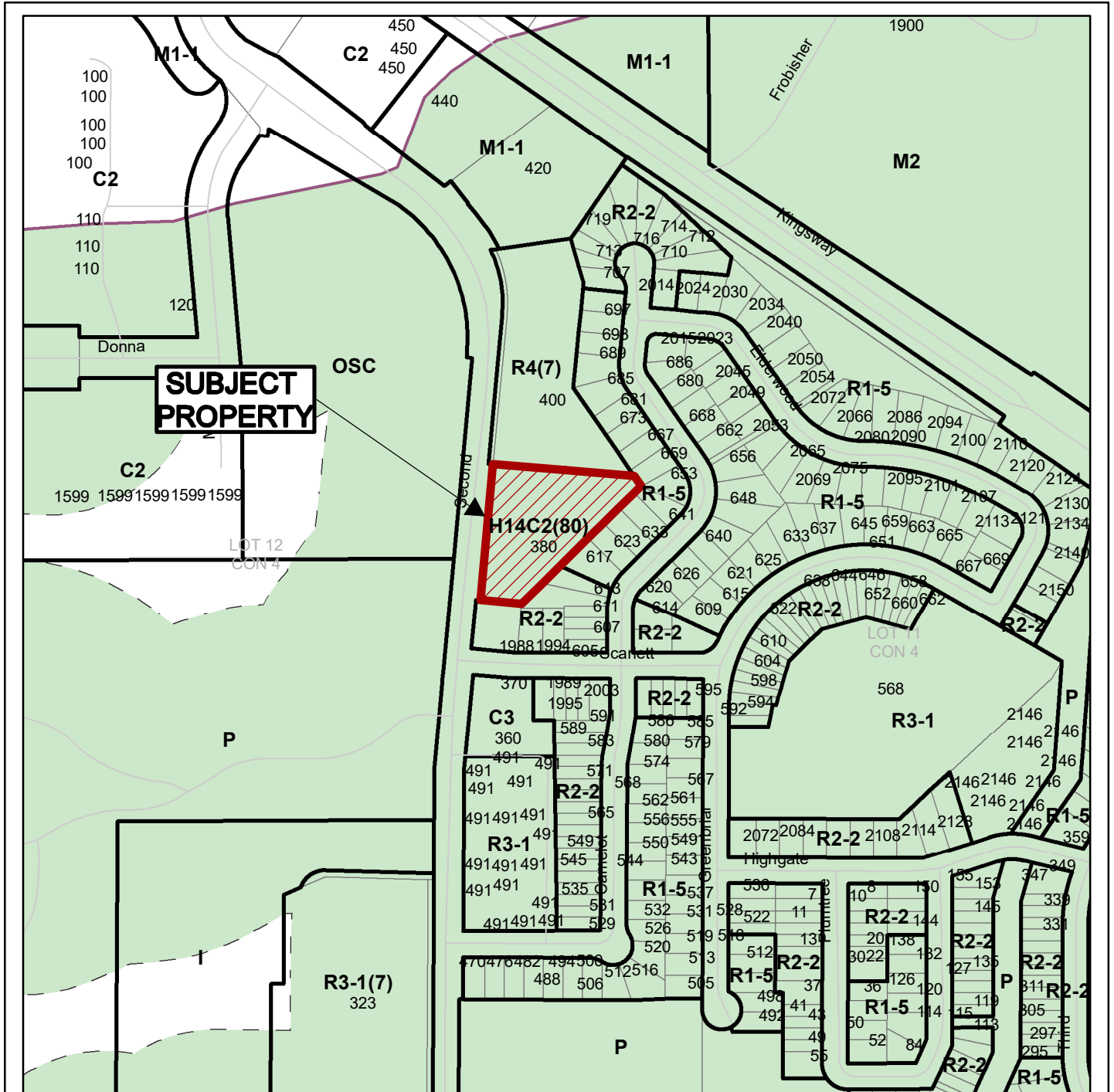
Date: October 26, 2020

Conclusion:

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



Source Protection Plan Map



Growth and Infrastructure Department



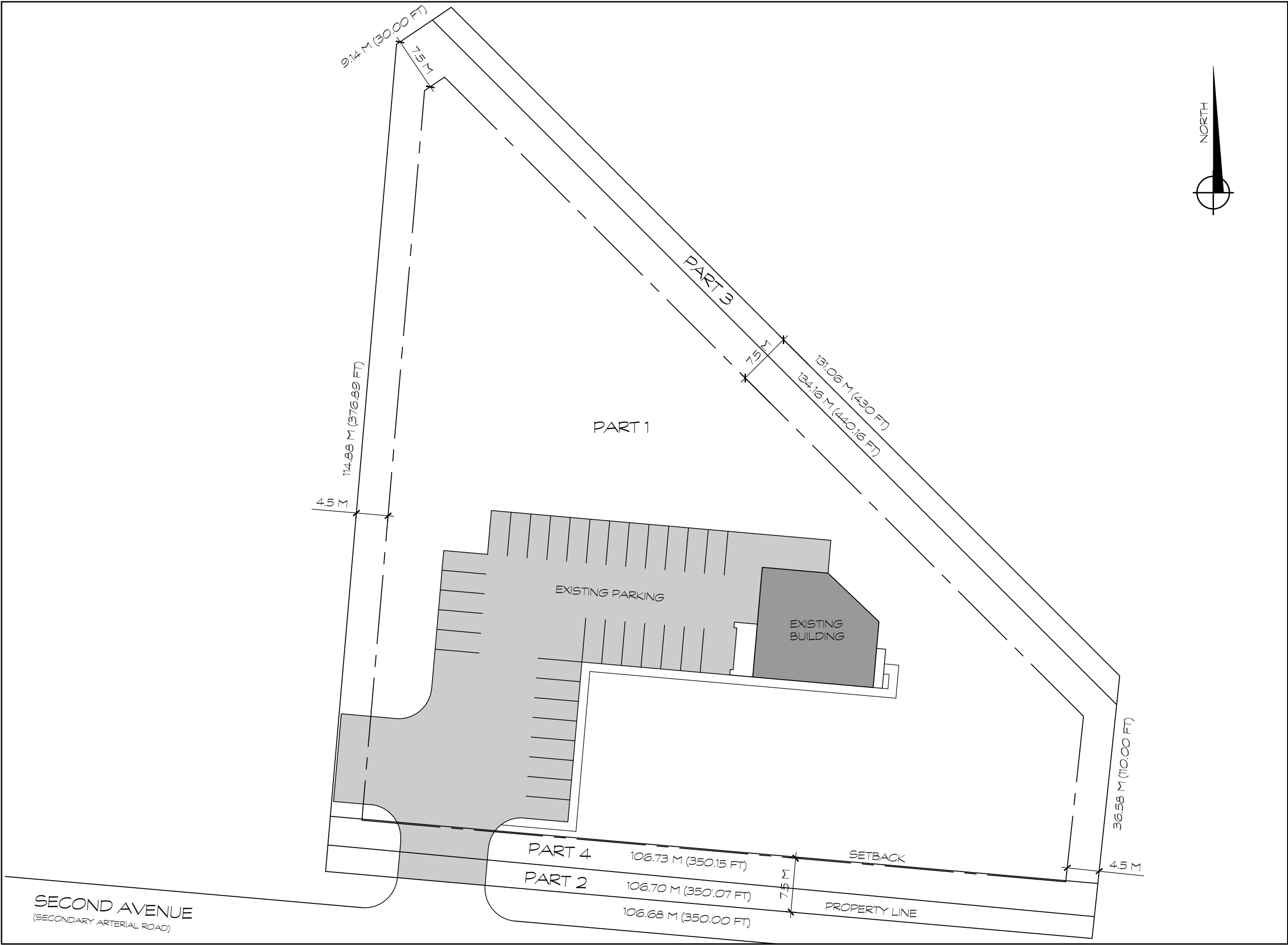
Subject Property being PIN 73573-0006.
Pcl 53669, Parts 1,3 & 4, Plan 53R-15217,
Lot 12, Concession 4,
Township of Neelon, 380 Second Avenue,
Sudbury, City of Greater Sudbury

SPP: Ramsey Lake Watershed, IPZ 3

Sketch 1
NTS

751-6/20-14
Date: 2020 08 17

18 of 134



C:\Users\anastasia\Documents\Barrydowne Animal Hospital\Ae-Builts

CONTRACTOR SHALL VERIFY ALL DIMENSIONS & REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.

THESE DRAWINGS ARE PROTECTED BY THE COPYRIGHT ACT OF CANADA AND THE COPYRIGHT ACT OF THE UNITED STATES OF AMERICA. ANY REPRODUCTION OR USE OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT OR HIS AGENT SHALL NOT BE ALTERED IN ANY MANNER OR USED ON ANY OTHER PROJECT.

PROJECT NO. 20054

SCALE 1:500

DRAWN BY JDW

CHECKED BY AS

SITE PLAN

19 of 1

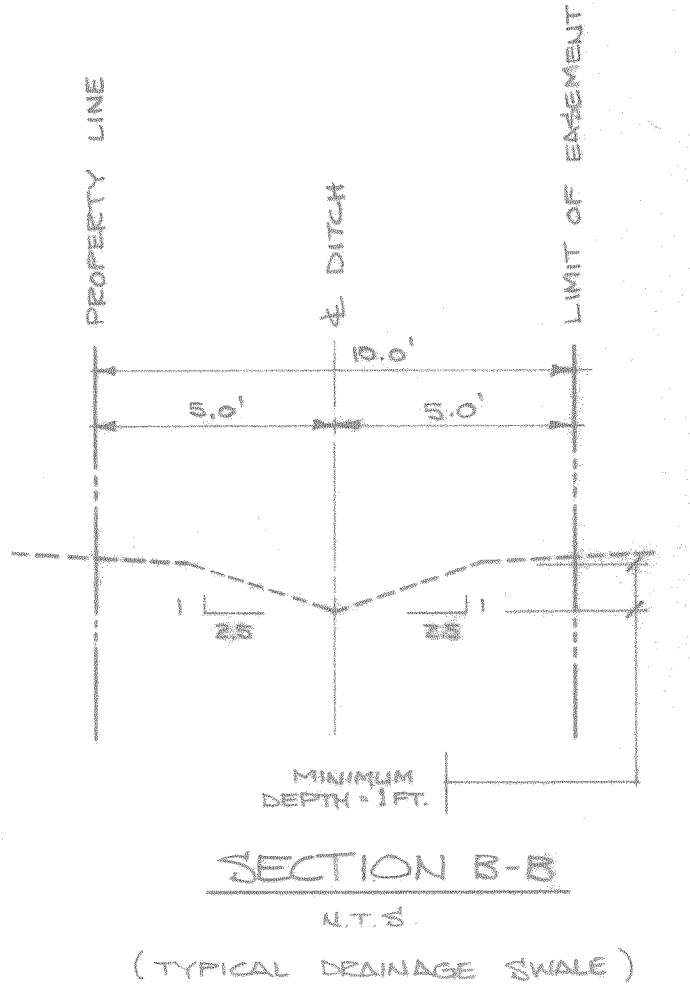
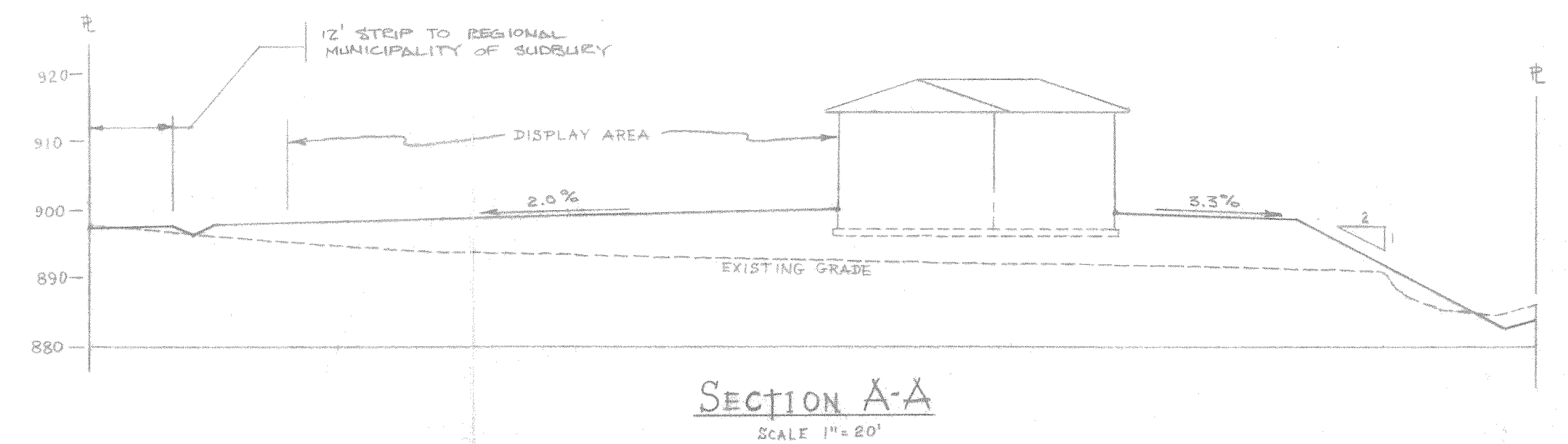
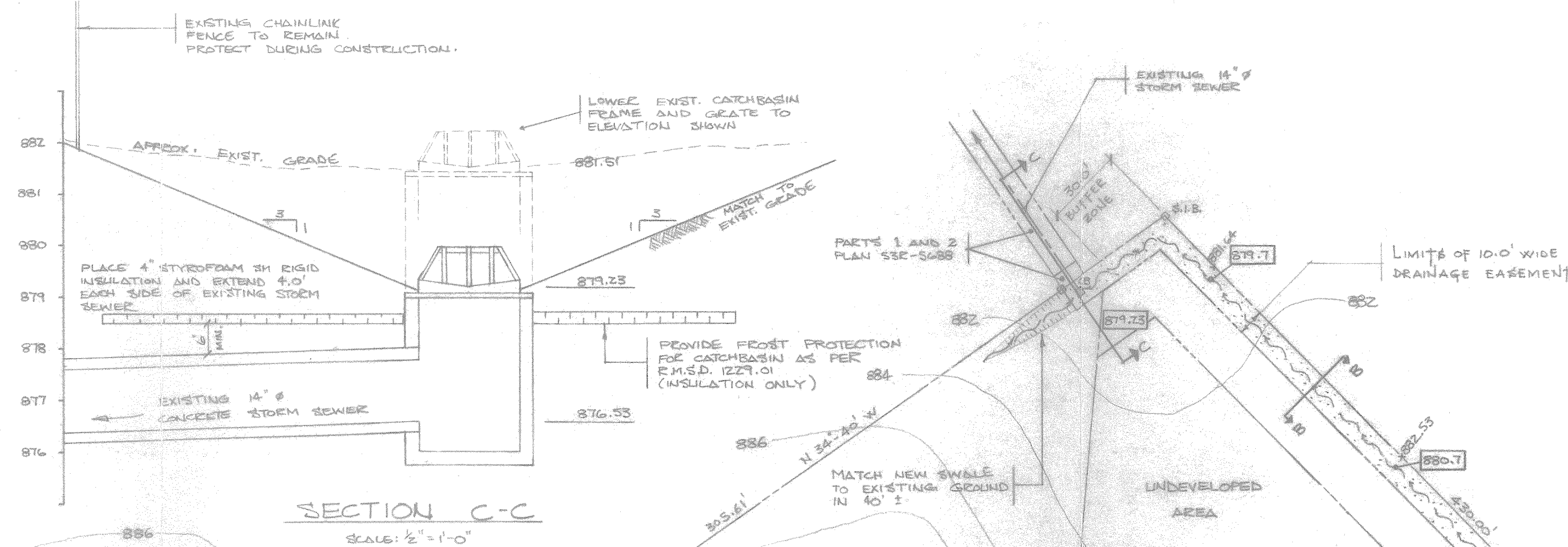
REVISIONS

ISSUED FOR RE-ZONING APPLICATION - AUGUST 19, 2020

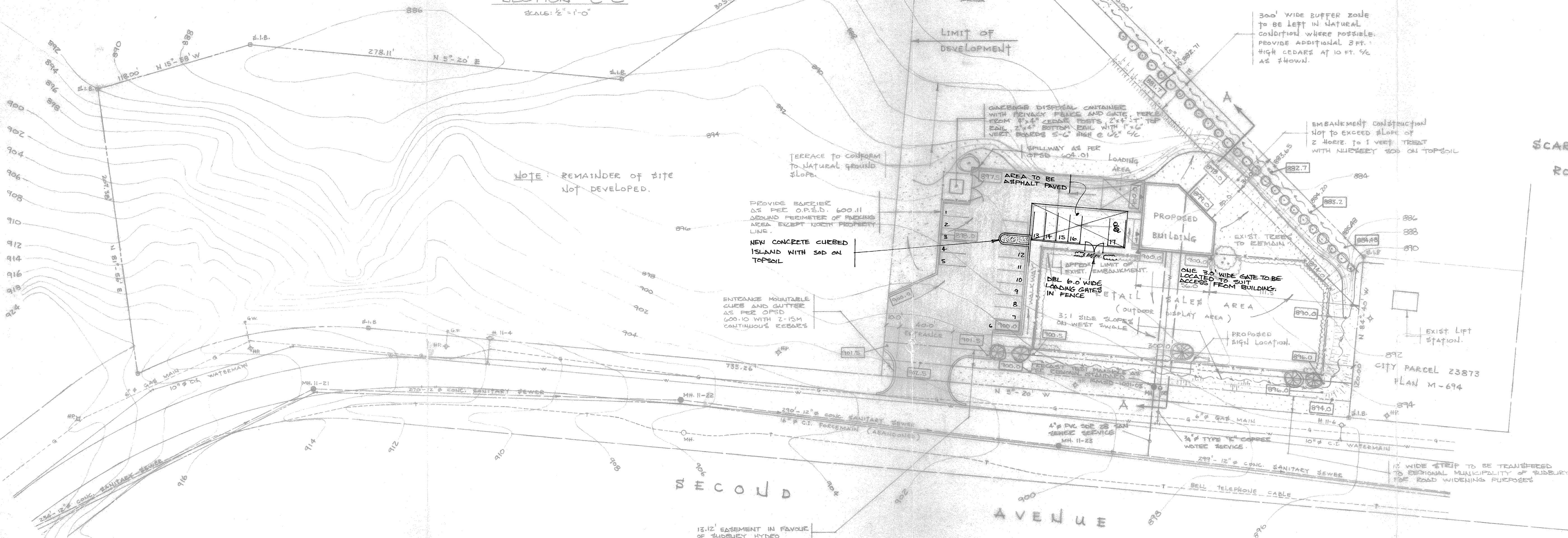
yellowega
bélanger
salach
architecture

LEGAL DESCRIPTION

LOT 12, CONCESSION 4
PARCEL 29946 S.E.S.
TOWNSHIP OF NEELON
CITY OF SUDBURY
REGIONAL MUNICIPALITY OF SUDBURY
DISTRICT OF SUDBURY



NOTE: REMAINDER OF SITE NOT DEVELOPED.



SCARLETT ROAD

THIS IS SCHEDULE "A" TO THE ATTACHED AGREEMENT DATED

JANUARY 11, 1995
BETWEEN THE REGION AND FRED
ENHARD, AS TO A 70% INTEREST AND
KATIA ENHARD AS TO A 30% INTEREST,
AS TENANTS-IN-COMMON

DETAILS OF DEVELOPMENT

ZONING : EXISTING = R-2 AND Q-1
: PROPOSED = C-2 (EXISTING R-2; Q-1 ON REMAINDER OF PROPERTY.)
Lot AREA THIS DEVELOPMENT = 93,040 sq. ft. (2.14 ACRES)
REMAINDER OF PROPERTY = 131,640 sq. ft. (3.02 ACRES)
TOTAL = 224,680 sq. ft. (5.27 ACRES)
NUMBER OF BUILDINGS = 1
BUILDING COVERAGE = 2,375 sq. ft. (2.5 %)
GROSS FLOOR AREA = 2,375 sq. ft.
NUMBER OF FLOORS = 1

LANDSCAPE AREA = 38,040 sq. ft. (40.9 %)

PARKING SPACES PROVIDED : = 14
PARKING SPACES REQUIRED : = 12

SITE PLAN

SCALE 1"=40'

LEGEND

- 112 — EXISTING GROUND CONTOURS
- CEDAR SHRUBS @ 300mm x 3'-4" HIGH
- EXISTING HYDRO POLES
- PROPOSED AREAS TO BE FENCED
- PROPOSED DRAINAGE SWALES
- EXISTING CATCH BASIN
- EXISTING TREES
- PROPOSED NEWBORN MAPLE (2 1/2" CALIPER)
- ASPHALT PAVEMENT
- DRAINAGE DIRECTION
- PROPOSED FINISHED ELEVATIONS
- PROPOSED SANITARY MANHOLE
- PROPOSED WATER SERVICE BOX
- PROPOSED CHAIN LINK FENCE
- SECURITY LIGHTING

NOTES

1. THE RIGHT OF WAY PORTION OF THE SEWER AND WATER SERVICE, INCLUDING THE TEST MANHOLE, MUST BE DONE UNDER A REGIONAL WORK ORDER.
2. WATER SERVICE CONNECTION SHALL BE INSTALLED AS PER R.M.S.D. 1104.01 AND CATHODIC PROTECTION SHALL BE INSTALLED AS PER R.M.S.D. 725.
3. SANITARY SERVICE CONNECTION SHALL BE INSTALLED AS PER R.M.S.D. 1006.02 AND PRECAST TEST MANHOLE SHALL BE INSTALLED AS PER R.M.S.D. 1001.02.

RECEIVED

FEB 28 1994

BUILDING CONTROLS DEPARTMENT

REV. NO.	DATE	DESCRIPTION
6	FEB 24/94	CATCHBASIN FROST PROTECTION
5	FEB 10/94	GENERAL REVISIONS
4	AUG 31/93	GENERAL REVISIONS
3	APRIL 28/93	GENERAL REVISIONS
2	APRIL 12/93	GENERAL REVISIONS
1	FEB 2/93	NUMBER OF PARKING SPACES ADDED.
DESCRIPTION		
PARCEL 29946 S.E.S.		
SECOND AVENUE		
Scale AS SHOWN	Approved By J.C.U.	JOB NO. 92071
Date JAN. 1993	Drawn By K.S.	Revised
SITE PLAN		
SPRIET ASSOCIATES CONSULTING ENGINEERS		
LONDON SUDBURY		
Drawing Number 1		



Photo 1: 380 Second Avenue North, Sudbury
View of subject property from street line
File 751-6/20-14 Photography Sept 11, 2020



Photo 2: 380 Second Avenue North, Sudbury
View of driveway entrance and vacant lands abutting to the north
File 751-6/20-14 Photography Sept 11, 2020



Photo 3: 380 Second Avenue North, Sudbury
View of main building along northerly interior side yard
File 751-6/20-14 Photography Sept 11, 2020



Photo 4: 380 Second Avenue North, Sudbury
Naturalized planting strip along easterly limit of property abutting low
density housing
File 751-6/20-14 Photography Sept 11, 2020

Request for Decision

0 Gravel Drive, Hanmer

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Monday, Nov 02, 2020
Type:	Public Hearings
File Number:	701-7/19-2 & 751-7/19-7

Resolution

Resolution Regarding Official Plan Amendment:

THAT the City of Greater Sudbury denies the application by Michael and Carole Leblanc to amend the Official Plan for the City of Greater Sudbury in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 metres of lot frontage onto a public road, on those lands described as PINs 73504-3070 & 73504-3071, Parcel 18575, Part 1, Plan 53R-20725, as outlined in the report entitled “0 Gravel Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020.

Resolution Regarding Rezoning:

THAT the City of Greater Sudbury denies the application by Michael and Carole Leblanc to amend By law 2010-100Z being the Zoning By law for the City of Greater Sudbury by changing the zoning classification on a portion of the lands from “RU”, Rural to “RU(S)”, Rural Special, on those lands described as PINs 73504-3070 & 73504-3071, Parcel 18575, Part 1, Plan 53R-20725, as outlined in the report entitled “0 Gravel Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 2, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Nov 2, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This report reviews applications for Official Plan Amendment and Zoning By-law Amendment, that together

would facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft), along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required under both the non-waterfront rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the City’s Zoning By-law. Both of the existing parcels of land that together frame the applications are presently vacant.

The application to amend the City’s Official Plan seeks an exception from the rural lot creation policies contained within the City’s Official Plan under Section 5.2.2(2), in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 m (300 ft) of lot frontage onto Gravel Drive. The proposed rezoning would facilitate the creation of said new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required in the standard “RU” Zone. No changes to any permitted land uses or any other development standards applicable under the standard “RU” Zone have been requested.

Staff advises that the development proposal does not represent good rural land use planning and does not represent limited and reasonable rural residential development, given the rural land use planning policy directions identified in the PPS and the applicable rural lot creation policies contained in the City’s Official Plan.

The Planning Services Division is therefore recommending that the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the Resolution section of this report.

Financial Implications

This report has no financial implications.

Staff Report

Proposal:

The applications for Official Plan Amendment and Zoning By-law Amendment together would facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft), along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required under both the non-waterfront rural lot creation policies of the Official Plan and within the “RU”, Rural Zone of the City’s Zoning By-law. Both of the existing parcels of land that together frame the applications are presently vacant.

The applications for Official Plan Amendment and Zoning By-law Amendment were originally submitted by the owners to the City on June 18, 2019. The applications were deemed incomplete on June 28, 2019, and it was noted that the submission of a Planning Justification Report (PJR) prepared by a qualified professional would be required in order to deem the applications complete. The owners then prepared a PJR themselves and submitted it to the City on February 4, 2020. The applications were later deemed to be complete on September 25, 2020, following discussion with the owners with respect to the PJR not having been prepared by a qualified professional. The owners at that time advised staff that they wished to proceed with the applications, despite the PJR not having been prepared by a qualified professional.

The application now includes a PJR that was prepared by the owners and a Concept Plan in support of the Official Plan Amendment and Zoning By-law Amendment requests and these items have both been attached to this report for reference purposes.

Existing Official Plan Designation: Rural

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities. Rural lot creation is permitted subject to certain minimum development standards as set out in the Official Plan.

Requested Official Plan Amendment: Exception from Rural Lot Creation Policies

The development proposal seeks an exception from the rural lot creation policies contained within the City’s Official Plan under Section 5.2.2(2) in order to facilitate the creation of one new rural lot with both the proposed severed and retained lands having less than the required 90 m (300 ft) of lot frontage onto Gravel Drive.

Existing Zoning: “RU”, Rural

The “RU” Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use, hunting or fishing camp, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic. The “RU” Zone requires minimum lot areas of 2 ha (5 acres) and minimum lot frontages of 90 m (300 ft).

Title: Michael & Carole Leblanc

Date: October 20, 2020

Requested Zoning: “RU(S)”, Rural Special

The proposed rezoning would facilitate creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage whereas 90 m (300 ft) is required in the standard “RU” Zone.

Location and Site Description:

The subject lands are located on the south side of Gravel Drive and to the east on Desmarais Road in the community of Hanmer. The applications involve two separate parcels of rural land held under separate title with the westerly lot held under the name of Michael Leblanc and the easterly lot under Carole Leblanc. The westerly lot has a total lot area of approximately 2.4 ha (5.93 acres) with approximately 91.98 m (301.77 ft) of frontage onto Gravel Drive. The easterly lot has a total lot area of approximately 12.87 ha (31.80 acres) with approximately 98.56 m (323.36 ft) of frontage onto Gravel Drive. Both existing lots are vacant and well vegetated.

Surrounding Land Uses:

- | | |
|--------|---|
| North: | Rural residential land uses, temporary uses in the form of garden suites and several larger and vacant rural parcels of land. |
| East: | Rural residential land use and several larger and vacant rural parcels of land. |
| South: | Low density urban residential land uses accessed from Municipal Road #80. |
| West: | Rural residential land uses, temporary uses in the form of garden suites, former Desmarais Subdivision Park deemed in 1971 to not be a plan of subdivision (ie. Plan M-517), and several larger and vacant rural parcels of land. |

The existing zoning and location map, as well as aerial photography, are attached to this report and together indicate the location of the lands subject to the Official Plan Amendment and Zoning By-law Amendment request, as well as the applicable zoning on other parcels of land in the immediate area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 240 m (800 ft) of the subject lands on September 25, 2020. The statutory Notice of Public Hearing dated November 5, 2020 was provided to the public by newspaper and to nearby landowners and tenants located within 240 m (800 ft) of the subject lands.

The owners were also advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owners did indicate to staff that they would be speaking with immediate neighbours regarding their development proposal. At the time of writing this report, no telephone calls, emails or written submissions have been received by the Planning Services Division.

Policy and Regulatory Framework:

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

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

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

2020 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 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to the application for Official Plan Amendment and Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development. In particular, a rural settlement area is described as being a rural area within a municipality that are built-up areas where development is concentrated and which have a mix of land uses and lands which have been designated in an Official Plan for development over the longer term planning horizon;
2. With respect to Rural Areas policies, Section 1.1.4.1 outlines that healthy, integrated and viable rural areas should be supported by:
 - a) Building upon rural character, and leveraging rural amenities and assets;
 - b) Promoting regeneration, including the redevelopment of brownfield sites;
 - c) Accommodating an appropriate range and mix of housing in rural settlement areas;
 - d) Encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
 - e) Using rural infrastructure and public service facilities efficiently;
 - f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) Conserving biodiversity and considering the ecological benefits provided by nature; and,
 - i) Providing opportunities for economic activities in prime agricultural areas, in accordance with applicable policies in the PPS 2020.
3. Section 1.1.4.2 outlines that in rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted;
4. Section 1.1.4.3 outlines that growth and development may be directed to rural lands in accordance with Section 1.1.5 (see below), including where a municipality does not have a settlement area;

5. Section 1.1.5.2 states that residential development, including lot creation, that is locally appropriate is permitted on rural lands;
6. Section 1.1.5.4 outlines that rural development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted;
7. Section 1.1.5.5 outlines that rural development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure; and,
8. Section 1.1.5.8 outlines that new land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the applications for Official Plan Amendment and Zoning By-law Amendment conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. Rural Areas contain a variety of land uses such as farms, woodlots and forests, small industry, and clusters of rural residential development. Permitted uses within the Rural designation include residential uses, agricultural uses, conservation, open space and natural resource management activities, mineral exploration, rural industrial/commercial uses, resort and shoreline commercial uses, and public uses including hydroelectric generation and associated facilities.

Rural lot creation policies are intended to mitigate the pressures inherent to un-serviced development and the environmental impact of private septic systems. Development is intended to be concentrated in fully serviced communities and limits on location, size and the number of lot creations in the Rural designation have therefore been established.

Rural lot creation for new lots not located on a lake or watercourse is permitted under Section 5.2.2(2) subject to the following policies:

1. The severed parcel and the parcel remaining must have a minimum size of 2 ha (5 acres) and a minimum public road frontage of 90 m (300 ft); and,
2. Regardless of the size and frontage of the parent parcel, no more than three new lots may be created from a single parent rural parcel that was in existence on June 14, 2006.

Zoning By-law 2010-100Z:

The "RU" Zone permits a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, a group home type 1 within a single-detached dwelling and having a maximum of ten beds, seasonal dwelling on a legal existing waterfront lot, private cabin accessory to a seasonal dwelling and a private home daycare. Permitted non-residential uses include an agricultural use, animal shelter, forestry use having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, hunting or fishing camp provided it is a legal existing use, garden nursery, kennel having a minimum buffer of 300 m (984.25 ft) from the nearest residential building or residential zone, public utility and a veterinary clinic.

Date: October 20, 2020

For the purposes of the proposed rezoning, the “RU” Zone requires individual lots to have a minimum lot area of 2 ha (5 acres) and minimum public road frontage of 90 m (300 ft).

Department/Agency Review:

The applications including relevant accompanying materials were circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to inform the content of Official Plan Amendment and Zoning By-law Amendment enactment documents should the applications be approved.

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

1. Active Transportation, the City’s Drainage Section, Operations, and Roads, Traffic and Transportation, and Transit Services have each advised that they have no concerns from their respective areas of interest; and,
2. Building Services has noted that should the applications be approved that the amending zoning by-law will need to recognize a reduced minimum lot frontage of 63 m (206.69 ft) whereas 90 m (300 ft) is required in the standard “RU” Zone;
3. Conservation Sudbury has noted that a wetland on a south-easterly portion of the subject lands and therefore approximately half of the lands are regulated by [Ontario Regulation 156/06](#) (OREg . Any development in an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the [Conservation Authorities Act](#)). Development includes, but is not limited to, the erection of a building or structure, the placement of removal of fill, or alterations to a watercourse or stream. Approval is not guaranteed;
4. Development Engineering has noted that the subject lands are not presently serviced with municipal water or sanitary sewer infrastructure; and,
5. Environmental Planning Initiatives have noted that the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the [Endangered Species Act](#).

Planning Analysis:

The 2020 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a land use planning analysis of the applications with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed Official Plan Amendment and Zoning By-law Amendment is not consistent with the 2020 PPS for the following reasons:

1. The subject lands are not located within a designated settlement area in the City’s Official Plan. The owner seeks to create an additional rural lot outside of a settlement area with both the proposed severed and retained parcels having less than the required 90 m (300 ft) of public road frontage onto Gravel Drive. The City’s Official Plan identifies Living Areas, which are intended to be the focus of growth and development in the City of Greater Sudbury. The closest identified settlement area is situated immediately to the south of the subject lands and along the Municipal Road #80 corridor. It is also noted by staff that the subject lands are also not within a designated rural settlement area as defined in the PPS;

2. With respect to general rural areas policies, staff would advise that the development proposal would not build upon the existing rural character that exists along Gravel Drive and would not accommodate rural lot creation within an identified rural settlement area. The creation of one additional rural lot in this location would result in further private infrastructure demands of this particular rural area;
3. The subject lands are not situated within a designated rural settlement area, which are to be the focus of growth and development in rural areas. The development proposal does not properly focus on or contribute positively to the vitality and regeneration that is to be promoted within existing rural settlement areas. Staff would also note that the dispersing of residential development outside rural settlement areas can cause problems related to increased demands on the land for private infrastructure services, as well as difficulties around providing those living in rural areas with efficient and cost-effective access to services such as education, child care and medical services. The dispersing of rural area development may also create fiscal challenges for municipalities when delivering services such as snow removal, garbage collection and emergency management services;
4. Rural growth and development on rural lands, including residential development and rural lot creation, is permitted on rural lands provided it is both limited and locally appropriate. Staff is of the opinion that the City's Official Plan allows for and has placed reasonable limits on rural lot creation. This approach to limiting rural lot creation is consistent with the PPS. Staff is of the opinion that the proposed development is not in keeping with good rural lot creation principles and that reasonable limited rural residential development opportunities exist under Section 5.2.2(2) of the City's Official Plan;
5. Staff has concerns around the compatibility of the proposed new rural lot with respect to sustainable rural servicing levels. Staff is concerned that allowing for the creation of a new rural lot in this location will contribute negatively to the quality of the rural landscape and the sustainability over the long term of rural servicing levels;
6. Staff are of the opinion that the proposed new rural lot is not appropriate within the context of the rural servicing infrastructure that is planned or available along Gravel Drive. Development Engineering has advised that the lands are not serviced with municipal water or sanitary sewer infrastructure. Those existing lots along Gravel Drive are privately serviced (e.g. well water and septic system). Staff would note that continued rural lot creation outside of those rural lot creation policies set out in the City's Official Plan could at some point lead to negative environmental impacts, resulting in having new and additional private infrastructure services on newly created undersized rural lots. Staff would therefore advise that the new rural lot would result in the unjustified expansion of private infrastructure services in an identified rural area; and,
7. The owners did prepare a Minimum Distance Separation (MDS) calculation dated June 17, 2019, in support of the development proposal to create one additional rural lot having frontage on Gravel Drive. The calculation examined a total of eight farms in close proximity to the subject lands and concluded that in two cases (i.e. 1372 Gravel Drive & 1794 Gravel Drive), a minimum distance separation of 81 m (265.75 ft) would be necessary between the existing livestock barns, associated manure storage areas and the proposed lot lines associated with the proposed new rural lot. Staff would advise that in both instances the proposed new rural lot would appear to be in excess of 81 m (265.75 ft) from the existing livestock barns and associated manure storage areas identified in the owner's MDS calculation. However, staff would note that in both cases the owners have indicated that the livestock and manure information has not been confirmed with the farm operators in question.

Date: October 20, 2020

With respect to the City's Official Plan, staff is not supportive of the proposed Official Plan Amendment. Those policies relevant to the development proposal that would provide for an exception to Section 5.2.2 of the City's Official Plan in order to facilitate the creation of one new rural lot between two existing parcels of land having a minimum lot frontage of approximately 63 m (206.69 ft) along with two retained portions having approximately 63 m (206.69 ft) of lot frontage, are discussed below.

The applicable policies relating to rural lot creation are intended to mitigate the pressures that result from unlimited and unserved rural development, including but not exclusively limited to the environmental impacts of having additional private infrastructure services (e.g. private wells and private septic systems) on undersized rural lots.

At the same time, staff would advise and is of the opinion that the parameters for rural lot creation with respect to minimum lot areas and minimum lot frontages currently provides for reasonable and limited rural residential lot creation and development as identified in the PPS. The rural lot proposed to be created and the retained lots would each be undersized from a minimum lot frontage perspective whereas currently the rural lots as they exist both maintain in excess of 90 m (300 ft) of public road frontage onto Gravel Drive.

Staff also has concerns that continued and subsequent planning applications could result in the creation of further undersized rural lots that would create additional demand for private infrastructure services in this particular area.

Further to the above, staff notes that the City's [Growth and Settlement Policy Discussion Paper](#), that was completed as part of the City's Phase 1 – Official Plan Review, concluded that there is currently an ample supply of vacant rural lots and rural lots with the ability to be severed under the current rural lot creation policy framework to meet the projected demand over the twenty year planning period, to which the City's Official Plan applies. Specifically, the Growth and Settlement Policy Discussion Paper identified that there are an estimated 475 existing vacant rural lots that could be developed, provided that a building permit is obtained. It was also estimated that the current non-waterfront rural lot creation policies in the City's Official Plan could result in the creation of approximately 1,438 new rural lots. This potential overall supply of approximately 1,913 rural lots is more than adequate to demand within the planning period of the City's Official Plan.

Staff is therefore not supportive of the request to provide for an exception to Section 5.2.2 of the City's Official Plan in order to facilitate the creation of one new rural lot between two existing parcels of land in this particular rural setting. Furthermore, staff is of the opinion that the development proposal does not conform with the rural lot creation policies contained within the City's Official Plan. The development proposal does not represent nor would it demonstrate good and responsible rural land use planning.

As noted previously in this report, the owners are requesting that the subject lands be rezoned from "RU", Rural to "RU(S)", Rural Special. The proposed rezoning would recognize a reduced minimum lot frontage for both the newly severed and two retained lots whereas the standard "RU" Zone would require that both the severed and retained lands each provide for a minimum lot frontage of 90 m (300 ft) onto Gravel Drive. The owners are seeking to rezone the lands in order to facilitate the creation of one new rural lot between two existing parcels of land with each of the resulting lots having a minimum lot frontage of approximately 63 m (206.69 ft) onto Gravel Drive. Staff notes that the rezoning being sought would therefore amount to a 27 m (88.58 ft) reduction in minimum lot frontage for each of the resulting lots (ie. one severed and two retained lots). Staff cannot support the application to rezone the lands, as the proposed development is not consistent with the PPS and would not conform to the rural lot creation policies of the City's Official Plan.

Title: Michael & Carole Leblanc

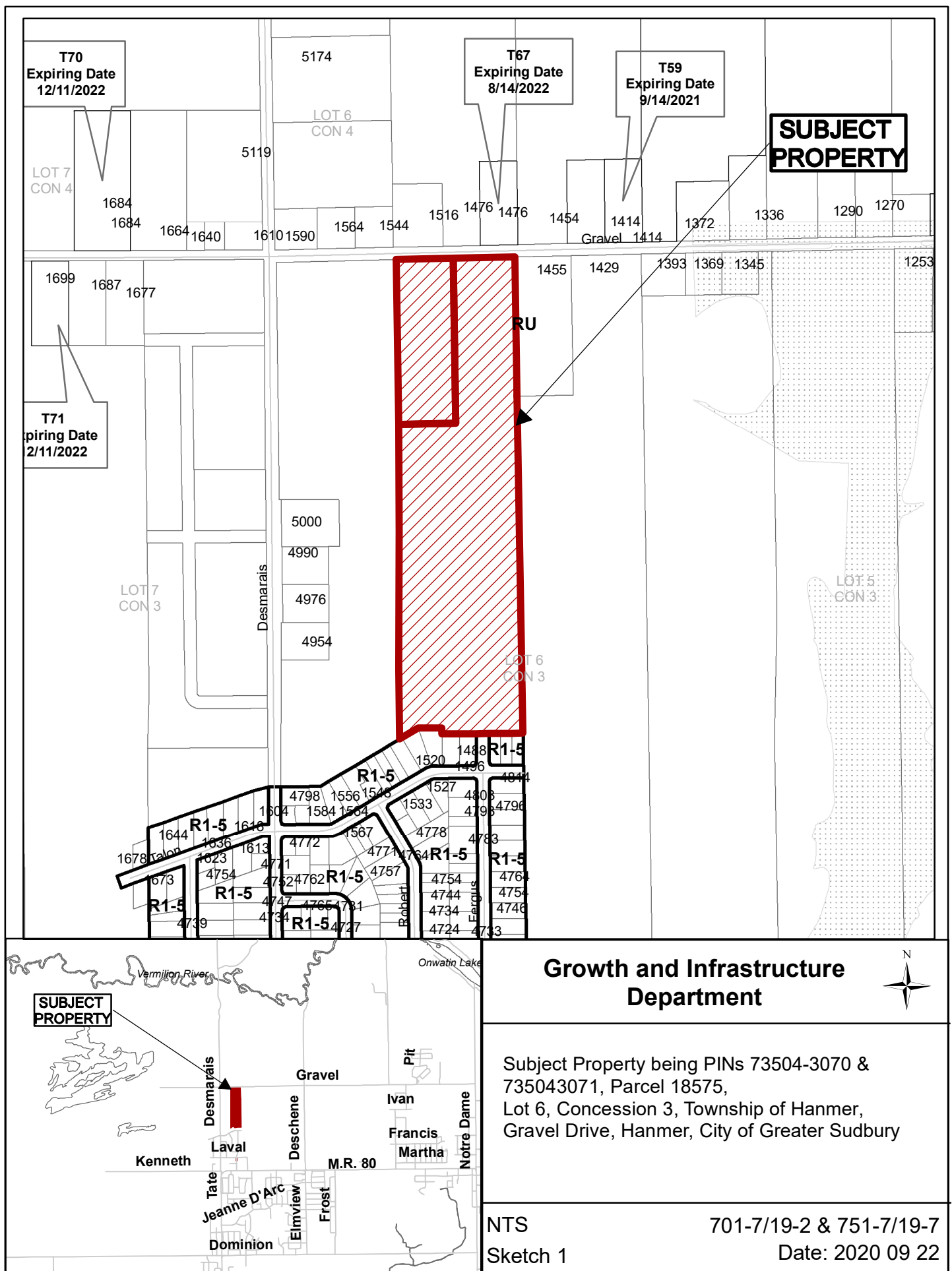
Date: October 20, 2020

Conclusion:

Staff has reviewed the applications to amend the City's Official Plan and Zoning By-law and is of the opinion that the development proposal does not conform with those rural lot creation policies established in the Official Plan for the City of Greater Sudbury. The development proposal is also not consistent with the rural land use planning policy directions identified in PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Staff cannot support the applications, as the development proposal does not represent good rural land use planning and it does not represent limited and reasonable rural residential development given the rural land use planning policy directions identified in the PPS and the applicable rural lot creation policies contained in the City's Official Plan.

The Planning Services Division therefore recommends that the applications for Official Plan Amendment and Zoning By-law Amendment be denied in accordance with the Resolution section of this report.



Files: 751-7/19-7
and 701-7/19-2
Gravel Drive,
Hanmer
2016 COOP Orthophotography



Gravel Drive

Subject Property

Desmarais Road

Talon Street

Robert Drive

Fergus Avenue



GRAVEL

301.18 (91.98)

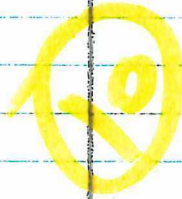
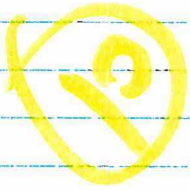
323.36 (98.56m)

208.18 feet
(63.45m)

63.45m

63.45m

869.42 (265)



6 ACRES

12.33 acres
(4.98 hectares)

12.33 acres
(4.98 hectares)

12.33 acres
(4.98 hectares)

ACRES

Planning Justification Report

Official Plan Amendment and Rezoning By-Law Amendment

TOWNSHIP OF HANMER PINS 73504-3070 & 73504-3071 PARCEL 18575

PART 1 PLAN 53R-20725 LOT 6 CONCESSION 3

CITY OF GREATER SUDBURY

PREPARED BY MICHAEL AND CAROLE LEBLANC

FEBRUARY 4, 2020

TABLE OF CONTENTS

1.0 INTRODUCTION

2.0 PROPOSAL

3.0 SUBJECT LANDS AND SURROUNDING AREA

3.1 SUBJECT LANDS

3.2 SURROUNDING AREA

4.0 SUPPORTING DOCUMENTS

5.0 PLANNING ANALYSIS

5.1 PROVINCIAL POLICY STATEMENT 2014

5.2 CITY OF GREATER SUDBURY OFFICIAL PLAN

5.3 CITY OF GREATER SUDBURY ZONING BY- LAW

6.0 SUMMARY

1.0 INTRODUCTION

As part of the review process associated with this proposal, City of Greater Sudbury Planning Services has requested a planning justification report be submitted as part of a complete application. This report provides a planning analysis and justification for the official plan amendment and zoning by-law amendment needed to facilitate the development. We do not claim to be registered professionals or qualified in any way whatsoever. This document is created to the best of our ability.

2.0 PROPOSAL

The proposed official plan amendment and zoning by-law amendment intends to amalgamate two (2) existing rural parcels of land on Gravel drive in Hanmer, and to create two (2) new parcels with a remaining parcel. This will facilitate the creation of three (3) separate lots where only (2) lots currently exist. Our proposal would create three (3) rural lots with approximately 63 meters (206 feet) each and approximately 4.9 hectares (12 acres) each.

The bylaw presently allows for a rural lot to have a minimum lot frontage of 90 meters and a minimum lot area of 2.0 hectares.

The official plan requires that “the severed parcel and parcel remaining must have a minimum size of 2 hectares (5 acres) and minimum public road frontage of 90 meters (295 feet) The official plan also states “regardless of the size and frontage of the parent parcel, no more that three (3) new lots may be created from a single parent rural parcel in existence as of June 14, 2006.

3.0 SUBJECT LANDS AND SURROUNDING AREA

3.1 SUBJECT LANDS

The subject properties are located approximately 740 meters east of the corner of Gravel Drive and Desmarais Road in Town of Valley East. The subject properties consist of an approximate 12.5 hectare (31 acres) parcel of land and a approximate 2.4 hectare (6 acre) parcel of land. The properties consist of flat wooded land with a mixed variety of trees. There are presently no buildings on the properties and does not appear to have been any in the past. The parcels are fronting on the south side of Gravel drive. The far rear of the 12.5 hectare parcel does include a marshy area according to the zoning maps. The properties are zoned Rural on the zoning map. The subject lands would be serviced with private sewage systems and private wells.

3.2 SURROUNDING AREA

The surrounding area has a rural residential character with single detached dwellings on large lots. The majority of the lots are .80 Hectare (2 acres) in size. The majority of these lots have 60 metre (200 feet) lot frontages. Our proposal would blend in easily with the neighbourhood fabric. See attached (figure 1). The whole neighbourhood is zoned Rural and encompassed residential homes and small hobby farms. All surrounding lands are serviced with private sewage systems and private wells.

4.0 SUPPORTING DOCUMENTS

- 1. A Pre-Consultation Understanding**
- 2. Proposed sketch (figure 1)**
- 3. Neighborhood sketch (figure 2)**

5.0 PLANNING ANALYSIS

5.1 Provincial Policy Statement 2014

The 2014 Provincial Policy Statement (PPS) provides provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on Planning Act applications. Municipal Official Plans are to be consistent with the 2014 PPS. Applicable PPS policy to this development proposal is outlined and discussed below.

“1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural house stock on rural lands.

Our proposal would see the construction of 3 new residential homes similar to the neighbourhood fabric. Opportunities for garden suites or secondary suites are

Pre- Consultation Understanding

Planning Services

200 Brady Street, Tom Davies Square
Sudbury, ON P3A 5P3
T: (705) 674-4455 Ext. 4295
F: (705) 673-2200

January 10, 2019

PRE-CONSULTATION UNDERSTANDING

Requirements (Senior Planner to confirm reports/plans required on OPA, ZBL, SUB and CONDO)
(Subdivision/Site Plan Engineer to confirm reports/plans required on Site Plan)

PRE-CONSULT FILE: PC 2019-048					
OWNER: MICHAEL & CAROLE LEBLANC					
SPART MEETING: JUN 12/19					
PROPERTY DESCRIPTION/ADDRESS: PINS 73504-3070 & 73504-3071 (GRAVEL DR., HANMER)					
REPORTS AND PLANS	OPA	ZBL	SITE PLAN	SUB	CONDO
REPORTS					
Application Form	X				
Arborist Report					
Archaeological Assessment					
Draft Official Plan Amendment					
Draft Zoning By-law Amendment					
Environmental Impact Study (Full-Site)					
Environmental Impact Study (Scoped)					
Functional Servicing Study					
Geotechnical/Soils Report					
Heritage Impact Assessment					
Hydrogeologic Study					
Mine Hazard Study					
Noise Study					
Parking Study					
Phase I Environmental Site Assessment					
Planning Justification Report	X				
Public Consultation Strategy	X				
Risk Management Plan					
Servicing Options Report					
Source Protection Plan Section 59 Application					
Stormwater Management Report					
Sun/Shadow Study (6 storeys or greater)					
Traffic Impact Study					
Transportation Demand Management Plan					
Vibration Study					
Wind Study (6 storeys or greater)					
PLANS					
Comprehensive Development Plan					
Concept Plan	X				
Construction Erosion and Sediment Control Plan					
Draft Plan of Condominium					
Draft Plan of Subdivision					
Elevation Plans					
Grading Plan					
Landscape Plan					
Legal Survey Plan					
Off-Site Servicing Plan					
Photometric Exterior Lighting Plan					
Site Plan					
Servicing Plan					
Other Reports/ Plans(s) – Specify					
1. MINIMUM DISTANCE SEPARATION CALCULATION	X				
2.					
Agencies to be Contacted by Applicant					
	OPA	ZBL	SITE PLAN	SUB	CONDO
Canada Post					
Canadian National Railway					
Canadian Pacific Railway					
Greater Sudbury Utilities					
Hydro One					
Ministry of Municipal Affairs					
Ministry of Natural Resources and Forestry					
Ministry of the Environment and Climate Change					
Ministry of Transportation Ontario					
Nickel District Conservation Authority	X				
Sudbury District Health Unit (SDHU)					
Sudbury East Planning Board					
Others – Specify					
1.					

PRE-CONSULTATION UNDERSTANDING

Planning Services Notes

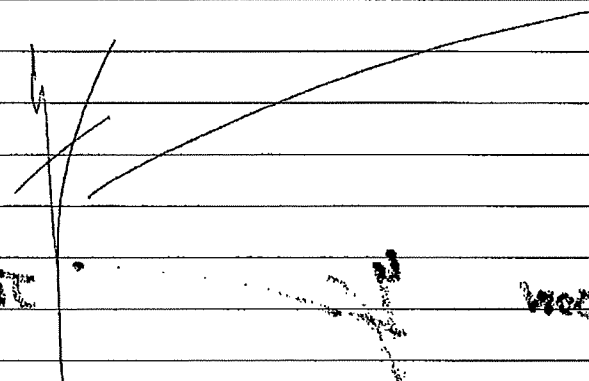
PLANNING - a rezoning application should accompany the
SERVICES application to amend the City's Official Plan
DIVISION (ie. to recognize relief from the "RU" Zone).

- an MDS calculation is to be completed by the owner (given to PSD to review) given the potential proximity of agricultural uses in the area. New lots must comply with MDS II formulae as developed by Ontario's Ministry of Agricultural and Rural Affairs.

- Planning Justification Report is required which demonstrates that the lot creations will not exacerbate the existing supply of available and vacant rural lots and that there is a need for the proposed new rural lots in order to accommodate projected rural unit growth.

NDCA - southerly portion of the lands are within a regulated area and are within a floodplain. A permit from NDCA is required prior to any development in this area.

BUILDING - at building permit stage, geotechnical & hydrogeological
SERVICES assessment may be required given presence of floodplain.
- site alteration permit may also be required.


JUN 11 2019
GLEN FERGUSON

Name: GLEN FERGUSON

Date: JUN. 12 / 19

PRE-CONSULTATION UNDERSTANDING

1. Official Plan Designation: RURAL

Conformity with Official Plan designation ☐ YES ☒ NO

If "No" what is the nature of the amendment needed?

to permit creation of 2 rural lots (with a remainder)
having approximately 64m of frontage where 90m is required.

2. Existing Zoning: RU

Compliance with the City's Zoning By-law? ☐ YES ☒ NO

If "No" what is the proposed zoning or amendment required?

if OPA approved, a rezoning is required to recognize reduced frontage.

3. Related File No.(s): N/A

4. Additional Information: N/A

Acknowledgement by Owner/Agent

The owner acknowledges that this form in no way confirms support or non-support by the City of the presented proposal, is based on the agreed processing and submission requirements discussed.

By signing below, I acknowledge that, subject to any appeals, the drawings, report(s) and other information requirements indicated on the above chart, must be submitted along with a completed application form, any information or materials prescribed by statute, the required application fees and this executed Pre-consultation Application Form to be considered complete. All comments and direction offered by City staff and outside agencies is preliminary and based solely on the information available at the time of the meeting, and is only applicable for up to one year from the date of the Pre-consultation meeting. Once an application has been submitted, deemed complete and circulated for comments additional information or consultation meetings may be required during the processing of the application. In addition, I have read, understood, and agreed to all of the notes listed on this form.

Carole Leblanc
MICHAEL LEBLANC
Owner/Agent
(Print)

Carole Leblanc
Owner/Agent
(Signature)

06/15/19
Date

Greater Sudbury Planning Services Staff
(Print)

Greater Sudbury Planning Staff
(Signature)

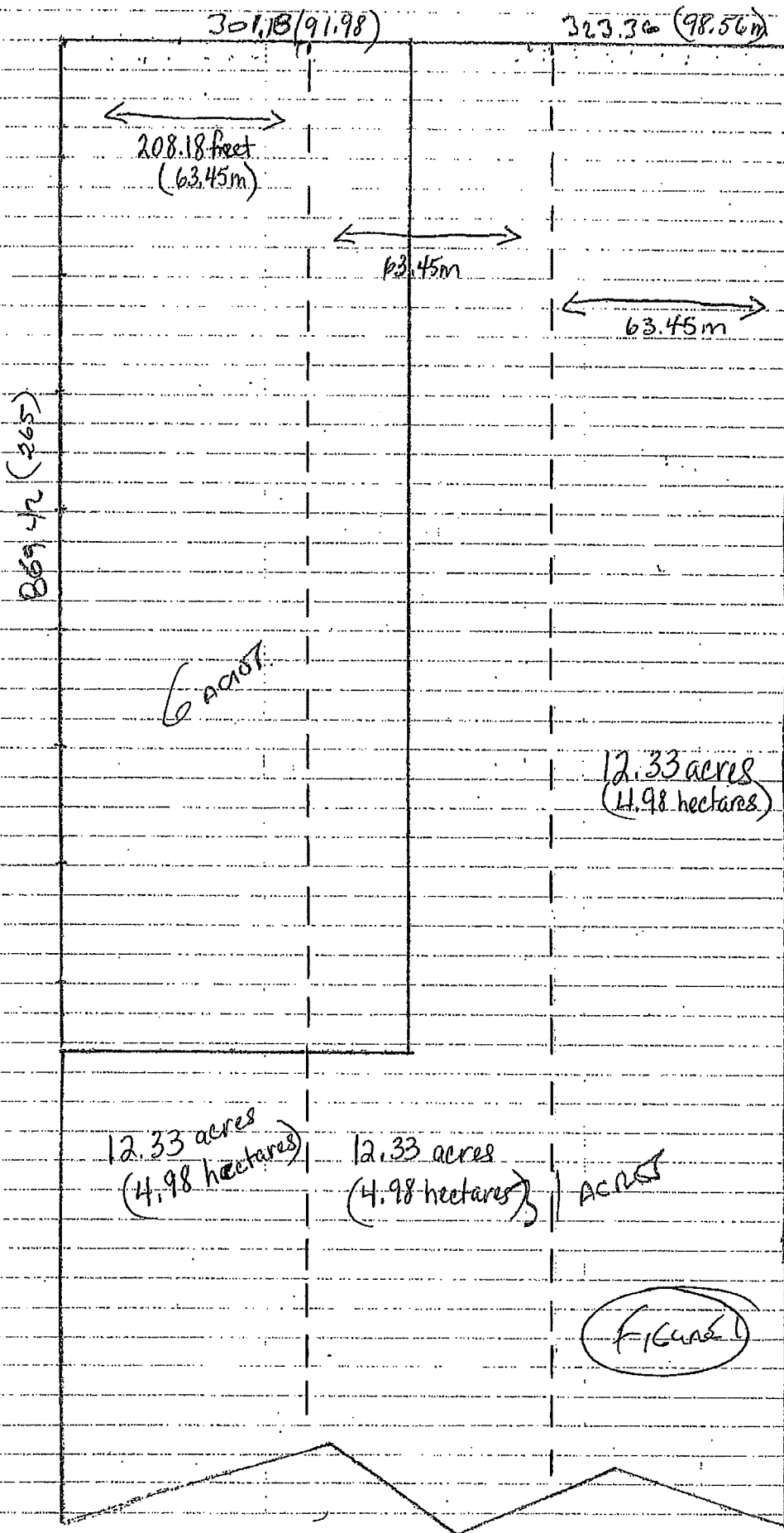
Date

GLEN FERGUSON

[Signature]

JUN. 17/19

GRAVEL



possible with the new builds, where it may be difficult to accommodate on an existing site. These forms of housing meet the social, health and wellbeing requirements of our ageing population.

1.1.4.2 In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.

The reasoning for our proposal is to add the one lot to the two we already have to allow for both our two children to build homes beside us in the near future. Our families have grown up in the neighbourhood and we want our immediate family to have those same opportunities.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

The lots will be serviced with private septic beds and private wells. Natural gas, hydro, and internet are all available at the lot line. The mail box is located a block away. There is no need for expansion of infrastructure.

5.2 CITY OF GREATER SUDBURY OFFICIAL PLAN

The subject lands are included in the Rural Areas of the official plan. The amendment would facilitate the creation three (3) rural lots with a minimum frontage of 63 meters (206 feet) where the by-law requires 90 meters (295 feet).

5.0 Rural Areas

Given Greater Sudbury's vast geographic area, a significant proportion of the municipality is comprised of Rural Areas. Although some areas are partially serviced by municipal water, most rural households, businesses and farms rely on private water and sewage disposal systems. There is no intention to expand services to these areas.

Due to these constraints, Rural Areas require well-defined policies that protect existing uses while recognizing that the focus of future development will be fully serviced areas within Communities. The Rural Areas designation supports this overall concept, while also striving to protect those qualities that make Rural Areas special for their waterfront areas, open space, natural features, and resource potential.

The intent of this 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 protection of the natural environment and the agricultural resource base. Intensive development of these lands is not desired, as more suitable locations within Communities have been identified for urban growth. Rural Areas are shown on Schedules 1a, 1b and 1c, Land Use Map.

5.1 OBJECTIVES

It is the objective of the Rural Area policies to:

- a. provide an efficient and orderly pattern of land use in Rural Areas, reducing land use conflicts and requiring minimal municipal services;
- b. ensure that all development is adequately serviced and does not negatively impact the environment;
- c. encourage a strong rural economy with a range of rural uses and activities;
- d. recognize the importance of agriculture, silviculture and other rural land uses to the economy; and,
- e. preserve the cultural and historical attributes of rural areas.
- f. promote opportunities to support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

5.2 RURAL AREA DESIGNATION

Rural Areas contain a variety of land uses, such as farms, woodlots and forests, small industry, and clusters of rural residential development. These areas also provide for outdoor recreation opportunities such as snowmobiling, skiing, hiking, canoeing, and other activities in natural areas.

Policies

1. The following uses are permitted within the Rural Areas designation:
 - a. residential uses;

- b. agricultural uses, agriculture-related uses and on-farm diversified uses;
- c. conservation, open space and natural resource management activities;
- d. mineral exploration;
- e. rural industrial/commercial uses;
- f. resort and shoreline commercial uses;
- g. public uses including hydroelectric generation and associated facilities; and
- h. community hubs.

2. Waterfront development in Rural Areas must also comply with the policies of Section 8.4.

3. All new farm and non-farm development in the Rural Areas designation will comply with the Minimum Distance Separation (MDS) formulae established by the Province in order to minimize conflicts between livestock facilities and surrounding development.

5.2.1 Rural Residential

Residential uses in Rural Areas typically take the form of rural strip development along municipal roads, as well as permanent and seasonal waterfront residences located along the shorelines of non-urban waterbodies and watercourses. Although some linear residential development along municipal roads is partially serviced by municipal water, most households are not connected to municipal services.

Policies

1. Rural residential development compatible with the character of surrounding existing uses is permitted, provided no additional public services, including the extension of existing or creation of new partial services would be required.
2. One single detached dwelling is permitted on any existing lot, provided that it fronts onto a public road that is maintained year-round. The lot must also have the capability to provide an individual on-site sewage disposal system and water supply with both quantity and quality suitable for domestic uses.
3. Seasonal residential uses are permitted on waterbodies and watercourses that have public water access with adequate off-street parking and boat docking facilities.
4. The conversion of existing seasonal dwellings to permanent use is permitted provided that:
 - a. the dwelling has frontage on a public road maintained year-round;
 - b. Ontario Building Code standards for permanent dwellings are met;
 - c. minimum lot size requirements for the zone category set out in the Zoning By-law have been satisfied;
 - d. approval is obtained for a Class 4 sewage system; and,
 - e. there is an adequate supply of potable water.
5. This Plan contemplates a seasonal residential zone in the implementing Zoning By-law. New lots proposed for seasonal residential use may be permitted in the Rural Areas designation on waterbodies and watercourses subject to rezoning.
6. Based on watershed and lake studies, the Zoning By-law may set different density standards for waterfront developments on different lakes according to their lake and watershed development capacity and ecological sensitivity to development.
7. An individual mobile home unit is allowed where a single detached dwelling would be permitted, provided that it is built in accordance with the Ontario Building Code.

8. A Garden Suite is allowed in accordance with Section 2.3.5. Despite these policies a Garden Suite may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies a mobile home may be used as a Garden Suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Rural Area.

9. A Second Suite is allowed in accordance with Section 2.3.6. Despite these policies a Second Suite may be served by its own individual on-site sewage and water services, where appropriate. Also, despite these policies a mobile home may be used as a Second Suite if it is built on its own foundation and in accordance with the Ontario Building Code. None of these policies are intended to result in the creation of new residential lots in the Rural Area.

5.2.2 Rural and Waterfront Lot Creation

Policies on lot creation in Rural Areas are required to mitigate the pressures inherent to unserviced development and the environmental impact of private septic systems. Consistent with the objective to concentrate development within fully serviced Communities, limits on the location, size and number of lot severances in Rural Areas are established.

Policies

1. New lot creation for rural residential development is not permitted on those lands restricted by:
 - a. the Mining/Mineral Reserve;
 - b. the Aggregate Reserve;
 - c. the Flood Plain; or
 - d. significant natural features and areas.
2. *For new lots not on a waterbody or watercourse, the following lot creation policies apply. The City will monitor the supply and demand of rural lots with a goal of avoiding an oversupply of rural lots. The policy of this plan will be reviewed and revised if it has been demonstrated that the existing policies have not had the effect of aligning the supply of rural lots not on a waterbody or watercourse with projected need. For new rural lots not on a waterbody or watercourse, the following lot creation policies apply:*(2019 MMAH Mod #2a)
 - a. The severed parcel and the parcel remaining must have a minimum size of 2 hectares (5 acres) and a minimum public road frontage of 90 metres (295 feet).
 - b. Regardless of the size and frontage of the parent parcel, no more than three (3) new lots may be created from a single parent rural parcel *based on the date of the adoption of this Plan in existence as of June 14, 2006*. (2019 MMAH Mod #2b)
3. *Where an official plan amendment is requested for lot creation in excess of the permitted three severed lots plus a retained, a planning report shall be submitted which demonstrates conformity with the Official Plan and consistency with the Provincial Policy Statement, and which demonstrates that:
 - a. That the application will not exacerbate the existing supply of available vacant rural lots.
 - b. That there is a need for the proposed new lot(s) in order to accommodate projected rural unit growth over the life of the plan.
 - c. Additional studies required by the Official Plan to address any negative cumulative impacts (e.g., servicing) may also be required.

For any official plan amendment to permit additional rural lots not on a waterbody or watercourse, the severed and retained parcels must meet the minimum lot size referred to in Policy 2.* (2019 MMAH Mod #2c)

4. For new lots located on a waterbody or watercourse, the following lot creation policies apply:

a. Excluding those waterbodies or watercourses covered by Chapter 20.0, Special Policy Areas, new lots on waterbodies or watercourses in Rural Areas will be a minimum 0.8 hectare (2 acres) in size and have a minimum water frontage of 45 metres (148 feet), unless detailed waterbody studies indicate a change in the standard. The appropriate regulations will be set out in the Zoning By-law.

b. New lots for permanent waterfront residential use must front onto a public road that is maintained year-round.

c. New lots for seasonal waterfront residential uses are permitted on waterbodies or watercourses with public water access with adequate off-street parking and boat docking facilities.

d. Dwellings and accessory buildings must be set back to appropriate levels based on individual waterbody or watercourse conditions and regulations set out in the Zoning By-law (see additional water resource policies in Section 8.4).

5. Where applicable, all rural residential severances must also comply with the Minimum Distance Separation (MDS) formulae established by the Province in order to minimize conflicts between residential development and adjacent livestock facilities.

5.3 CITY OF GREATER SUDBURY ZONING BY-LAW

The subject lands are included in the Rural Zones of the by-law. The amendment would facilitate the creation three (3) rural lots with a minimum frontage of 63 meters (206 feet) where the by-law requires 90 meters (295 feet).

PART 9:

RURAL ZONES

9.1 GENERAL PROHIBITION

No *person* shall, within any *Rural Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building or structure* for any *use* other than as permitted in Tables 9.1 and 9.2, in accordance with the standards contained in Table 9.3 the General Provisions contained in Part 4 and the Parking and Loading provisions contained in Part 5 of this By-law.

9.2 PERMITTED USES

Uses permitted in a *Rural Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Tables 9.1 and 9.2. A number(s) following the symbol 'X', *zone* heading, or identified permitted *use*, indicates that one or more special provisions apply to the *use* noted or, in some cases, to the entire *Zone*. Special Provisions are listed below the Permitted Use Tables 9.1 and 9.2 below: (By-law 2012-67Z)

Rural Zones

Agricultural	A
Rural	RU
Rural Shoreline	RS
Seasonal Limited Service	SLS

Note: Wherever a zone symbol on the Schedules to this By-law is followed by a period, a letter "D" and a number, please also refer to Section 2.2 of this By-law with respect to the maximum number of dwelling units permitted on a lot.

Table 9.1 - Permitted Residential Uses (By-law 2012-67Z) (By-law 2014-235Z)

USE	A	RU	RS	SLS
<i>Single Detached Dwelling</i>	X(1)	X(1)	X(1)	
<i>Mobile Home Dwelling</i>	X (1)(2)	X (1)(2)	X (1)(2)	
<i>Bed and Breakfast Establishment</i>	X (7)	X (7)	X (7)	
<i>Group Home Type 1</i>	X(9)	X(9)	X(9)	
<i>Seasonal Dwelling</i>		X (1)(3)	X (1)(3)	X (1)
<i>Private Cabin</i>		X (4)	X (4)	X (4)
<i>Private Home Daycare</i>	X	X	X	

Table 9.2 – Permitted Non-Residential Uses (By-law 2012-67Z)

USE	A	RU	RS	SLS
<i>Agricultural Use</i>	X (5)	X (5)		
<i>Animal Shelter</i>	X	X		
<i>Forestry Use</i>	X (6)	X (6)		
<i>Hunting or Fishing Camp</i>		X (8)		
<i>Garden Nursery</i>	X	X		
<i>Kennel</i>	X (6)	X (6)		
<i>Public Utility</i>	X	X		
<i>Veterinary Clinic</i>	X	X		

SPECIAL PROVISIONS FOR TABLES 9.1 AND 9.2

1. Maximum number of *dwelling units* permitted on a *lot* – 1.
2. If mounted on a permanent foundation.
3. If on a *legal existing waterfront lot*.
4. Maximum number of *private cabins* – 1. *Maximum gross floor area* of 30.0 m² on any *lot accessory* to a permitted *seasonal dwelling* only.
5. *Buildings* housing *livestock* and *manure handling facilities* are subject to the Special Setback Provisions in Section 4.37.1
6. No *non-residential building* or *structure* directly associated with a *kennel* or with the cutting or sawing of timber shall be established or erected closer than 300.0 metres to a *residential building* or Residential (R) Zone.
7. Permitted within a *single detached dwelling* only. Maximum number of *guest rooms* – 2.
8. Only where such use constitutes a *legal existing use*.

9. Only within a permitted *single detached dwelling*. – Maximum number of beds
 -10. (By-law 2014-235Z)

9.3 ZONE STANDARDS

No person shall within any Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the following zone standards in Table 9.3. A number(s) following the zone standard, zone heading or description of the standard, indicates an additional Zone requirement. These additional standards are listed as Special Provisions at the end of Table 9.3 below: (By-law 2011-49Z)

Table 9.3 – Standards for All Rural Zones

	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Corner Side Yard	Maximum Lot Coverage	Maximum Height	Other
A	30.0 ha	90.0 m	10.0 m (1)	10.0 m (1)	10.0 m (3)	10.0 m (2)	10% (4)(8)	21.0 m (5)	(6)
RU	2.0 ha	90.0 m	10.0 m (1)	10.0 m (1)	10.0 m (3)	10.0 m (2)	10% (4)(8)	21.0 m (5)	(6)
RS	8,000 m ²	45.0 m	10.0 m (1)	7.5 m (1)	3.0 m	4.5 m (7)	10% (8)	11.0 m	
SLS	8,000 m ²	45.0 m	10.0 m	10.0 m	3.0 m	10.0 m (2)	10% (8)	11.0 m	

SPECIAL PROVISIONS FOR TABLE 9.3

1. *Abutting a primary arterial road* – 15.0 metres.
2. (i) *Legal existing lots* having an area of 0.8 ha or less:
 - a) For *lots abutting a primary arterial road* – 15.0 metres;
 - b) For *lots abutting a secondary or tertiary arterial road* – 7.5 metres;
 - c) For *lots abutting any other road* – 4.5 metres.
 (ii) *All other lots*:
 - a) For *lots abutting a primary arterial road* – 15.0 metres.
3. On a *legal existing lot* having an area of 0.8 ha or less – 3.0 metres
4. This provision shall not apply with respect to any greenhouse constructed primarily of translucent materials and uses solely for growing plants in conjunction with an *agricultural use* or a *garden nursery*.
5. *Residential uses* – 11.0 metres.
6. *Building separation* – 3.0 metres.
7. (i) For *lots abutting a primary arterial road* – 15.0 metres;
- (ii) For *lots abutting a secondary or tertiary arterial road* – 7.5 metres.
8. Maximum lot coverage for *legal existing lots* having an area of 0.42 hectares or less – 25 percent.

6.0 SUMMARY

Our proposed severance represents an opportunity to maintain the existing neighborhood fabric without altering the rural landscape of the area. The extra lot will maintain a rural residence and therefore help maintain the rural housing stock and rural character of the area. The relief from the official plan and bylaw is quite minor in nature as the proposed lot will blend in with the rest of the homes on Gravel drive.

In consideration of the foregoing, it is our opinion the proposed amendments are consistent with the 2014 Provincial Policy Statement, and represents good planning. It is understood the property will be subject to a site specific amendment to recognize the proposed frontage.

Although we understand that past decisions do not guarantee future results, we have found numerous planning committee decisions that have favored reduced frontages on rural lands including files 751-5/18-4 (RR15-Chelmsford), 751-7/16-5 & 701-7/16-2 (Gravel drive, Hanmer), and 751-7/15-6 & 701-7/15-6 (Gravel drive, Hanmer)

Our ultimate goal is to gift our two boys with lots so that they could afford to build their future homes and that we can all be together in our ageing years.

Michael and Carole Leblanc

Request for Decision

Cote Boulevard, Hanmer

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Friday, Oct 30, 2020
Type:	Routine Management Reports
File Number:	780-7/08006

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for the draft plan of subdivision on lands described as Part of PIN 73508-1102, Part of Parcel 698 S.E.S., in Lot 12, Concession 3, Township of Capreol, City of Greater Sudbury, File 780 7/08006, in the report entitled "Cote Boulevard, Hanmer", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020, as follows:

a) By deleting Condition #10 and replacing it with the following:

"That this draft approval shall lapse on September 30, 2022."

b) By deleting Condition #13 and replacing it with the following:

"That Street E will require a sidewalk to be constructed on both sides of the roadway as it will be designated a Collector Road."

c) By adding the following to Condition #19:

"The geotechnical engineer will be required to address On-site and Excess Soil Management when O. Reg. 406/19 comes into force. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement."

d) By adding the following to Condition #20:

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

e) By deleting Condition #21 and adding the following as Condition #35:

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Oct 30, 20

Manager Review

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

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

"A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. The report must address the following requirements:

- The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 5 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision.
- The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm.
- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater.
- "Enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks.
- Stormwater management must follow the recommendations of the Whitson River Subwatershed Study.
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development.

f) By adding the following as Condition #36:

"That Streets F, A, B, C and D must connect to St. Michel Street as part of the development."

g) By adding the following as Condition #37:

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

h) By adding the following as Condition #38:

"That prior to the signing of the final plan, the owner shall satisfy Canada Post with respect to mail delivery

facilities for the site.”

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

The owner of the subject lands has requested a two-year extension of the draft plan approval for subdivision File 780-7/08006. The draft plan comprises 85 lots for single residential use on the north side of Cote Boulevard in Hanmer. If approved, the new lapsing date will be September 30, 2022. The original draft approval date is September 30, 2008. No major amendments to the design of the subdivision are proposed at this time. The new owner is currently working on Phase 1 submissions. Staff recommend a two-year extension as requested.

Financial Implications

If approved, staff estimates approximately \$395,000 in taxation revenue, based on the assumption of 85 single detached dwelling units at an estimated assessed value of \$375,000 per dwelling unit at the 2020 property tax rates.

In addition, this development would result in total development charges of approximately \$1,550,000 based on the assumption of 85 single detached dwelling units and based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. Roads, water/wastewater linear pipes, etc).

Staff Report

Background:

The owner of the above noted property has requested a two-year draft approval extension for the proposed Nature's Haven II subdivision on the north side of Cote Boulevard in Hanmer. If approved, the new lapsing date will be September 30, 2022. The original draft approval date is September 30, 2008

The plan is comprised of 85 lots for single residential use. The lands were rezoned in final form in February 2013. Draft plan approval was previously extended in 2011, 2014 and 2017. None of the conditions of draft approval have been addressed to date.

The property was sold in July 2019. No major amendments to the draft plan are proposed by the owner at this time. Draft plan conditions dated August 2020 are attached for review.

Departmental & Agency Comments:

Development Engineering

A pre-consultation meeting was held regarding Phase 1 and we are currently awaiting submission of construction drawings.

We have no objection to the two-year extension of this draft plan of subdivision.

Transportation and Innovation

Please revise the conditions as follows:

That Street E will require a sidewalk to be constructed on both sides of the roadway, as it will be designated a Collector Road.

That Streets F, A, B, C and D must connect to St. Michel Street as part of the development.

Drainage Section

Original condition number 21 is deleted and replaced with the following condition:

A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City. The report must address the following requirements:

- The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 5 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision.
- The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm.

- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater.
- "Enhanced" level must be used for the design of stormwater quality controls as defined by the Ministry of the Environment, Conservation and Parks.
- Stormwater management must follow the recommendations of the Whitson River Subwatershed Study.
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development.

Water/Wastewater Services

This request does not appear to have any activities that would be considered a significant drinking water threat at this time. The applicant may be subject to a Section 59 Restricted Land Use Review for future Planning/Building Services applications in WHPA C of Wells E, F, Q and R.

Building Services

Based on the information provided, we can advise that Building Services has no objections to the request for extension, subject to the following modifications:

- To be added to the geotechnical requirements of Condition #19: "The geotechnical engineer will be required to address On-site and Excess Soil Management when O. Reg. 406/19 comes into force.
- To be added at the end of Condition #19: "A Soils Caution Agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor."
- Proposed Lots 15 to 50 are located within an area designated as WHPA C Wellhead Protection Area Score 8, and will be subject to Land Use Review under the Greater Sudbury Source Protection Plan.

Summary:

Proposed amendments

The new owner is not proposing any major amendments to the draft plan at this time. However, Staff are requesting updates to several conditions as follows:

- Roads Section has provided greater clarity as to the requirements applied to the proposed road network;
- Drainage Section has updated the stormwater condition to provide more detail;
- Clauses related to a soils caution agreement, lot grading agreement and development charges agreement are added to the applicable conditions (these are now standard conditions to be applied to all draft plan approvals); and,
- Canada Post condition was added as a housekeeping item.

Official Plan

Section 20.4.2 of the Official Plan outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications. Staff notes that this particular draft plan approval was originally approved by Council on September 30, 2008.

In this case, the property was sold in July 2019 to the current owner. The new owner's consultant is working on Phase 1 submissions including the stormwater management design. An extension to the draft plan approval is therefore warranted.

2020 Provincial Policy Statement (PPS) and 2011 Growth Plan for Northern Ontario (GPNO)

Under Section 1.1.3.6 of the PPS, new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Section 2.2.1 addresses water resources. Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas.

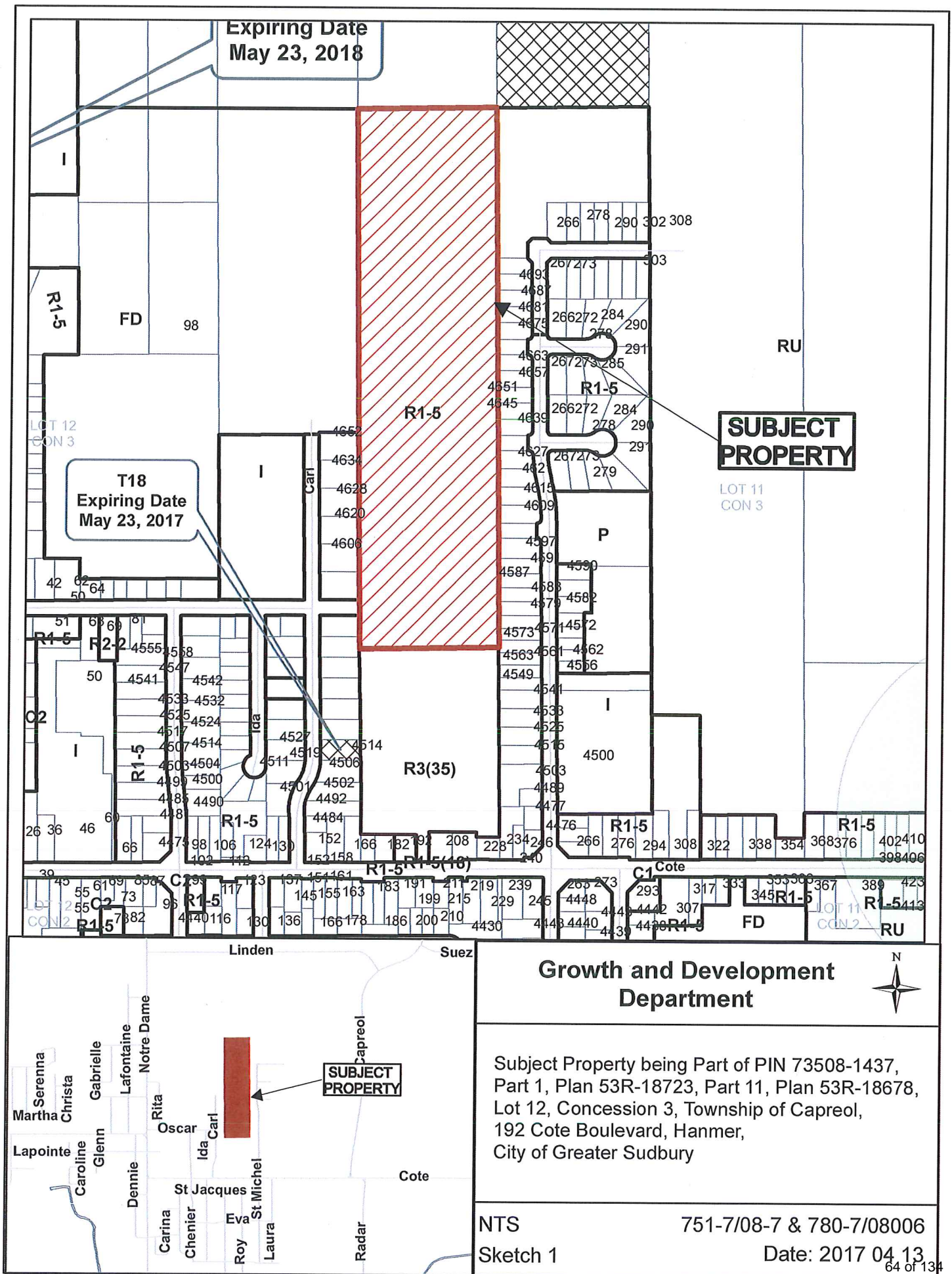
In this case, the subject lands are designated Living Area 1 and form part of a designated growth area. The draft plan represents a logical extension of services to accommodate future residential development and is consistent with the phasing policies of the PPS. The development will be fully serviced and does not represent a threat to the municipal wellhead protection area.

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

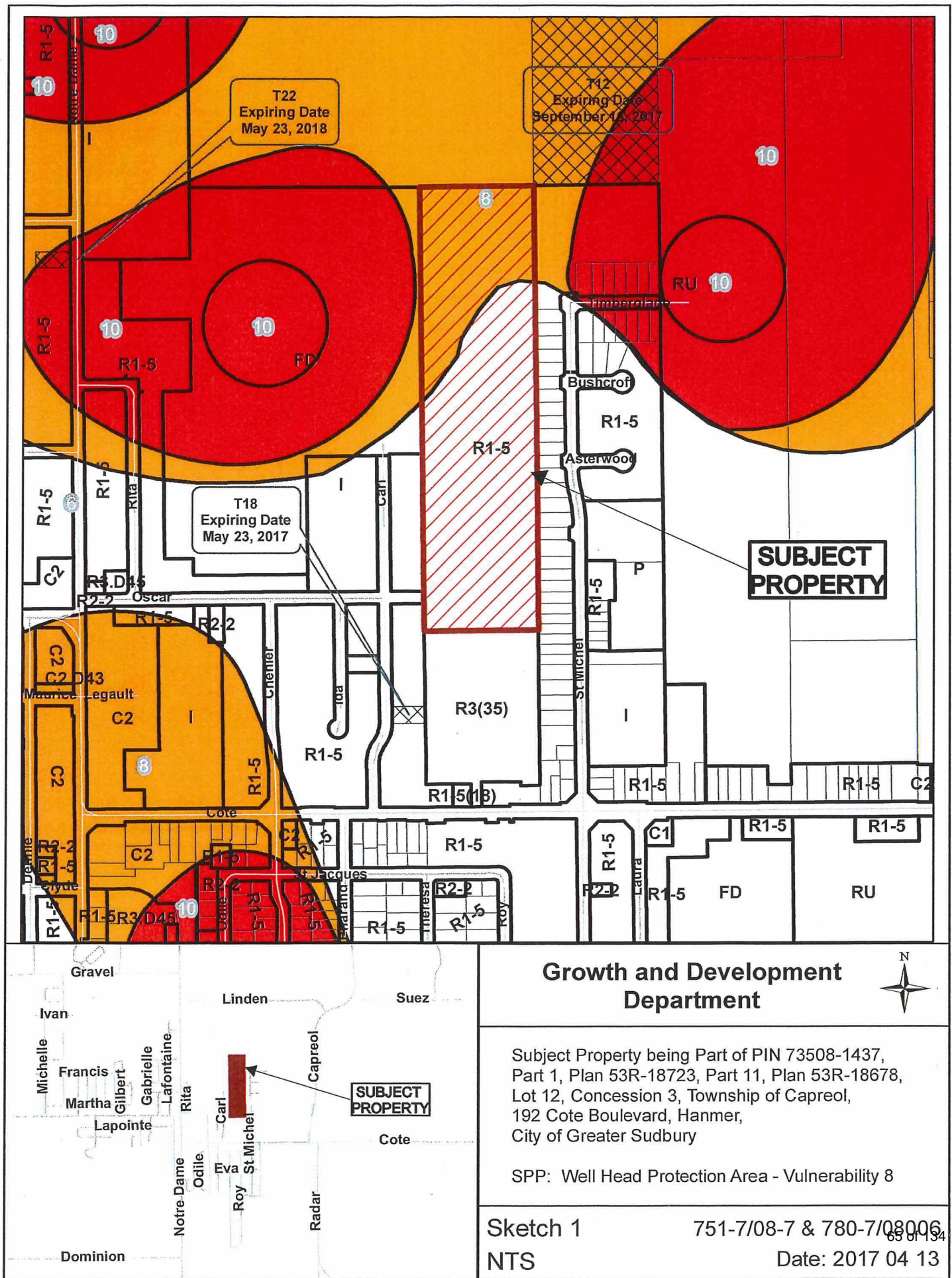
The application is consistent with the relevant policies of the 2020 PPS and conforms to the 2011 GPNO.

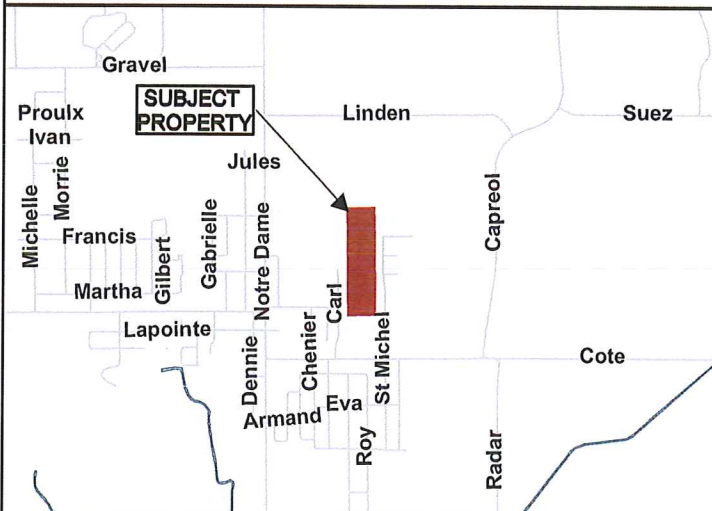
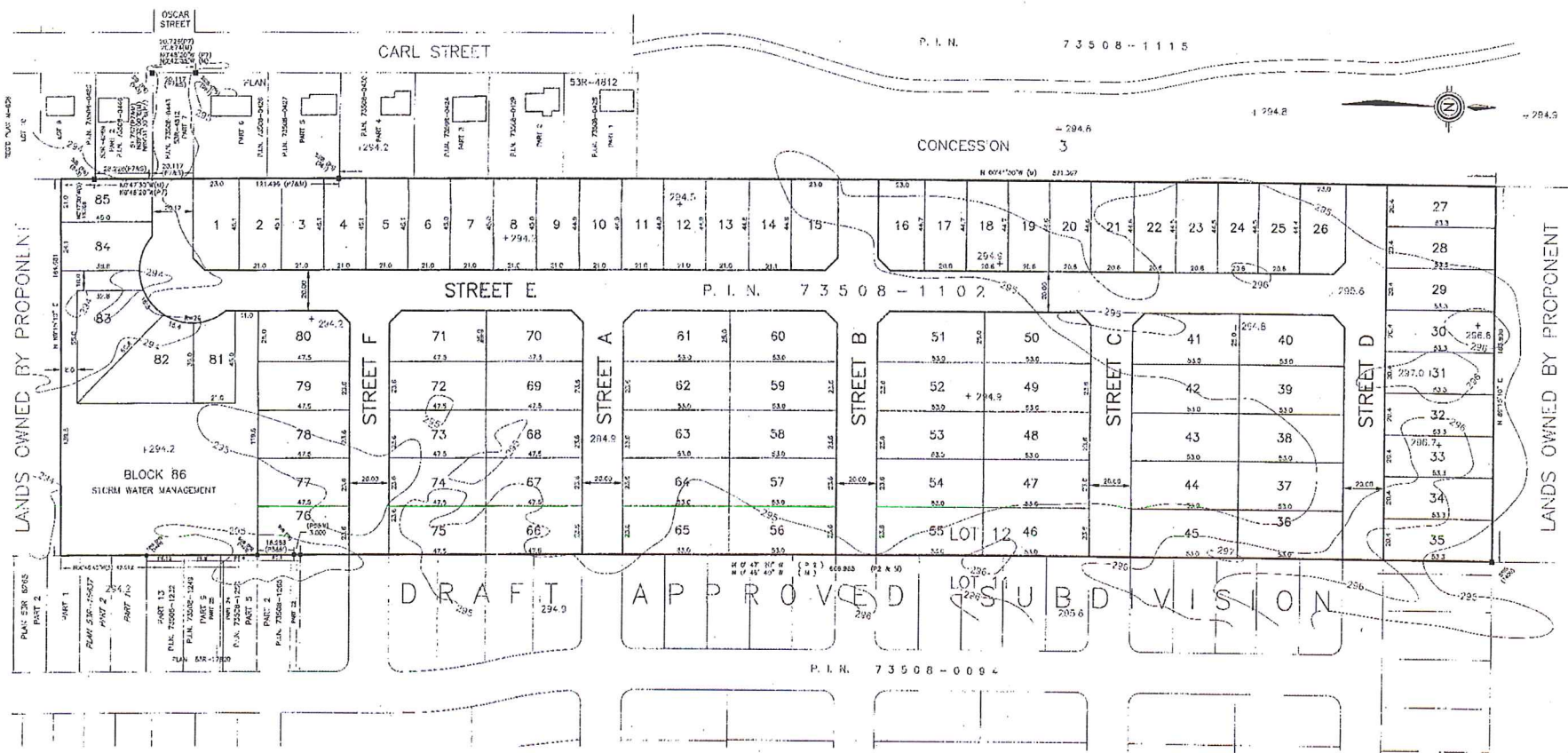
Conclusion:

Planning Services recommends that a 2-year extension of the draft plan of subdivision be granted subject to the conditions outlined in the Resolution section of this report.



Source Protection Plan Map





Subject Property being Part of
PIN 73508-1437, Part 1,
Plan 53R-18723, Part 11,
Plan 53R-18678,
Lot 12, Concession 3,
Township of Capreol,
192 Cote Boulevard, Hanmer,
City of Greater Sudbury

Growth and Development Department



NTS
Sketch 1

751-7/08-7 & 780-7/08006

Date: 2017 04 13

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

1. That this draft approval applies to the draft plan of subdivision of Part of PIN 73508-1102, Part of Parcel 698 S.E.S., in Lot 12, Concession 3, Township of Capreol as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated April 25, 2008.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
8. That the owner will be required to enter into a written agreement to satisfy all requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, streetlighting, sanitary sewers, storm sewers, stormwater management facilities, watermains and surface drainage.
9. Draft Approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exists to service the development.
10. That this draft approval shall lapse on December 30, 2020.
11. That the owner be required to undertake a Traffic Impact Study to identify any road improvements that may be required as a result of the development to the satisfaction of the General Manager of Growth and Infrastructure. The owner will be responsible to participate in the cost of any improvements identified in the Traffic Impact Study.

12. Deleted.
13. That Street E be built to a collector standard.
14. That traffic calming measures be included at the intersection of Street F and Street E.
15. That a sidewalk be constructed on one (1) side of each street.
16. That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act.
17. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
18. That prior to any pre-servicing of the subdivision, the Director of Planning Services shall be advised by the City's Water/Wastewater Division that a sufficient supply of potable water is available for the proposed development.
19. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.
20. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties.
21. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year, 1:100 year, and Regional Storm events, so as to limit

the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The quality control shall be based on 85 percent removal of suspended solids based on a particle size of 50 microns, with a minimum design storm target of the 1 in 2 year storm event. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.

22. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
23. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, sidewalks, walkways, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
24. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
25. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.
26. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
27. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
28. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated in to the plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
29. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas and Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
30. The owner shall provide proof of sufficient fire flow and maximum day pressures in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
31. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All

costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner.

32. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that conditions 3, 5, 6, 7, 8, and 16 have been complied with to his satisfaction.
33. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
34. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.

Request for Decision

Kingsway Boulevard, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Friday, Oct 30, 2020
Type:	Routine Management Reports
File Number:	780-6/10002

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon, File # 780-6/10002, in the report entitled "Kingsway Boulevard, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020, upon payment of the City's processing fee in the amount of \$2266.17, as follows:

1. In Conditions #2, 3, 4, 5, 7, and 28 by replacing the word 'Municipality' or 'City of Greater Sudbury' with 'City';

2. By deleting Condition #18 and replacing it with the following:

"18. A stormwater management report and associated plans must be submitted by the Owner's Consulting Engineer for approval by the City and the Nickel District Conservation Authority. The report must address the following requirements:

- The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 5 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision.
- The underground storm sewer system within future right-of-way classified as collector, within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 10 year design storm.
- The overland flow system within the plan of subdivision must be designed to accommodate and/or convey

Signed By

Report Prepared By

Wendy Kaufman
Senior Planner
Digitally Signed Oct 30, 20

Manager Review

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

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing pre-development runoff resulting from a 100 year design storm or Regional storm event, whichever is greater.

- "Enhanced" level must be used for the design of stormwater quality controls and 20% overcontrol of peak flows as defined by the Ministry of the Environment, Conservation and Parks. • Stormwater management must follow the recommendations of the Ramsey Lake Subwatershed Study.
- The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any stormwater management plan.
- The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure.
- Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties.
- Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted.

The owner shall be responsible for the design and construction of any required stormwater management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for stormwater management works as a condition of this development."

3. By deleting Condition #10 and replacing it with the following:

"10. That this draft approval shall lapse on October 26, 2022."

4. By deleting Condition #25 and replacing it with the following:

"25. That the applicant/owner shall provide to the City, as part of the submission of servicing plans a Sediment and Erosion Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed."

5. In Condition #34 and 37, by replacing the word 'developer' with 'owner'.

6. In Condition #9 and 39, by adding the word 'Services' after the words 'Director of Planning'.

7. In Condition #40, by deleting the reference to the General Manager of Growth and Development.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

The owner has requested an extension to the draft plan of subdivision approval of the Jack Nicholas draft

approved plan of subdivision (File # 780-6/10002) in the community of Sudbury for a period of two years until October 26, 2022. The Planning Services Division is recommending approval of the application.

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

Financial Implications

If the extension is approved, staff is not able to estimate the development charges nor the taxation revenue at this time.

Also, this development falls within the Kingsway Industrial Park – Sewer and Water Enhancements project area and would be subject to Section 391 Charges relating to this growth related infrastructure project from 2007. The Section 391 Charges are also unknown.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

Date: October 26, 2020

Staff Report

Applicant:

1777222 Ontario Ltd. & 1777223 Ontario Ltd.

Location:

PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway Boulevard, Sudbury)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on October 26, 2010. Extensions to the draft approval have been provided since 2010 with the current lapsing date being January 26, 2021.

Proposal:

The owner is requesting that the draft approval for the above noted lands be extended for a period of two years until October 26, 2022.

Background:

The City received a request from the owner on June 1, 2020 to extend draft approval on a plan of subdivision for a period of two years on those lands described as PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Concession 4, Township of Neelon.

The Jack Nicholas Business & Innovation Subdivision was draft approved on October 26, 2010 to enable development of an industrial/business park. The lands are currently zoned to permit a variety of industrial uses. The lapsing date on the draft approval was extended in 2014, 2016, and 2018. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on January 26, 2021.

Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to October 26, 2022.

Owners are advised to contact the Planning Services Division a minimum of four months prior to the lapsing date in order to facilitate the processing time associated with draft plan of subdivision approval extension requests. Applicants must reapply for subdivision approval if a draft plan approval has lapsed as there is no other avenue for relief.

Departmental & Agency Circulation:

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

Date: October 26, 2020

Planning Considerations:

Official Plan

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

A first submission of construction drawings were received in December, 2019, with comments provided in March, 2020. Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

Draft Approval Conditions

Condition #10 should be deleted entirely and replaced with a sentence referring to October 26, 2022, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Infrastructure and Capital Planning Services (Drainage Section) has requested the condition regarding stormwater management be updated.

Environmental Planning Initiatives has requested Condition #42 to be deleted in its entirety. Condition #42 would require to satisfy all provincial requirements related to the Endangered Species Act prior to final plan approval. However, the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act. To that end, the owner is advised to consult with the Ontario Ministry of the Environment, Conservation and Parks.

Conservation Sudbury has requested an update to Condition #18 requiring their approval of the stormwater management report, as well as a housekeeping amendment to Condition #25 related to the title of a report.

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

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

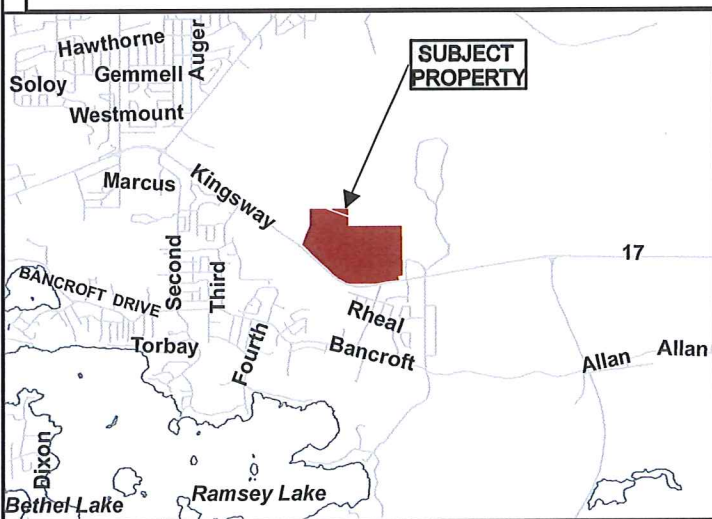
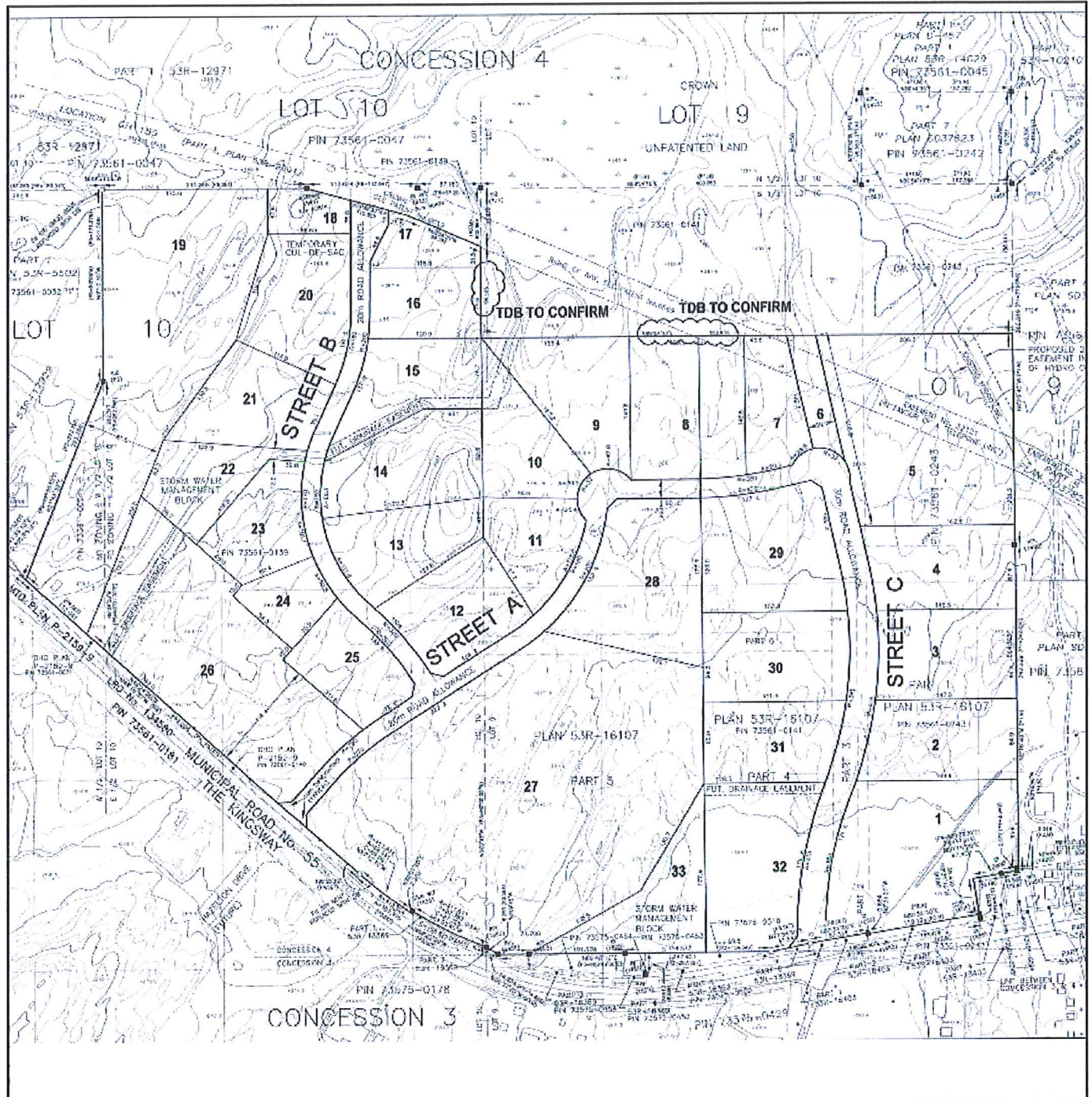
Processing Fees

The owner is required to pay the applicable processing fee in the amount of \$2266.17. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the owner. This amount was calculated as per [By-law 2017-222](#) being the Miscellaneous User Fees By-law that was in effect at the time the request was made.

Date: October 26, 2020

Summary:

The Planning Services Division has reviewed the request to extend the subject draft approval and has no objections to the requested extension. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Appropriate changes, where identified, have been included in the Resolution section of this report and will now form part of the draft plan approval if approved by Council. The Planning Services Division therefore recommends that the application to extend the draft approval for the Jack Nicholas Business & Innovation Park Subdivision for a period of two years until October 26, 2022, be approved as outlined in the Resolution section of this report.



Growth and Development Department

Subject Property being PINs 73561-0258, 73561-0261 & 73561-0264, Lots 9 & 10, Con. 4, Twp. of Neelon, Sudbury, City of Greater Sudbury

Sketch 1 751-6/10-20 & 780-6/10002
NTS Date: 2016 10 24



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

1. That this draft approval applies to the draft plan of subdivision of PINs 73561-0261, 73561-0264, 73561-0258, Lots 9 & 10, Concession 4, Township of Neelon prepared by Terry DelBosco O.L.S., dated May 7, 2010.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development
10. That this draft approval shall lapse on January 26, 2021.
11. That Street A and Street C shall be constructed to an urban collector standard with sidewalks on both sides of the roadway, crosswalks or pedestrian crossovers as required for pedestrian circulation and an asphalt surface width sufficient to accommodate the lane requirements as determined in the Final Traffic Study to the satisfaction of the General Manager of Growth and Infrastructure.

12. That access to the Kingsway will be restricted to Street "A" and Street "C" only and that a 0.3 m reserve be placed across the remainder of the Kingsway frontage.
13. That Street "B" terminate at the north limit of the property such that it can be extended northerly in the future.
14. We require that the owner provide adequate sight distance on the east approach of the Kingsway and Street "A".
15. The owner is required to undertake a Traffic Impact Study to identify any roadway improvements or upgrades to traffic control that is required to accommodate the development. The owner further agrees to participate in the cost of any improvements on upgrading identified in that study to the satisfaction of the General Manager of Growth and Infrastructure.
16. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions including an elevation of the water table within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
17. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.
18. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed and dated by a professional engineer with a valid certificate of authorization. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to the MOECC 20 percent reduction of pre-development flow for the 1:2, 1:100 and Regional Storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The Regional Storm flow path is to be set out on the plan(s). The quality of the stormwater must meet an 85 percent Total Suspended Solids removal of the 50 micron particle size. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the storm water management report. The plan shall be submitted to the satisfaction of the Director of Planning Services.

19. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.
20. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
21. The owner agrees to provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
22. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
23. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
24. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction.
25. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Development and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
26. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
27. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.
28. That 2 % of the land included in the plan of subdivision be deeded to the City of Greater Sudbury for park purposes or alternatively, 2% of the cash value of the land to be paid to the City in accordance with Section 51.1 (1) of the Planning Act.

29. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
30. That a notice be registered on lots 4, 5, 6, 7, 8 and 9 as shown on the proposed draft plan indicating that these lots abut a long term waste diversion site.
31. That the draft plan be revised in order to ensure that all lots have access from the internal road network, as access to the Kingsway is restricted to proposed Street A and Street C.
32. That the owner provide a landscaping plan detailing tree planting along the boundaries of any wetlands and the drainage course, to the satisfaction of the Director of Planning Services.
33. The Owner will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
34. The Owner agrees that the blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
35. The Owner agrees that the geotechnical report in Condition 33 will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - a. Pre-blast survey of surface structures and infrastructure within affected area;
 - b. Trial blast activities;
 - c. Procedures during blasting;
 - d. Procedures for addressing blasting damage complaints;
 - e. Blast notification mechanism to adjoining residences; and,
 - f. Structural stability of exposed rock faces.
36. The Owner agrees that the geotechnical report required in Conditions 33 and 35 shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.
37. The Owner agrees that should the developer's schedule require to commence blasting and rock removal prior to the site plan agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as required in Conditions 34, 35 and 36 as a minimum prior to its issuance.

38. That a sidewalk be constructed on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision to the satisfaction of the General Manager of Growth and Infrastructure.
39. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning, provided that:
 - i) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
40. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Development and the General Manager of Growth and Infrastructure.
41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services.
42. That prior to the signing of the final plan, the owner shall contact the Ministry of Natural Resources and Forestry (MNRF), Sudbury District Office, and satisfy all requirements set out by the MNRF under the Endangered Species Act. In addition, the owner shall, to the satisfaction of the Director of Planning Services, demonstrate that all requirements set out by MNRF under the Endangered Species Act have been satisfied prior to any site alteration or development taking place on the subject lands.
43. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided lands after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.

Request for Decision

185 & 227 Lorne Street, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Monday, Nov 02, 2020
Type:	Routine Management Reports
File Number:	751-6/15-26

Resolution

THAT the City of Greater Sudbury approves the application by Oldenburg Inc. to extend the approval of a Zoning By-law Amendment Application, File # 751-6/15-26, on those lands described as PINs 73585-0909 & 73585-1128 & Part of PIN 73585-1085, Lots 88 & 89, Plan M-31S, Part of Alder Street Located South of Victoria Street & North of Willow Street, Lot 6, Concession 3, Township of McKim, for a period of one year until November 22, 2021, as outlined in the report entitled “185 & 227 Lornes Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on November 23, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the conversion of a former industrial building along with a five-storey addition as a mixed use development having 50 residential dwelling units along with a mix of commercial and light industrial uses and a separate one-storey parking garage in Sudbury. It is noted that a registered survey plan is to be provided as a condition of approval in order to enact an amending zoning by-law with holding provisions as outlined in the original resolution and accompanying staff report on the proposed rezoning of the lands. The conditional rezoning approval has been extended twice (ie. 2018 and 2019) prior to the current extension request. The fee for the requested extension has been provided by the owner. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until November 22, 2021.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 2, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Nov 2, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

Financial Implications

If approved, staff estimates approximately \$330,000 in initial taxation revenue based on an estimated increased assessment from MPAC at the 2020 property tax rates.

In addition, this does not result in increased development charges as the property within the designated exemption area within the Development Charges By-Law.

Furthermore, the applicant is eligible for up to \$4.1 million of grants through the Downtown and Brownfield Community Improvement Plans to support the redevelopment of this property, as approved by Council during the 2019 budget. The grants relate to the following: Tax Increment Equivalent Grant; Façade Improvement Program; Planning Fee Rebate; Building Permit Fee Rebate; Residential Incentive Program; and Tax Assistance Program. The applicant will be able to access the funding once achieves certain milestones towards the completion of the project.

Date: October 21, 2020

Staff Report

Applicant:

Oldenburg Inc.

Location:

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

Application:

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

Proposal:

Staff received an email from the owner dated October 14, 2020, requesting that their rezoning approval be extended for a period of one year until November 22, 2021. The decision to conditionally approve the rezoning was ratified by Council initially on November 22, 2016. The conditional rezoning approval has been extended twice (ie. 2018 and 2019) prior to the current extension request. The fee for the requested extension has been provided by the owner. Once completed, the rezoning would facilitate the conversion of a former industrial building, along with a five-storey addition, as a mixed-use development. The mixed-use development would contain 50 residential dwelling units, along with a mix of commercial and light industrial uses, as well as a separate one-storey parking garage in Sudbury. The development proposal also includes a request to close Alder Street between Victoria Street and Willow Street.

Site Description & Surrounding Land Uses:

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

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

Date: October 21, 2020

Planning Considerations:

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

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

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

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

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

Summary:

The owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands. The rezoning would facilitate conversion of a former industrial building, along with a five-storey addition as a mixed-use development. The mixed-use development would contain 50 residential dwelling units, along with a mix of commercial and light industrial uses, as well as a separate one-storey parking garage in Sudbury. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division in order to allow for the preparation of an amending zoning by-law. This current request to extend the conditional rezoning approval would be the third extension granted. The amending zoning by-law would include a holding provision tied to further conditions as outlined in this report. The owner has provided the fees necessary for this extension request. Staff therefore has no concerns and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until November 22, 2021.

PM 6
March 1
Signorilli



Planning Committee Resolutions

Moved By

[Signature]

No.

PL2016- 190

Seconded By

[Signature]

Date

Monday, November 21, 2016

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

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

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

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

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

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

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

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

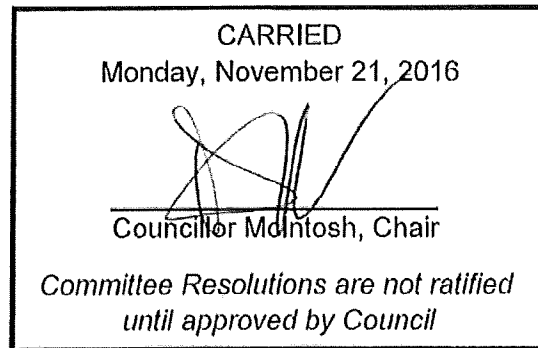
i. That the only permitted uses on the subject lands be a multiple dwelling with a maximum of 50 residential dwelling units and non-residential uses be limited to an art gallery, assembly hall, audio/visual studio, automotive sales establishment (electric vehicle), bake shop, banquet hall, business office,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

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

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

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

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



Yes
Landry Altman
Al Sizer
Jakub
Lapierre
McIntosh

Bill 73 Requirements

Regarding Resolution No. PL2016-190

Date November 21, 2016
Public Hearing No. 6

Option 1:

- ☐ As no public comment, written or oral, has been received, there was no effect on the Planning Committee's decision.

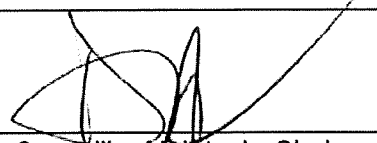
Option 2:

- ☒ Public comment has been received and considered and had no effect on Planning Committee's decision as the application represents good planning.

Option 3:

- ☐ Public comment has been received and considered and has effected Planning Committee's decision in the following manner:

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____


Councillor McIntosh, Chair

Request for Decision

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

Presented To: Planning Committee

Presented: Monday, Nov 21, 2016

Report Date Wednesday, Nov 02, 2016

Type: Public Hearings

File Number: 751-6/15-26

Resolution

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

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

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

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

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

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

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

Signed By

Report Prepared By

Glen Ferguson
Senior Planner

Digitally Signed Nov 2, 16

Reviewed By

Eric Taylor
Manager of Development Approvals

Digitally Signed Nov 2, 16

Recommended by the Division

Jason Ferrigan
Director of Planning Services

Digitally Signed Nov 3, 16

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure
Services

Digitally Signed Nov 4, 16

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer

Digitally Signed Nov 9, 16

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

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

Finance Implications

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

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

STAFF REPORT

Applicant:

Oldenburg Inc.

Location:

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

Site Description & Surrounding Land Uses:

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

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

Alder Street:

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

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

Official Plan Conformity & Zoning By-law:

Official Plan

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

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

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

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

that:

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

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

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

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

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

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

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

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

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

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

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

Zoning By-law

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

Application:

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

Proposal:

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

Departmental & Agency Circulation:

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

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

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

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

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

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

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

Public Consultation:

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

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

Planning Considerations:

Provincial Policy Statement

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

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

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

Official Plan

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

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

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

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

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

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

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

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

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

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

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

Zoning By-law

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

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

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

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

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

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

Site Plan Control

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

Summary:

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

Appendix 1 – Departmental & Agency Comments

File: 751-6/15-26

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

Building Services

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

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

The approximate Site Area is as follows:

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

4. The estimated Building Areas are as follows:

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

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

However, the actual numbers are as follows:

•	INTERIOR STACKED PARKING	= 18
•	PARKING GARAGE	= 42
•	<u>SURFACE PARKING LOT</u>	= 11 (6 on street not permitted)
	Total Parking Spaces Provided	= 71

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

Canadian Pacific Railway

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

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

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

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

Development Engineering

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

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

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

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

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

Roads and Traffic & Transportation

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

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

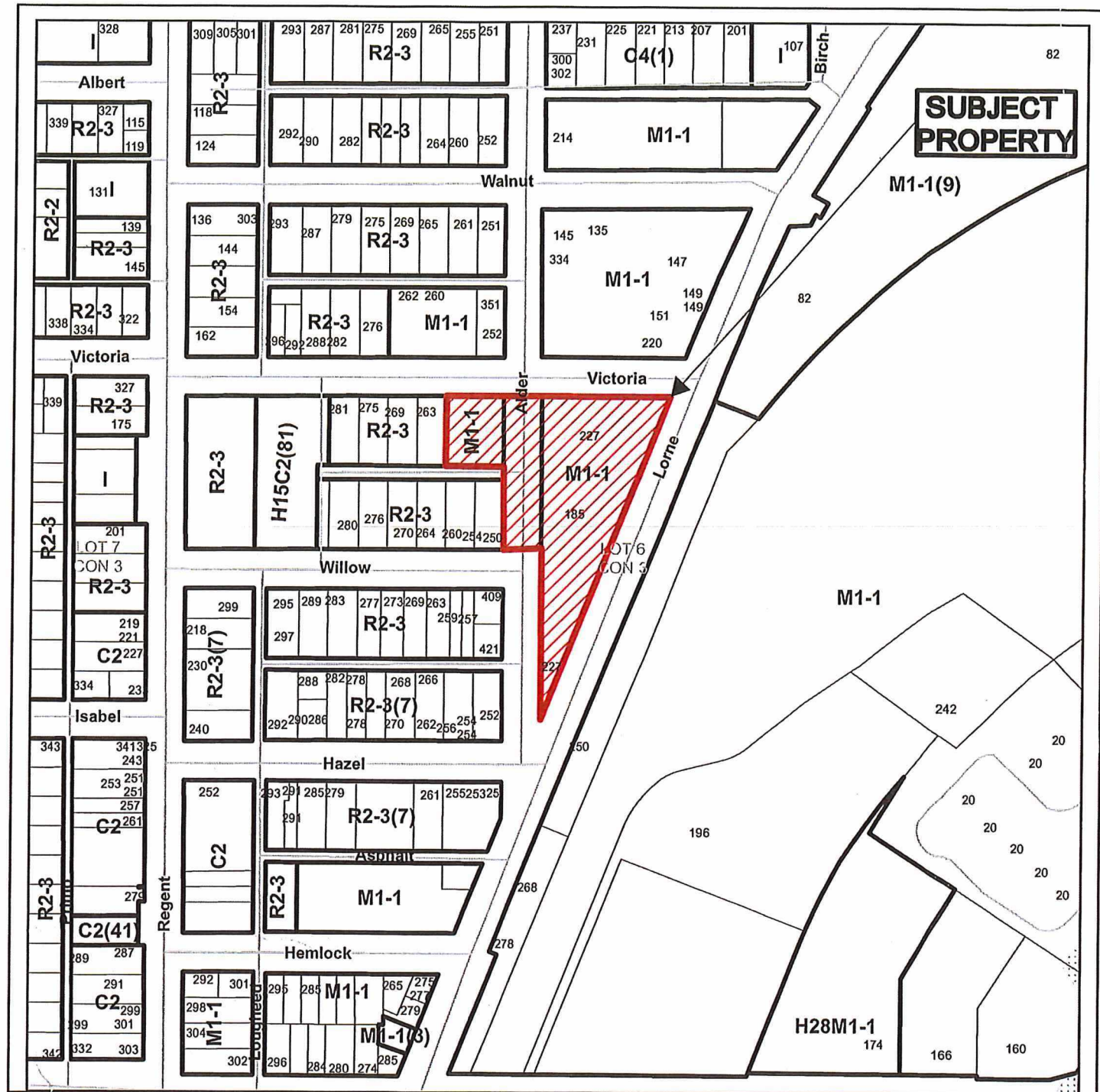
As a condition of approval, we ask that the owner contribute \$57,000 towards the construction of a northbound left turn lane on Lorne Street at Victoria Street. This sum represents 30 percent of the estimated construction costs of the left turn lane (excluding property acquisition and utility relocation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

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

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

Operations

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



Growth and Development Department



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

NTS
Sketch 1

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



VIEW FROM LORNE ST, LOOKING SOUTH WEST



VIEW FROM VICTORIA AND ALDER ST, LOOKING SOUTH WEST

THE BREWER LOFTS

1. The drawings are prepared for the purpose of illustrating the proposed development and are not to be used for any other purpose without the written consent of the architect.

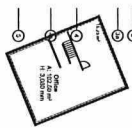
2. The drawings are prepared on the basis of the information provided by the client and the architect does not accept any liability for any errors or omissions in the drawings.

3. The drawings are prepared on the basis of the information provided by the client and the architect does not accept any liability for any errors or omissions in the drawings.

4. The drawings are prepared on the basis of the information provided by the client and the architect does not accept any liability for any errors or omissions in the drawings.

5. The drawings are prepared on the basis of the information provided by the client and the architect does not accept any liability for any errors or omissions in the drawings.

NO ISSUANCE DATE
01 Issued for Recording Application 07/12/2015



Office Basement
SCALE: 1/250

architectalliance
205, 117 Adelaide St. West
Toronto, Ontario M5V 1P5
416 593 4811
info: architectalliance.com



185 Lorne Street
Sudbury Ont.
Oldenburg Inc.

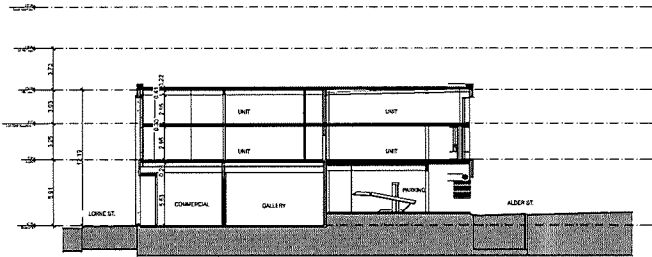
Ground Fl / Site Plan

1:250
Refer To Schedule for Date of Issue

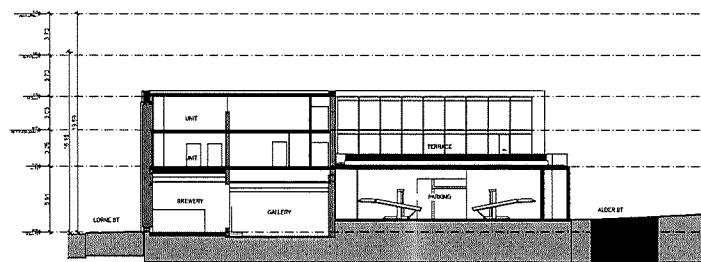
01.4

Ground Flr
SCALE: 1/250

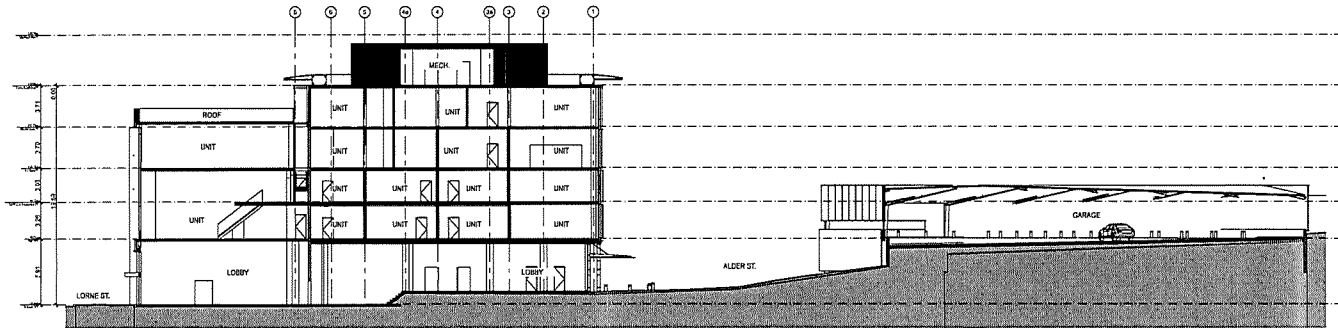




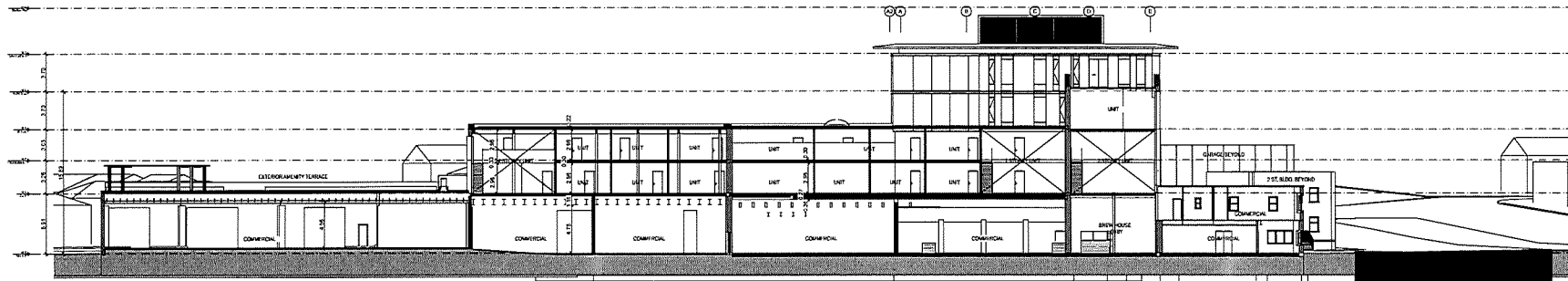
E/W Section Cathedral
SCALE: 1/200



Section Terrace
SCALE: 1/200



E/W TOWER SECTION
SCALE: 1/200



N/S Site Section
SCALE: 1/200

1. Concept of this design is based on the building. The design and all associated documents are the property of the architect. The architect shall retain the right to reproduce or use any part of the design in any form without the written consent of the client.

2. These drawings are the property of the architect. The architect shall be responsible for the interpretation of these drawings and shall not be responsible for any errors or omissions. The architect shall not be responsible for any errors or omissions in the construction of the building.

3. The architect shall not be responsible for any errors or omissions in the construction of the building.

4. The architect shall not be responsible for any errors or omissions in the construction of the building.

5. The architect shall not be responsible for any errors or omissions in the construction of the building.

6. The architect shall not be responsible for any errors or omissions in the construction of the building.

7. The architect shall not be responsible for any errors or omissions in the construction of the building.

8. The architect shall not be responsible for any errors or omissions in the construction of the building.

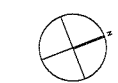
9. The architect shall not be responsible for any errors or omissions in the construction of the building.

10. The architect shall not be responsible for any errors or omissions in the construction of the building.

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



architectsAlliance
205-317 Adelaide St. West
Toronto, Ontario M5V 1P9
1-416-593-8500
1-416-593-4911
info: architectsalliance.com



185 Lorne Street
Sudbury Ont.

Oldenburg Inc.

Sections

1/200
Refer To Issuance for Date of Issue

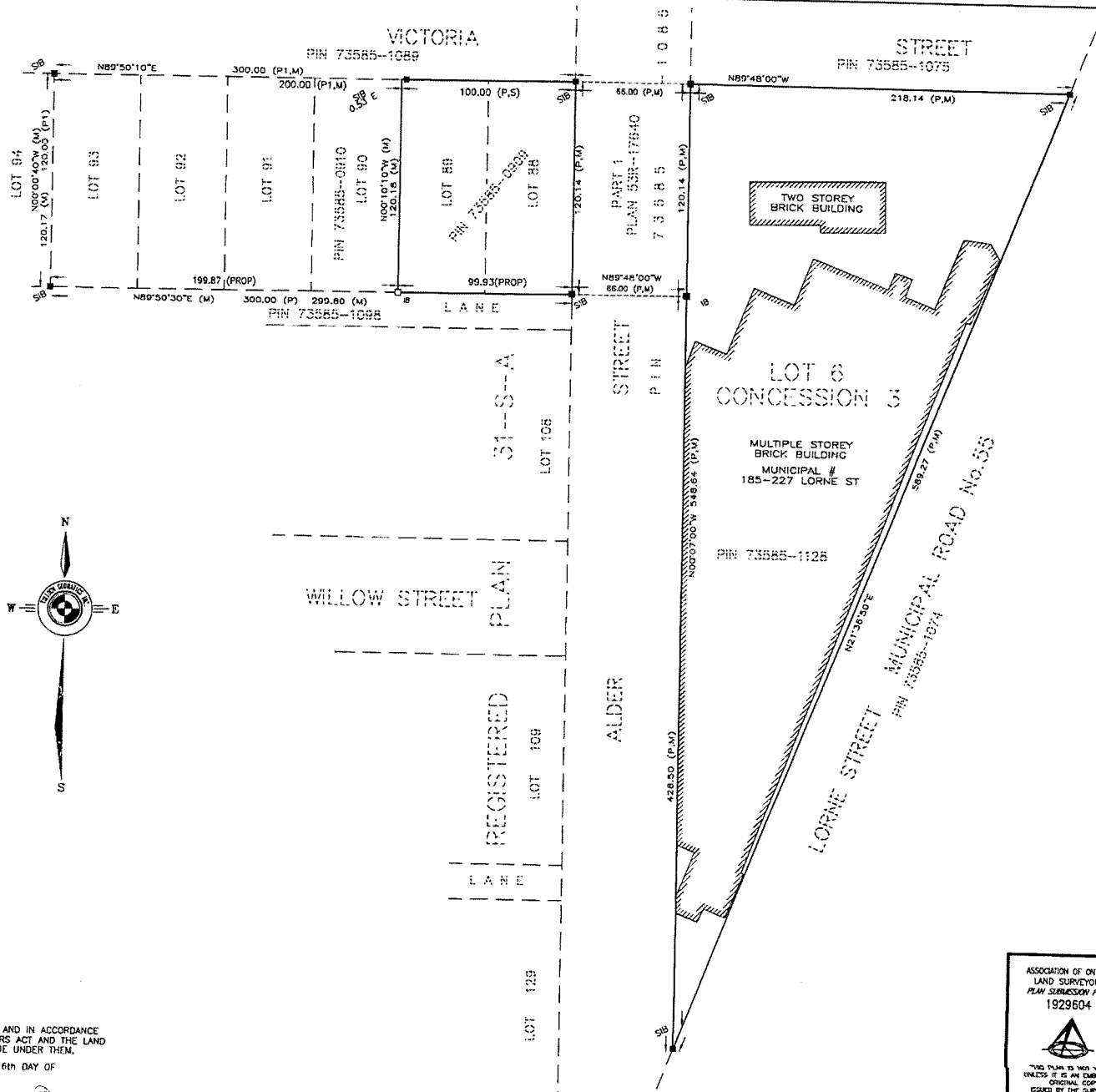
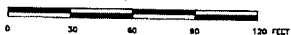
01.10

PLAN OF SURVEY OF
PART OF
LOT 6
CONCESSION 3

AND
LOTS 88 & 89
REGISTERED PLAN 31-S-A
GEOGRAPHIC TOWNSHIP OF McKIM
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY

TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2015

SCALE 1 : 40



LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RB	DENOTES	ROCK BAR
RPL	DENOTES	ROCK PLUG
S	DENOTES	MEASURED
M	DENOTES	SET
NVM	DENOTES	NO VISIBLE MARKINGS
WIT	DENOTES	WITNESS MONUMENT
PROP	DENOTES	PROPORTIONED
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
1855	DENOTES	TERRY DEL BOSCO, O.L.S.
P	DENOTES	PLAN 53R-17640
PI	DENOTES	REGISTERED PLAN 31-S-A
—	DENOTES	NOT TO SCALE

TULLOCH

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

SURVEYOR'S CERTIFICATE

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

SEPTEMBER 8, 2015

DATED AT SUDBURY, ONTARIO

TERRY DEL BOSCO, O.L.S.

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

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

ASSOCIATION OF ONTARIO
LAND SURVEYORS
PLAN SUBMISSION FORM
1929604



"THIS PLAN IS NOT VALID
UNLESS IT IS AN EMPOWERED
ORIGINAL COPY
ISSUED BY THE SURVEYOR
In accordance with
Regulation 102B, Section 29(2)



PHOTO 1 SUBJECT LANDS AS VIEWED FROM VICTORIA STREET
LOOKING SOUTH



PHOTO 2 SUBJECT LANDS AS VIEWED FROM LORNE STREET
LOOKING NORTH

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



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



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

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



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



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

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



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



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

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



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

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

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

Walnut Street

Victoria Street

Alder Street

Lorne Street

Willow Street

Hazel Street

Subject Property

0 25 50 100 150 200
Metres

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Thursday, Oct 22, 2020
Type:	Managers' Reports

Request for Decision

Commercial Vehicle Parking Standards

Resolution

THAT the City of Greater Sudbury directs staff to initiate an amendment to the Zoning By-law to permit commercial vehicle (tow truck) parking within the Agricultural and Rural Zones, 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 November 23, 2020.

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 this report.

Signed By

Report Prepared By

Melissa Riou
Senior Planner
Digitally Signed Oct 22, 20

Manager Review

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

Recommended by the Division

Alex Singbush
Manager of Development Approvals
Digitally Signed Oct 23, 20

Financial Implications

Steve Facey
Manager of Financial Planning & Budgeting
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

Staff Report: Policy Options for Commercial Vehicle Parking

November 2, 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.

Defining the Issue

The parking of commercial vehicles, including tow trucks are regulated by most municipalities through the Zoning By-law. Generally, by-laws distinguish between large commercial vehicles and those that are smaller. The rationale for those provisions is to maintain the character of residential areas, and safety reasons to ensure vision is not obstructed or distracted.

In Greater Sudbury, the parking or storage of one commercial vehicle per dwelling unit is permitted on residential lots, provided that the vehicle has a registered gross vehicle weight of 4,500 kg or less and a height of 2.2 m or less, and is owned or operated by the owner or occupant of the dwelling unit. The parking of a commercial vehicle used for the primary purpose of transporting more than 12 persons for remuneration is not permitted in Residential (R), Rural Shoreline (RS) and Seasonal Limited Service (SLS). School buses are permitted within the Agricultural (A) and Rural (RU) Zones. The Resolution seeks to permit tow trucks in the A and RU Zones similar to school buses.

There are various types of tow trucks, all of which exceed the weight threshold and the height threshold established in the Zoning By-law. Generally speaking, the trucks that are taken home by on-call tow truck operators are single axel tilt and load trucks that weigh between 8,000kg and 11,000 kg, with heights of approximately 3 metres.

Commercial tow truck operators have contracts with Greater Sudbury Police Service, the City of Greater Sudbury for fleet and the Ontario Provincial Police. Those agreements require certain response times that can be challenging to meet if an on-call operator is required to drive from their residence to the shop or parking area to pick up the necessary

truck before proceeding to the scene, in particular given the geography of the City. Operators indicate that it would not be cost effective to have on-call drivers stationed at the shop.

In some instances, truck operators are able to park their vehicle on a nearby property that is appropriately zoned, these properties may not be sufficiently close to be practical, may not have the ability to plug in the vehicle (which is a requirement for these diesel vehicles) or security of the vehicle and its contents is a concern.

Planning Provisions

A review of Zoning By-law provisions for the parking of commercial vehicles was undertaken to determine whether CGS's current practice was consistent with other municipalities and/or whether there were any innovative policies that could be evaluated for suitability in the Greater Sudbury context. The Following Table provides a summary of a range of provisions.

Range of Provisions		
Zones	Commercial Vehicles Below Height/Weight Threshold	Commercial Vehicles Above Height/Weight Threshold
Rural Zones		
	Generally no restrictions	A maximum of 2 of either a school bus or a tractor and/or trailer may be parked on a residential lot located outside of a settlement area
		A maximum of 3 commercial vehicles in rural areas
		A maximum of one commercial vehicle may be parked unenclosed provided it is setback a minimum of 20 metres from any lot line and 50 metres from a dwelling on an adjacent lot.
		Clarification that commercial motor vehicle definition does not apply to agricultural vehicles and equipment associated with an agricultural operation.
		Maximum 3, but no person shall park in a required front yard, side yard and

		must be a minimum of 3 metres from all lot lines, unless parked within a building.
Residential Zones		
	Not more than one	Generally prohibited
	Permitted to temporarily attend residential premises for the purpose of delivery and/or service provision to the occupants of the residential premises.	
	A maximum of one may be parked within the front yard and an additional may be parked within a fully enclosed building, side yard or rear yard, provided that: it does not interfere with the visibility of traffic, public safety, with the residential amenities of the neighbourhood or diminish the residential character of the neighbourhood.	
	Must be operated by an occupant of the dwelling unit	
	A maximum of 2 may be parked on-site provided one is parked within a private garage.	
	Except within a fully enclosed building.	

Parking in Rural Areas

Where the parking of commercial vehicles is permitted within rural areas, generally a restriction is placed on the number permitted. Some municipalities also include requirements for maintaining certain setbacks from property lines or from adjacent residential dwellings. 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.

Parking in Residential Areas

The parking of commercial vehicles below the height and weight restrictions is generally limited to one (1). The parking of commercial vehicles about the height and weight restrictions is generally prohibited. Generally speaking, residential properties and driveways are not adequately sized to accommodate larger commercial vehicles. The length of a standard parking space is 6 metres (20 feet), whereas a tow truck's average

length is 9-10 metres (30-35 feet). While there are instances where residential driveways have sufficient length or where the side yard is sufficiently wide to provide access to parking in the rear yard, this does not address concerns with respect to maintaining the residential character of the area or noise, etc. A potential solution that could be worth exploring in urban areas would be parking on municipally owned properties. No changes to the current provisions of the Zoning By-law are recommended at this time.

Conclusion/Next Steps

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. Additionally, staff could undertake a review of municipal sites where on-call operators could park their vehicles within urban areas. Further, the proposed amendment would be consistent with Council's strategic objective of Business Attraction, Development and Retention. It is recommended that staff be directed to proceed with the preparation of the amending by-law.

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.”

For Information Only

Review of Draft Approved Plan of Subdivision Extensions - Section 19.4.2 of the Official Plan

Presented To:	Planning Committee
Presented:	Monday, Nov 23, 2020
Report Date	Monday, Nov 02, 2020
Type:	Correspondence for Information Only

Resolution

For Information Only

Relationship to the Strategic Plan / Health Impact Assessment

The City's Strategic Plan identifies asset management and service excellence, housing and creating healthier communities among the key strategic objectives and goals for the City of Greater Sudbury. Asset management and service excellence acknowledges that planning, building and maintaining sustainable infrastructure is critically important. All citizens need access to safe, affordable, attainable and suitable housing options in the City. Many of the existing draft approved plans of subdivision are focused on single and double residential housing built-forms (e.g. single-detached, semi-detached, and duplex dwellings). Some existing draft approved plans also include medium density residential built-forms (e.g. street townhouse and row townhouse dwellings).

Healthier communities require investments in active transportation and sustainable transportation, as well as through the provision of parks and trails and a focus on building community gathering places. Older draft approved plans of subdivision may require revisiting how well active transportation, sustainable transportation, parks, trails and open space have been incorporated into their designs. All existing and future draft approved plan of subdivision extensions have the potential to impact the above noted key strategic objectives and goals that are identified in the City's Strategic Plan.

Report Summary

This report is a review of draft approved plan of subdivision extensions, which is an operational matter under the Planning Act, whereby municipalities are permitted to establish a lapsing date for draft approved plans of subdivision and are further permitted to extend lapsing dates when conditions associated with a draft approved plan of subdivision have not been satisfied prior to the established lapsing date.

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 2, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Nov 2, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 3, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 8, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 12, 20

At present, staff has reviewed all existing draft approved plans of subdivision and found that 17 active draft approved plans of subdivision received their initial approval from Council between 1976 and 1999. There are an additional 22 active draft approved plans of subdivisions that have initial approval from Council between 2000 and 2010.

Further to this, as of the publication date of the City's Growth and Settlement Policy Discussion Paper, it is noted that there are currently 58 draft approved plans of subdivision in the City and it is estimated that the current potential yield from said draft approvals would amount to 6,534 new residential dwelling units. There are also a number of active subdivision, rezoning and site plan applications that could yield a further 2,390 residential dwelling units. It is estimated using a high growth scenario that this would result in 531 new residential dwelling units per year being available over the next 17 years. The 2020 Provincial Policy Statement (PPS) requires that municipalities maintain a minimum three year supply of lands that are suitably zoned to facilitate residential intensification and this includes lands that have draft approved plans of subdivision or have registered subdivision plans. Municipalities are also required to maintain a minimum ten year supply of lands that are designated and available for residential development. The City's current land supply in terms of available housing opportunities therefore meets and exceeds requirements set out in the PPS.

Section 19.4.2 of the City's Official Plan states, "All conditions of draft plan approvals must be met within three years after which the draft approval lapses. The City will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the subdivider has demonstrated to the satisfaction of the City that they are making a reasonable effort to proceed in meeting the conditions of the draft approval. At the time of extension, the City will review draft plan conditions and may make appropriate modifications." This policy is intended to establish baseline criteria for considering an extension request and staff would advise further that it is imperative that Planning Committee and Council consider the in-force policy and regulatory environment at the time such an extension is requested by a subdivider.

The report provides a summary of how current draft approved plan of subdivision extension requests are processed by the City. The report also examines how other municipalities in Ontario are processing draft approval requests (i.e. the "Landowner Onus" approach) and consideration is also given to recent Ontario Municipal Board (OMB) and Local Planning Appeal Tribunal (LPAT) decisions that have ruled in circumstances where a municipality no longer wishes to extend an existing draft approval, thereby withdrawing development approval for a draft approved plan of subdivision.

The report concludes that staff intend on strengthening review of these extension requests and are formulating procedures for obtaining better information from a landowner when a request to extend is made to the City. Staff also expects that Section 19.4.2 of the City's Official Plan can be modernized through the in-progress Phase 2 review of the Official Plan and a better understanding from a policy perspective of what is meant by demonstrating reasonable effort can be established as a guiding test in the City's Official Plan in the future.

Financial Implications

This report has no financial implications.

Staff Report:

Background:

On September 10, 2018, the City's Planning Committee directed staff to review Section 19.4.2 (formerly section 20.4.2) of the City's Official Plan, which addresses situations whereby all conditions of draft plan of subdivision approvals have not been met within the initial three year period following Council's approval of a draft plan of subdivision. This direction was approved by the Planning Committee following their consideration of a request to extend the draft approval applicable to a rural estate subdivision referred to as the Whitson Lake Subdivision (File # 780-7/98002). Staff noted that the policy environment around rural estate subdivisions had changed since the Whitson Lake Subdivision was initially draft approved and that rural estate subdivisions are generally no longer permitted in the City's current and in-force Official Plan and further that the PPS does not encourage such rural estate development. Council ratified this direction on November 20, 2019.

Section 19.4.2 of the City's Official Plan outlines that it is the policy of Council to not extend or recommend the extension of a draft plan of subdivision approval beyond the initial three year period unless the landowner has demonstrated to the satisfaction of the City that they are making a reasonable effort to proceed in clearing those conditions associated with their draft approved plan of subdivision. Any time that a request for extension is made by a landowner, it is the policy of Council to consider the above and make modifications where necessary to any conditions related to a draft approved plan of subdivision. In the absence of reasonable effort having been demonstrated by the landowner, the policy would be supportive of Council deciding to not extend the draft approved plan of subdivision.

Staff has reviewed the request in detail and is now bringing forward this report for information purposes.

Attached to this report for reference purposes is an excerpt copy of Planning Committee Resolution PL2018-158, which directed staff to review and report back on Section 19.4.2 of the City's Official Plan. Staff has also prepared a map for reference purposes depicting all currently draft approved plans of subdivision throughout the City organized by approval date, both prior to and after the City's Official Plan that was adopted on June 14, 2006. There is one subdivision at present under appeal.

Policy and Regulatory Framework:

The issue with respect to extending an existing draft plan of subdivision approval is the focus of this report and therefore consideration of the following policy and regulatory framework is appropriate:

- [Planning Act, R.S.O. 1990, c.P.13](#);
- [2020 Provincial Policy Statement \(PPS\)](#); and,
- [Official Plan for the City of Greater Sudbury](#).

The Planning Act together with the PPS and the City's Official Plan provide a policy framework for subdivision planning and development in the City of Greater Sudbury. This framework is implemented through the draft approval of plans of subdivision for an initial period of three years. Landowners may request extensions of typically one, two or three year periods after the initial period of three years. There is no limit to the number of extensions that can be approved at present.

Planning Act

Section 51 of the Planning Act has established two land use planning principles with respect to the initial approval of a draft plan of subdivision and how extensions to an existing draft approved plan of subdivision can be addressed.

First, Section 51(32) allows for a municipality to provide a lapsing date on a draft approved plan of subdivision of not less than three years and the draft approval is considered to have lapsed at the end of the specified time period. In practice, where a draft plan of subdivision has lapsed there is nothing preventing a landowner from filing another draft plan of subdivision application for consideration. The re-application is treated as a new application and all requirements under Section 51 are applicable (e.g. a public hearing would be required). Section 51(33) allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality. Lapsing conditions are imposed by a municipality to ensure that development once approved will proceed in an expeditious manner. The municipality is most typically concerned that development takes place within the current policy and regulatory framework and especially where scarce services or capacity to service development have been committed to the draft approved plan of subdivision. Three years is generally considered to be sufficient time to clear conditions of draft approval and proceed to registering a plan of subdivision. Section 51(33) allows for some flexibility whereby some additional time can be afforded to a landowner where they are actively pursuing the clearing of draft approval conditions.

Second, Section 51(44) on the other hand allows for a municipality to withdraw draft approval of a plan of subdivision at its discretion or to change the conditions of a draft approval at any time before the registration of a plan of subdivision.

Appeal rights in both cases noted above are found in Section 51 should a landowner or interested party wish to appeal a refusal to extend a lapsing date, a change of conditions or the complete withdrawal entirely of a draft approval by a municipality.

2020 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 PPS. Settlement areas, employment areas, housing and housing supply, provision of public spaces, sewage and water capacities, transportation, natural heritage areas, natural hazards and human-made hazards are some examples of areas of provincial interest that a draft approved plan of subdivision may impact and should be considered when an initial approval is granted as well as when an extension to an existing draft approval is granted. The PPS is updated from time-to-time by the Province, and any draft approval extension should be considered within the context of the in-force PPS at the time an extension request is made.

Official Plan for the City of Greater Sudbury

Section 19.4.2 of the City's Official Plan states, "All conditions of draft plan approvals must be met within three years after which the draft approval lapses. The City will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the sub-divider has demonstrated to the satisfaction of the City that they are making a reasonable effort to proceed in meeting the conditions of the draft approval. At the time of extension, the City will review draft plan conditions and may make appropriate modifications."

Section 19.4.3 is related to the above and notes that when approving plans of subdivision, the City will have regard for conformity of the proposed plan of subdivision with the Official Plan and matters listed in the Planning Act.

Planning Analysis:

When considering to extend, not extend or withdraw a draft approved plan of subdivision, the generally accepted land use planning test is whether or not the landowner has demonstrated reasonable effort in advancing the draft approval to the registration of a plan of subdivision. Registration of subdivisions in the City has typically occurred in phases, mostly where there a large number of lots, and it becomes more cost effective for a landowner to develop in smaller phases as opposed to registering and building out all lots and infrastructure at the same time.

At present, Section 19.4.2 of the City's Official Plan does not define or set out any criteria around what "reasonable effort" means or how a landowner can demonstrate that they intend on proceeding with a draft approved plan of subdivision and that an extension is therefore appropriate. This is not unusual in Ontario, however there are some approaches and policy examples in other municipalities that go beyond a policy in their Official Plan referencing "reasonable effort."

"Landowner Onus" Approach

Most municipalities throughout Ontario currently use a "landowner onus" approach to considering a draft plan of subdivision approval extension request. The general concept around this approach is that the landowner is required to identify and demonstrate which draft approval conditions have been cleared, which have not been cleared, and to provide an explanation as to why the draft approved plan of subdivision has not proceeded to registration.

Some municipalities are explicit in how this information is to be provided, but in general the expectation under this approach is that the landowner provides either a table chart listing all conditions and updates on progress, or a full report outlining progress and reasons why an extension should be approved. In general, where conditions have not been cleared, the landowner is expected to provide an update on their progress and/or an explanation as to why no progress has been made on a condition.

Many municipalities also set out an internal staff procedure or set of criteria under which requests to extend a draft approved plan of subdivision are considered. For example, the Municipality of Meaford assesses a draft approved plan of subdivision extension request based on whether municipal servicing capacities continue to be available and whether or not any new legislation or policy documents (e.g. Planning Act, PPS, Official Plan, etc.) and/or by-laws (e.g. Zoning By-law, Sewer Use By-law, Water Use By-law) have been introduced or changed that would now preclude the development from proceeding.

The Town of Cobourg on the other hand has included a policy in their Official Plan referencing that draft plans of subdivision are only to be approved (or extended) where there would be no negative impact on the financial stability of the municipality and only where adequate services and community facilities exist. Staff reports involving draft approved plan of subdivision extensions also examines if conditions remain relevant and in keeping with provincial (e.g. PPS) and municipal (e.g. Official Plan) policies.

Case Law

There have also now been a number of cases heard by the Ontario Municipal Board (now the Local Planning Appeal Tribunal) which involved a municipality deciding to not extend a draft approved plan of subdivision.

On March 5, 1997, in *Battenleigh Common (Milton) Developments Inc. v. Town of Milton & Regional Municipality of Halton*, the Board found that in deciding to extend a lapsing date for a draft approved plan of subdivision, one must consider and balance both public and private interests and to have regard to what would be in the interest of good land use planning.

On August 29, 2019, the Local Planning Appeal Tribunal in 1807086 Ontario Inc. v. Town of Asphodel-Norwood agreed with the Town's position to not extend a lapsing date for a draft approved plan of subdivision. The draft approval had been in place for 30 years and the municipality submitted that the landowner had not acted on clearing any draft approval conditions since 2007. The municipality had also recently completed a comprehensive review of all their draft approved plans of subdivisions that were 20 years or further from their initial draft approval date and for each one there was either a final two year extension granted or the draft approval was withdrawn entirely.

Existing Draft Approval Extension Process in the City of Greater Sudbury

At present, staff require a letter or email from a landowner requesting an extension to their draft approved plan of subdivision, which must include an indication as to the length of extension that is being sought along with a brief explanation as to why the extension request is being made. There is no onus on the landowner to provide an update with respect to their progress on clearing each condition that are attached to the draft approved plan of subdivision. The application fee to extend a draft approved plan of subdivision is based on both the length of the extension request and the number of lots and/or blocks that are unregistered at the time of the request. As a courtesy, staff will typically remind a landowner that a lapsing date is approaching, however, monitoring a draft approval lapsing date and requesting an extension in a timely manner is entirely the responsibility of the landowner.

Requests to extend a draft approved plan of subdivision are circulated to affected agencies and departments and a report along with a recommendation is then prepared for the Planning Committee to consider. It should be noted that staff reports for draft approval extensions do not typically examine the current policy and regulatory framework; however, staff does consider this when reviewing an extension request. Council then ratifies the decision that Planning Committee makes with respect to the request to extend a draft approved plan of subdivision beyond the lapsing date.

Existing Draft Approvals in the City of Greater Sudbury

Staff reviewed all existing draft approved plans of subdivision and found that 17 active draft approved plans of subdivision received their initial approval from Council between 1976 and 1999. There are an additional 22 active draft approved plans of subdivisions that have initial approval dates from Council between 2000 and 2010. At the time of writing this report, staff found that there are 39 active draft approved plans of subdivision throughout the City that are at 10 or more years beyond their initial approval date from Council. Staff can further advise the 39 above noted draft approved plans of subdivision there are 15 draft approved plans of subdivision that have not registered any lots.

Further to this, as of the publication date of the City's Growth and Settlement Policy Discussion Paper, it is noted that there are currently 58 draft approved plans of subdivision in the City and it is estimated that the current potential yield from said draft approvals would amount to 6,534 new residential dwelling units. There are also a number of active subdivision, rezoning and site plan applications that could yield a further 2,390 residential dwelling units. It is estimated using a high growth scenario that this would result in 531 new residential dwelling units per year being available over the next 17 years. It should be noted the PPS requires that municipalities maintain a minimum three year supply of lands that are suitably zoned to facilitate residential intensification and this includes lands that have draft approved plans of subdivision or have registered subdivision plans. Municipalities are also required to maintain a minimum ten year supply of lands that are designated and available for residential development. The City's current land supply in terms of available housing opportunities therefore meets and exceeds requirements set out in the PPS.

Next Steps:

Staff advises that Phase 2 of the City's Official Plan review is, in part, examining issues related to water and waste-water capacities and demands. Section 19.4.2 has been identified as being a policy requiring an update to address these capacities and demand issues.

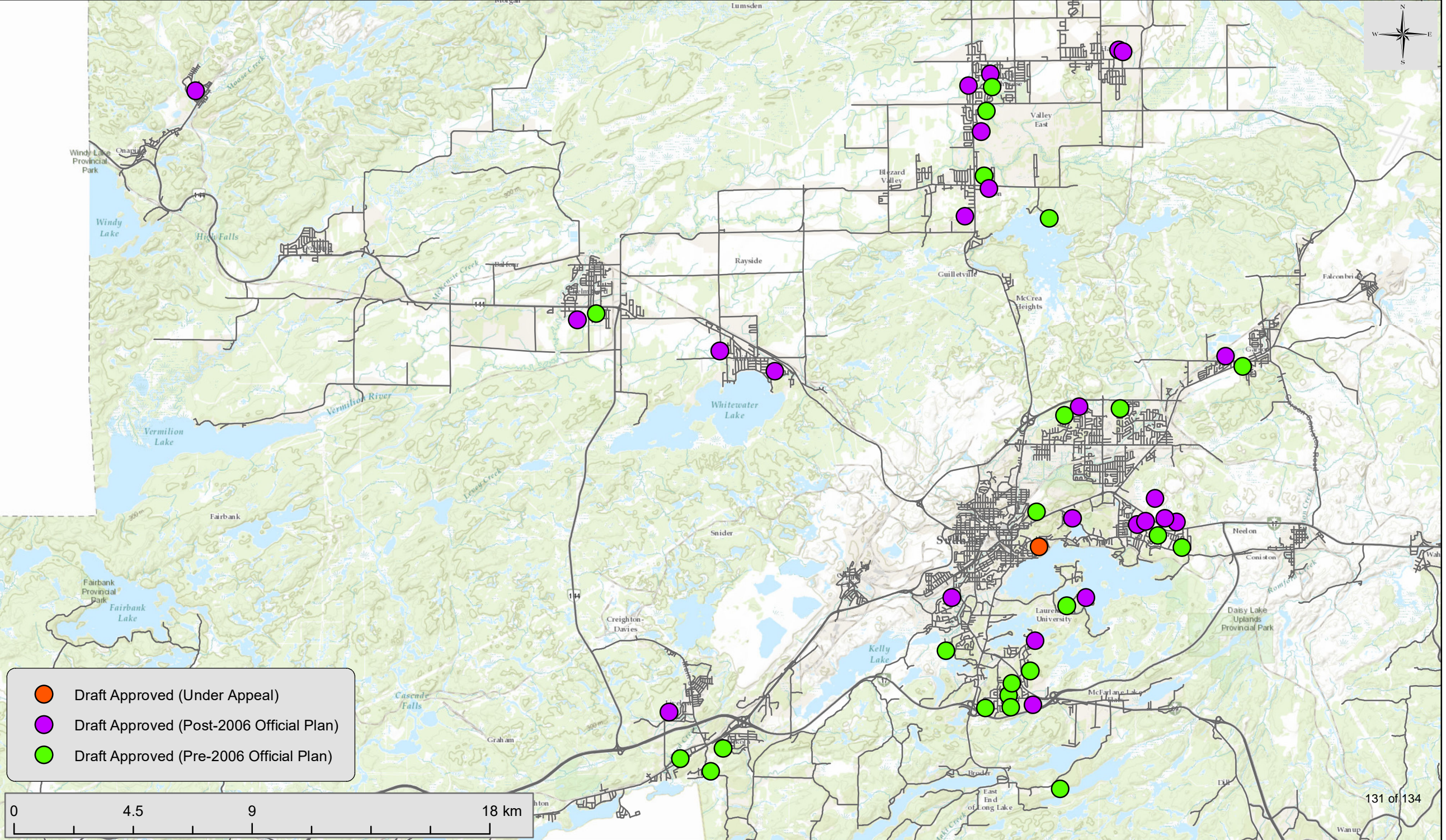
Staff through this process will consider the embedding of criteria into this section to strengthen the policy position and clarification around what constitutes reasonable effort on behalf of a landowner when they seek to extend a draft approved plan of subdivision.

Internal procedures and application requirements for extension requests are also under review and a stronger “landowner onus” approach will be applied to extension requests in the future once said procedures are established.

Conclusion:

The majority of municipalities in Ontario are utilizing the “landowner onus” approach to varying degrees and require that the landowner demonstrate reasonable effort is being made on advancing a draft approved plan of subdivision to registration. Other municipalities have strengthened their Official Plan policies to make clear to a landowner what tests are applied to the review of an extension request. Staff intend on strengthening review of these extension requests and formulating procedures for obtaining better information from a landowner before bringing forth an extension request to the Planning Committee and Council. Staff expects that Section 19.4.2 can be modified through the in-progress Phase 2 review of the City’s Official Plan. As a result, a better understanding from a policy perspective of what is meant by demonstrating reasonable effort can be established as a test when a landowner requests an extension to an existing draft plan of subdivision approval.

Active Draft Approved Subdivisions (Pre and Post 2006 CGS Official Plan)





Planning Committee Resolutions

Moved By

No.

PL2018-158

Seconded By

Date

Monday, September 10, 2018

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as Part of Parcels 2433 & 9496, Parts 1 to 3, Plan 53R-15429 and Parts 1 & 3, Plan 53R-16637, Lot 3, Concession 5, Township of Blezard, File # 780-7/98002, as outlined in the report entitled "Consbec Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 10, 2018, upon payment of Council's processing fee in the amount \$1,308.00 as follows:

1. By deleting the number "12.80 metres" and replacing it with "13.5 metres" in Condition #10.

2. By adding the following words at the end of Condition #11a):

"A Drinking Water Treatment System must be designed by a mechanical engineer to Ontario Building Code Division B, Part 7, 7.2.10.17(1); CAN/CSA-B483.1 and a Potable Water Agreement registered on title to the satisfaction of the Chief Building Official."

3. By deleting the word "Development" and replacing it with "Infrastructure" in Condition #13.

4. By adding the following words at the end of Condition #14: "A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement."

5. By deleting the words "Infrastructure Services" and replacing it with "Growth and Infrastructure" in Condition #16.

6. By deleting the words "Planning and Development Department" and replacing it with "Planning Services Division" in Condition #18 and by adding the words "and a Record of Site Condition is to be provided prior to any building permits being issued." at the end of Condition #18.

7. By deleting the words "Growth and Development Department" and replacing it with "Planning Services Division", as well as deleting the words "Infrastructure Services" and replacing it with "Growth and Infrastructure" both in Condition #19.

8. By deleting the words "Growth and Development Department" and replacing it with "Planning Services Division", as well as deleting the numbers "13", "14", "17" and "18" in Condition #20.

9. By deleting Condition #21 and replacing it with the following:

"21. That this draft approval shall lapse on June 16, 2021."

10. By deleting the words "Director of Roads and Transportation" and replacing it with "General Manager of Growth and Infrastructure" in Condition #23.

11. By adding the following new Condition #31:

"31. Prior to the submission of servicing plans, the owner/applicant shall, to the satisfaction of the Director of Planning Services, provide an updated Geotechnical Report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes."

12. By adding the following new Condition #32:

"32. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario, incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure."

13. By adding the following new Condition #33:

"33. The owner will be required to provide permanent silt and erosion control drainage works to the subdivision's storm water outlet to the satisfaction of the General Manager of Growth and Infrastructure."

14. By adding the following new Condition #34:

"34. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner."

15. By adding the following new Condition #35:

"35. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:

- i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
- ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered."

16. By adding the following new Condition #36:

"36. That the owner/applicant shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure Services."

17. By adding the following new Condition #37:

"37. That the draft plan be amended in order to delete the bulb located at Lots 4 and 5 and that a 20 metre right-of-way be provided in this location to the satisfaction of the General Manager of Growth and Infrastructure."

18. By adding the following new Condition #38:

"38. The owner will provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for footings and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official. Also, a Soils Caution Agreement, if required shall be registered on title to the satisfaction of the Chief Building Official."

19. By adding the following new Condition #39:

"39. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development."

20. By adding the following new Condition #40:

"40. That the owner shall provide an environmental impact study (EIS) to the City that determines whether the proposed development will have negative impacts on the water quality and aquatic ecology of Whitson Lake. The EIS will identify whether the negative impacts can be mitigated and, if so, will recommend measures that should be followed to achieve the desired impact mitigation. The EIS must include, but not be limited to, a lakeshore capacity assessment following provincial guidance. The EIS must be to the satisfaction of the Director of Planning Services and must be prepared by a qualified professional."

→ AND THAT Council direct staff to prepare a report to the Planning Committee respecting Section 20.4.2 of the Official Plan regarding the extension of draft plan approvals and the demonstration of reasonable efforts by the subdivider to satisfy the conditions of draft approval.

CARRIED
Monday, September 10, 2018

Councillor McIntosh, Chair
*Committee Resolutions are not ratified
until approved by Council*