



# PLANNING COMMITTEE AGENDA

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Planning Committee Meeting  
**Wednesday, September 9, 2020**  
Tom Davies Square - Council Chamber

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## COUNCILLOR FERN CORMIER, CHAIR

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**Robert Kirwan, Vice-Chair**

12:15 P.M. CLOSED SESSION, COMMITTEE ROOM C-12 / ELECTRONIC PARTICIPATION  
1:00 P.M. OPEN SESSION, COUNCIL CHAMBER / ELECTRONIC PARTICIPATION

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### ROLL CALL

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

- Property Requirement - St. Charles Street, Sudbury

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

**(RESOLUTION PREPARED)**

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

### **PUBLIC HEARINGS**

1. Report dated August 13, 2020 from the General Manager of Growth and Infrastructure regarding William Day Construction Limited - Application for rezoning in order to expand an aggregate pit onto a former landfill site, Simmons Road, Dowling. **9 - 20**  
**(RESOLUTION PREPARED)**
  - Mauro Manzon, Senior Planner
2. Report dated August 14, 2020 from the General Manager of Growth and Infrastructure regarding Christopher Rantanen - Application for Zoning By-Law Amendment, 890 Martindale, Sudbury. **21 - 33**  
**(RESOLUTION PREPARED)**
  - Wendy Kaufman, Senior Planner

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

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

### **CONSENT AGENDA**

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

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

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

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

(RESOLUTION PREPARED FOR ITEMS C-1 TO C-6)

## **ROUTINE MANAGEMENT REPORTS**

- C-1. Report dated August 13, 2020 from the General Manager of Growth and Infrastructure regarding Dalron Construction Ltd. - Application to extend a draft approved plan of subdivision approval, Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer (Dominion Drive and Saddle Creek Drive, Val Therese). **34 - 45**  
**(RESOLUTION PREPARED)**  
(This report provides a recommendation regarding the extension to the draft plan of subdivision approval, Dominion Drive and Saddle Creek Drive, Val Therese.)
- C-2. Report dated August 13, 2020 from the General Manager of Growth and Infrastructure regarding Bayside Sudbury Corporation - Applications for a common elements draft plan of condominium and exemption from part lot control in order to facilitate the development of 24 freehold residential lots, Parkview Drive, Azilda. **46 - 62**  
**(RESOLUTION PREPARED)**  
(This report provides recommendations regarding the application for a common elements draft plan of condominium and exemption from part lot control for Parkview Drive, Azilda.)
- C-3. Report dated August 13, 2020 from the General Manager of Growth and Infrastructure regarding Spectrum Group - Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 3100 Joe Lake Road, Hanmer. **63 - 75**  
**(RESOLUTION PREPARED)**  
(This report provides a recommendation regarding the antenna system for property at 3100 Joe Lake Road, Hanmer.)
- C-4. Report dated August 12, 2020 from the General Manager of Growth and Infrastructure regarding ReachCast - Applications for public consultation on four proposed ground-based radio-communication and broadcasting antenna systems, 6490 Tilton Lake Road & 1485 Hanna Lake Road, Sudbury & 635 Kantola Road & 2417 Melin's Road, Lively. **76 - 99**  
**(RESOLUTION PREPARED)**  
(This report provides recommendations regarding the antenna system for 4 properties: 6490 Tilton Lake Road, Sudbury; 1485 Hanna Lake Road, Sudbury; 635 Kantola Road, Lively and 2417 Melin's Road, Lively.)
- C-5. Report dated August 13, 2020 from the General Manager of Growth and Infrastructure regarding Ronald Belanger - Request for extension of conditional approval of rezoning application File 751-5/16-1, 120 Radisson Avenue, Chelmsford. **100 - 119**  
**(RESOLUTION PREPARED)**  
(This report provides a recommendation regarding the extension to the rezoning approval, 120 Radisson Avenue, Chelmsford.)
- C-6. Report dated August 14, 2020 from the General Manager of Growth and Infrastructure regarding Carole Voutier - Request for extension of conditional approval of rezoning application File # 751-3/18-2, 66-68 Eva Street, Garson. **120 - 137**  
**(RESOLUTION PREPARED)**

(This report provides a recommendation regarding the extension to the rezoning approval at 66 & 68 Eva Street, Garson.)

**MEMBERS' MOTIONS**

**ADDENDUM**

**CIVIC PETITIONS**

**QUESTION PERIOD**

**ADJOURNMENT**

# COMITÉ DE PLANIFICATION ORDRE DU JOUR

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Réunion du Comité de planification  
**9 septembre 2020**  
Place Tom Davies - Salle du Conseil

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## CONSEILLER FERN CORMIER, PRÉSIDENT(E)

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**Robert Kirwan, Vice-président(e)**

12H 15 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](mailto:clerks@grandsudbury.ca).

### **APPEL NOMINAL**

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

- Exigence foncière – rue St Charles, Sudbury

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

**(RÉSOLUTION PRÉPARÉE)**

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

### **AUDIENCES PUBLIQUES**

1. Rapport directeur général, Croissance et Infrastructure , daté du 13 août 2020 portant sur William Day Construction Limited - Demande de rezonage afin d'agrandir un puits d'agrégats sur un ancien site d'enfouissement, chemin Simmons, Dowling. **9 - 20**  
**(RÉSOLUTION PRÉPARÉE)**
  - Mauro Manzon, planificateur principal
2. Rapport directeur général, Croissance et Infrastructure , daté du 14 août 2020 portant sur Christopher Rantanen - Demande de modification d'un règlement municipal de zonage, 890, chemin Martindale, Sudbury. **21 - 33**  
**(RÉSOLUTION PRÉPARÉE)**
  - Wendy Kaufman, planificateur principal

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

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

### **Ordre du jour des résolutions**

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

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

(RÉSOLUTION PRÉPARÉE POUR LES ARTICLES DE L'ORDRE DU JOUR DES  
RÉSOLUTIONS C-1 À C-6)

**RAPPORTS DE GESTION COURANTS**

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 13 août 2020 portant sur Dalron Construction Ltd. - Demande de prolongation d'une autorisation du plan de lotissement dont l'ébauche a été approuvée, partie de l'ancienne parcelle 709 S.-E.-S., soit une partie du NIP 73504-0953, partie du lot 6, concession 1, canton d'Hanmer (promenade Dominion et promenade Saddle Creek, Val-Thérèse). **34 - 45**  
**(RÉSOLUTION PRÉPARÉE)**  
(Dans ce rapport, on formule une recommandation concernant la prorogation de l'approbation de l'ébauche du plan de lotissement, promenade Dominion et promenade Saddle Creek, à Val-Thérèse.)
- C-2. Rapport directeur général, Croissance et Infrastructure , daté du 13 août 2020 portant sur Bayside Sudbury Corporation - Demandes d'ébauche d'un plan de condominium concernant les parties communes et d'exemption à la réglementation relative aux parties de lots de terrain afin de faciliter l'aménagement de 24 lots résidentiels en tenure franche, promenade Parkview, Azilda. **46 - 62**  
**(RÉSOLUTION PRÉPARÉE)**  
(Dans ce rapport, on formule des recommandations concernant la demande d'ébauche d'un plan de condominium concernant les parties communes et d'exemption à la réglementation relative aux parties de lots de terrain, promenade Parkview, à Azilda.)
- C-3. Rapport directeur général, Croissance et Infrastructure , daté du 13 août 2020 portant sur Spectrum Group - Demande de consultation publique sur un système terrestre proposé d'antennes de radiocommunications et de radiodiffusion, 3100, chemin Joe Lake, Hanmer. **63 - 75**  
**(RÉSOLUTION PRÉPARÉE)**  
(Dans ce rapport, on formule une recommandation concernant le système d'antennes pour la propriété du 3100, chemin Joe Lake, à Hanmer.)
- C-4. Rapport directeur général, Croissance et Infrastructure , daté du 12 août 2020 portant sur ReachCast - Demandes de consultation publique sur quatre systèmes terrestres proposés d'antennes de radiocommunications et de radiodiffusion, 6490, chemin Tilton Lake et 1485, chemin Hanna Lake, Sudbury; 635, chemin Kantola et 2417, chemin Melin's, Lively. **76 - 99**  
**(RÉSOLUTION PRÉPARÉE)**  
(Dans ce rapport, on formule des recommandations concernant un système d'antennes pour 4 propriétés : 6490, chemin Tilton Lake et 1485, chemin Hanna Lake, à Sudbury, 635, chemin Kantola et 2417, chemin Melin's, à Lively.)
- C-5. Rapport directeur général, Croissance et Infrastructure , daté du 13 août 2020 portant sur Ronald Bélanger - Demande de prorogation de l'approbation conditionnelle de la demande de rezonage (dossier 751-5/16-1, 120, avenue Radisson, Chelmsford). **100 - 119**  
**(RÉSOLUTION PRÉPARÉE)**

(Dans ce rapport, on formule une recommandation concernant la prorogation de l'approbation de la demande de rezonage, 120, avenue Radisson, Chelmsford.)

- C-6. Rapport directeur général, Croissance et Infrastructure , daté du 14 août 2020 portant sur Carole Voutier - Demande de prorogation de l'approbation conditionnelle de la demande de rezonage (dossier 751-3/18-2, 66-68), rue Eva, Garson. **120 - 137**  
**(RÉSOLUTION PRÉPARÉE)**

(Dans ce rapport, on formule une recommandation concernant la prorogation de l'approbation de la demande de rezonage, 66 et 68, rue Eva, Garson.)

## **MOTIONS DES MEMBRES**

## **ADDENDA**

## **PÉTITIONS CIVIQUES**

## **PÉRIODE DE QUESTIONS**

## **LEVÉE DE LA SÉANCE**

## Request for Decision

### William Day Construction Limited - Application for rezoning in order to expand an aggregate pit onto a former landfill site, Simmons Road, Dowling

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Public Hearings
File Number:	751-4/14-3

### Resolution

THAT the City of Greater Sudbury approves the application by William Day Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural and "H2RU", Holding Rural to "M5(S)", Extractive Industrial Special and H2M5(S)", Holding Extractive Industrial Special on lands described as PIN 73353-0403, Parts 7 & 8, Plan 53R-16474, Part 1, Plan 53R-4788 in Lot 7, Concession 3, Township of Dowling, as outlined in the report entitled "William Day Construction Limited", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall address the following conditions:
  - (i) Provide the Development Approvals Section with a final plan of survey delineating the lands to be rezoned "M5(S)", Extractive Industrial Special and H2M5(S)", Holding Extractive Industrial Special in order to enact the amending by-law;
  - (ii) Satisfy the outstanding requirements of Section 4 (Disposition of Waste) of the Agreement registered on July 8, 2013 to the satisfaction of the Director of Environmental Services;
2. That the amending by-law indicates that no setbacks are required from all lot lines;
3. Conditional approval shall lapse on September 22, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

#### Signed By

##### Report Prepared By

Mauro Manzon  
Senior Planner  
*Digitally Signed Aug 13, 20*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 13, 20*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 13, 20*

##### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 24, 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 contributes towards business retention and growth within the community and is therefore consistent with the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan.

### **Report Summary**

An application for rezoning has been submitted in order to expand aggregate operations onto the former Dowling landfill site. The lands were sold in 2013 and are subject to an agreement between the City and the owner requiring the removal of waste prior to aggregate extraction. The proposal does not present any land use conflicts and is deemed to be consistent with the aggregate policies of the 2020 Provincial Policy Statement.

### **Financial Implications**

This report has no financial implications as relates to an application for a zoning by-law amendment to expand an aggregate pit.

**Title: William Day Construction Limited**

**Date: August 12, 2020**

## **STAFF REPORT**

### **PROPOSAL:**

An application for rezoning has been submitted in order to expand an aggregate pit onto the former Dowling landfill. The lands were sold in 2013 and are subject to an agreement between the City and the owner that requires the documented removal of waste prior to aggregate extraction.

As part of a complete application, the proponents submitted a complete set of site plans, including existing conditions, an operational plan including supplemental cross-sections, and a rehabilitation plan. The owner is requesting relief for a zero setback from the lot lines where a minimum 15 metres is required.

**Existing Zoning:** "RU", Rural and "H2RU", Holding Rural

The former landfill site pre-dated the implementation of zoning. Rural zoning does not permit aggregate extraction as-of-right.

**Requested Zoning:** "M5(S)", Extractive Industrial Special and H2M5(S)", Holding Extractive Industrial Special

The subject land currently has a split Rural zoning, which would be carried forward as an M5 Special. The H2 holding provision would be retained on a portion of the property in order to address the proximity to a waste disposal site.

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

PIN 73353-0403, Parts 7 & 8, Plan 53R-16474, Part 1, Plan 53R-4788 in Lot 7, Concession 3, Township of Dowling (Simmons Road, Dowling)

The subject land is located in an aggregate resource area located off Simmons Road in Dowling Township. The area is not serviced by municipal sewer and water. Simmons Road is constructed to a rural standard. There is no public transit service in this area.

Total area of the lands to be rezoned is 2.08 ha. There is no public road frontage, as the site is essentially surrounded by existing aggregate operations. The exception is the north limit of the property, which abuts a CPR rail corridor. A Vale transmission line corridor abuts the westerly limit of the land.

Aggregate uses are also situated on adjacent lands east, west and south of the subject property. The closest residential dwelling is located at 234 Highway 144, approximately 230 metres to the northeast as measured between lot lines at the closest points. A decommissioned waste disposal site is located southwest of the subject land on lands zoned "EP", Environmental Protection

### **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 240 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.

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

**Title: William Day Construction Limited**

**Date: August 12, 2020**

## **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 2.5 of the PPS addresses Mineral Aggregate Resources, which shall be protected for long-term use and made available as close to markets as possible. Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

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

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

The GPNO has no applicable policies on aggregate resources.

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

Note: This application was submitted in 2014 and is subject to policies which pre-date the Phase 1 amendments to the Official Plan. However, there have been no major changes in applicable policies.

The subject lands are designated as Aggregate Reserve in the Official Plan. In considering an amendment to the Zoning By-law to permit new mineral aggregate operations or expansions of existing operations, the following information will be reviewed:

- a. the location, nature, extent and economic potential of the mineral deposit;
- b. the nature and location of adjacent land uses and the effect the pit and quarry operation could have on:
  - i. natural heritage features, including significant geologic formations on the site and in the area;
  - ii. agricultural resources and activities;
  - iii. the character of the area;
  - iv. the groundwater recharge functions on the site and in the immediate area;
  - v. the built or cultural heritage resources in the area;
  - vi. surface water features in the area; and,
  - vii. nearby wells used for drinking water purposes.

**Title: William Day Construction Limited**

**Date: August 12, 2020**

- c. the capability of the existing road network to service the proposed location;
- d. the effect of the noise, odour, dust and vibration generated by the use and the use of haul routes on adjacent land uses; and,
- e. how the impacts of the proposed pit or quarry will be mitigated in order to lessen the impacts.

The lands are subject to the policies of Section 10.6 concerning waste disposal assessment areas as follows:

1. No new development shall be permitted on or within 300 metres of active or closed waste disposal sites. For lands between 300 metres and 500 metres of active or closed waste disposal sites, new development may be permitted provided the following requirements are met:
  - a. studies of gas, leachate, hydrogeology and structural stability, soil and surface and groundwater contamination, presence of hazardous wastes and safety are completed which show that the development is compatible and can safely take place;
  - b. written approval is received from the Province that the provisions of the relevant legislation are met; and,
  - c. measures are taken to the satisfaction of the Province in consultation with the City to control and mitigate any problems identified in the study.
2. In areas subject to these policies, only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law.

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

The subject land is zoned "RU", Rural and "H2RU", Holding Rural. The Rural zoning permits a range of residential and resource-based uses such as agriculture and forestry, but excludes pits and quarries.

The H2 holding provision is applied to lands located between 300 metres and 500 metres of active and closed waste disposal sites. In this case, the subject site is adjacent to a hauled sewage site owned by the City of Greater Sudbury which was decommissioned in 2015. The holding shall only be lifted by Council upon submission of an assessment report prepared by a qualified engineer in accordance with Section 10.6 (Waste Disposal Assessment Areas) of the Official Plan and Guideline D-4 (April 1994) of the Province of Ontario or its successor.

Further to the above, the holding provision shall not apply in a circumstance where a building permit is not required.

### **Site Plan Control:**

The site is not subject to site plan control, as an aggregate extractive use with no buildings or structures would not be defined as development under Section 41 of the Planning Act.

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

Commenting departments and agencies have no concerns. CPR advised that there are no concerns related to the reduced setback to the railway along the northerly limit of the lands.

**Title: William Day Construction Limited**

**Date: August 12, 2020**

## **PLANNING ANALYSIS:**

### **Background:**

The City of Greater Sudbury sold the subject land to the current owner on July 8, 2013. The site operated as a landfill for the former Township of Dowling and the former Town of Onaping Falls from May 1971 to approximately November 1974. The property was sold based on an “as is, where is” condition. The registered agreement also required the waste to be removed at the buyer’s expense subject to the necessary approvals and prior to any aggregate extraction. Section 4: Disposition of Waste of the agreement stipulates the following:

- (1) The Owner further understands and agrees that waste removed from the Property must be hauled only by a licensed waste hauler, duly licensed for such purpose by the Ministry of the Environment and deposited only in a licensed site.
- (2) Due to the limits on waste which can be accepted at the City’s Azilda landfill site, waste from the Property may have to be hauled to the Sudbury landfill site or other licensed landfill sites for disposition. When delivering waste from the Property to a landfill site operated by the City, the Owner shall identify the source of the waste to the operator at the landfill site. The Owner shall cause any hauler hauling such waste on behalf of the Owner to comply with this obligation.
- (3) The Owner agrees to maintain written records of the volume, type and weight of waste removed and to provide a written report summarizing such information to the City’s Director of Environmental Services, upon completion of the waste removal and before commencing aggregate removal.

On June 17, 2020, Environmental Services was advised by the owner’s representative that approximately 75% of the waste has been removed to date. The majority of waste has been transferred to the Espanola landfill.

### **Planning Considerations:**

#### Land use compatibility

There are no concerns related to land use compatibility with adjacent uses. The subject site is located in an area noted for its concentration of aggregate uses, a history of use that extends back several decades.

There are no sensitive land uses in close proximity to the site. The closest residential dwellings are located on the north side of Highway 144 and are separated from the subject land by a Provincial highway and an active rail corridor.

Traffic and Transportation Section have no concerns related to this application. Simmons Road and New Cobden Road, which provide access to the site from Highway 144, are not affected by loading restrictions.

**Title: William Day Construction Limited**

**Date: August 12, 2020**

### Official Plan conformity

The application presents conformity with Official Plan policies applied to expanded aggregate operations based on the following considerations:

- The aggregate deposit is deemed to be viable based on the owner's acquisition of the lands;
- There are no natural heritage features that would constrain extraction;
- The site is located in an area with a concentration of aggregate pits;
- There are no agricultural uses in the immediate area;
- The road network is sufficient to accommodate truck traffic;
- There are no sensitive land uses in close proximity to the site that would be negatively impacted by adverse activities; and,
- Operational matters are addressed through the aggregate licence issued by the Ministry of Natural Resources and Forestry;
- The proposed extractive use is deemed to be compatible with any potential impacts associated with the decommissioned waste disposal site.

### 2020 Provincial Policy Statement

The proposal is consistent with Provincial policies geared to aggregate resources, as the subject site is located in an area noted for its concentration of aggregate facilities. There are no discernible social, economic and environmental impacts given that the land is entirely surrounding by active aggregate operations. No new uses are proposed which would undermine the viability of the Aggregate Reserve.

### **CONCLUSION:**

The following conditions of approval are recommended prior to the adoption of the amending by-law:

- A portion of the property must retain the H2 holding provision given the proximity to a waste disposal site. As a result, a plan of survey is required in order to enact the amending by-law; and,
- The owner shall also satisfy the requirements of the Environmental Services Division related to waste removal as per the terms of the agreement.

It is further recommended that relief be granted for a zero setback to the lot lines given that the subject land is to be integrated with surrounding aggregate uses. CPR also indicated no objection to a reduced setback.

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

# Appendix 1

## Departmental & Agency Comments

File: 751-4/14-3

**RE:** Application for Rezoning – William Day Construction Limited  
PIN 73353-0403, Parts 7 & 8, Plan 53R-16474, Part 1, Plan 53R-4788 in Lot 7,  
Concession 3, Township of Dowling (Simmons Road, Dowling)

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### Development Engineering

This site is not currently serviced with municipal water and sanitary sewer. No objections.

### Traffic and Transportation

No concerns.

### Building Services

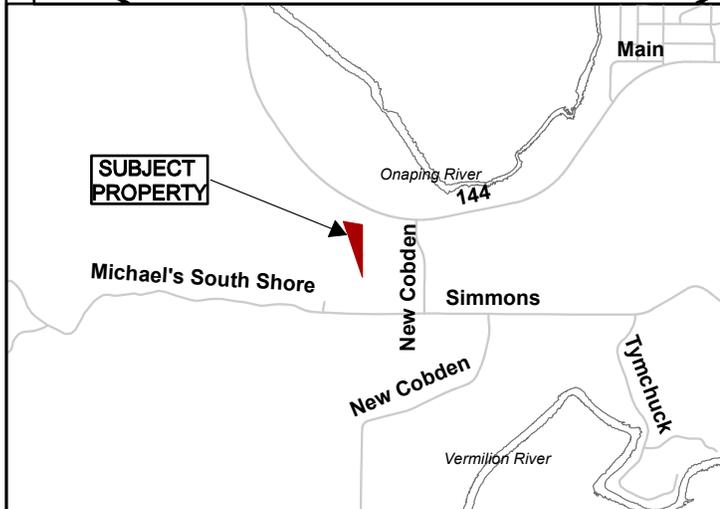
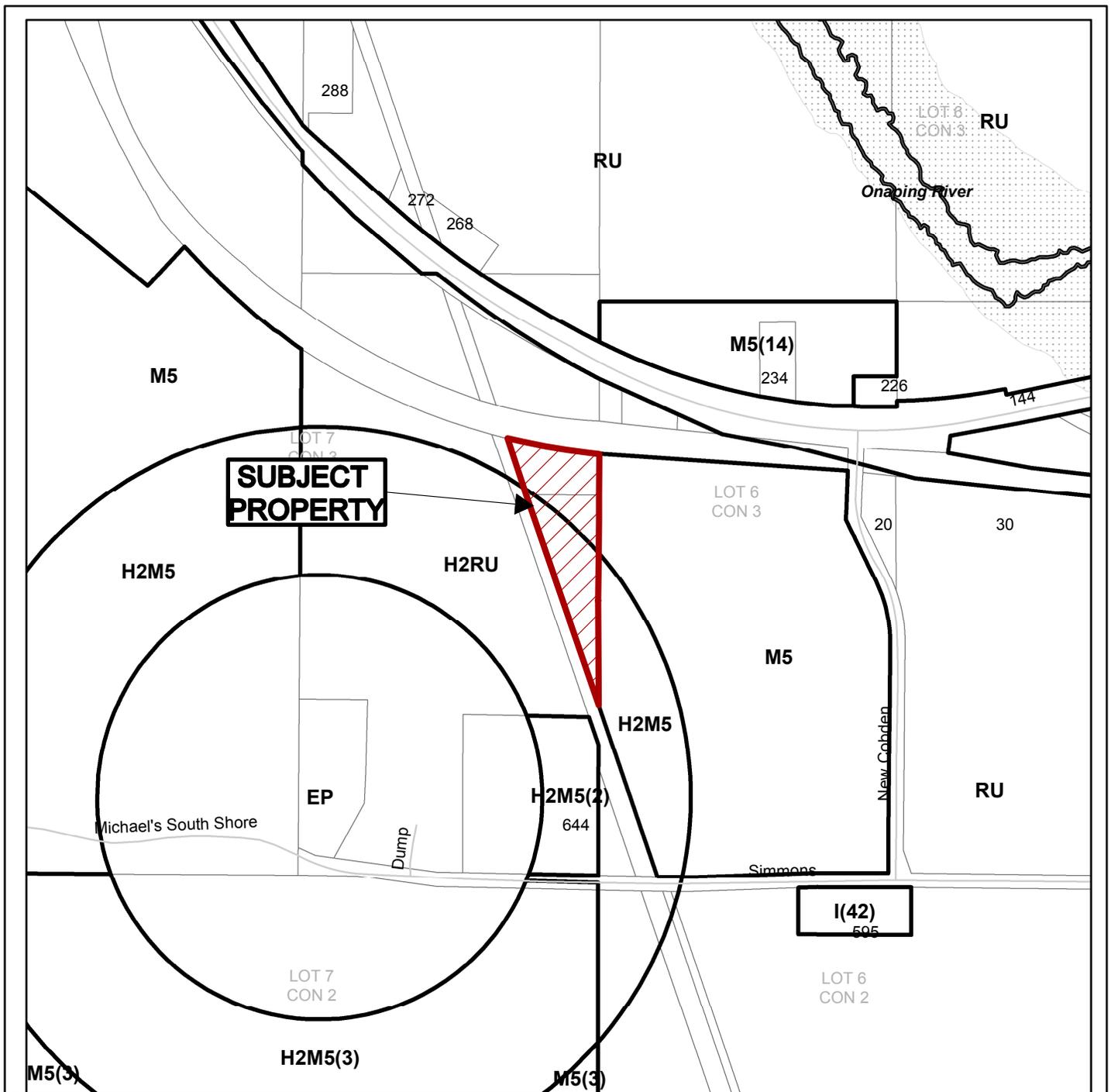
No objections.

### Environmental Planning Initiatives

No concerns.

### Canadian Pacific Railway

No concerns related to the reduced setback.



**Growth and Infrastructure Department**



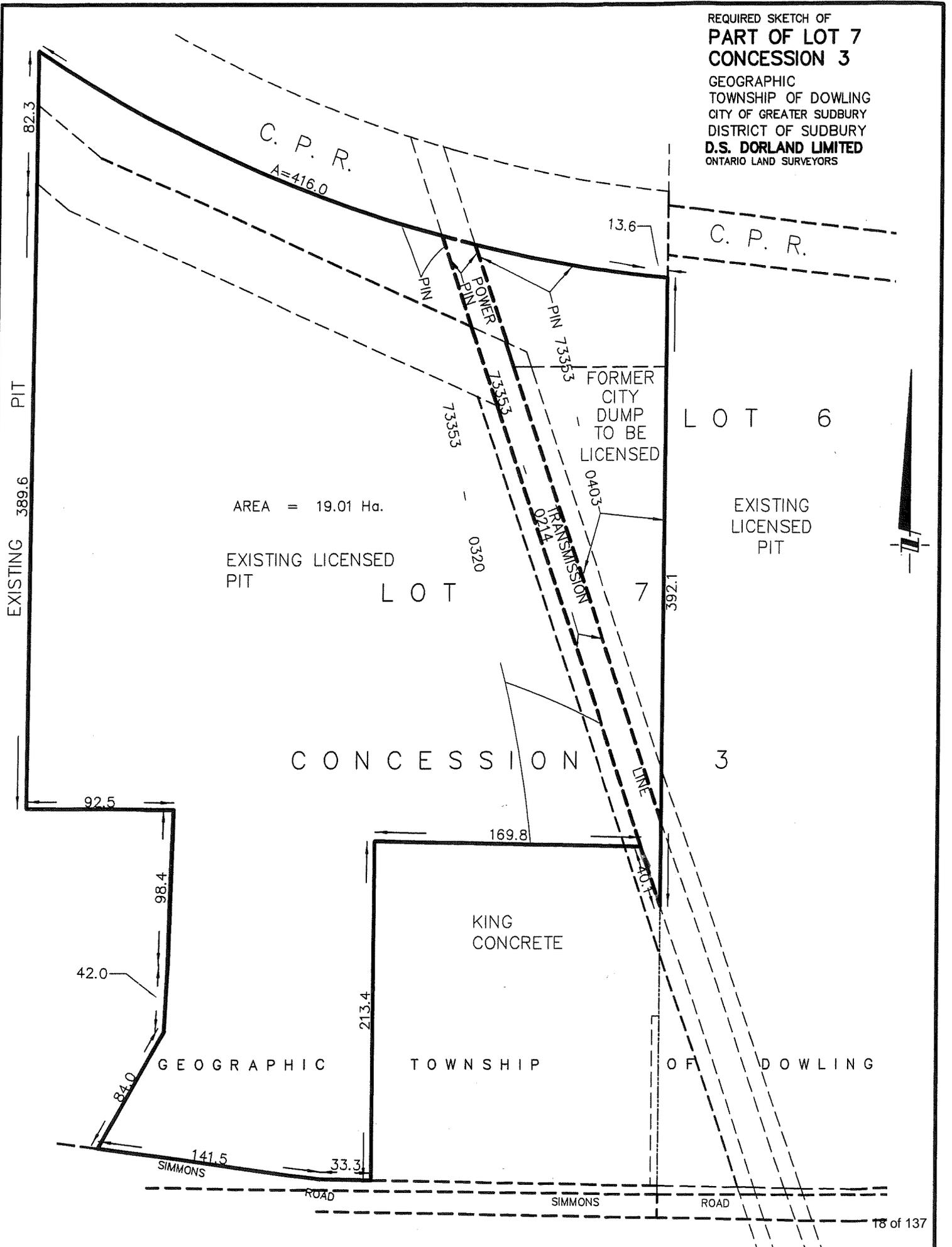
Subject Property being PIN 73353-0403,  
 Parts 7&8, Plan 53R-16474,  
 Part 1, Plan 53R-4788,  
 Lot 7, Con 3, Township of Dowling,  
 Simmons Road,  
 City of Greater Sudbury

NTS  
 Sketch 1

751-4/14-3  
 Date: 2019 05 15

REQUIRED SKETCH OF  
**PART OF LOT 7  
 CONCESSION 3**

GEOGRAPHIC  
 TOWNSHIP OF DOWLING  
 CITY OF GREATER SUDBURY  
 DISTRICT OF SUDBURY  
**D.S. DORLAND LIMITED**  
 ONTARIO LAND SURVEYORS







**Legend**

- Parcel Owners
- Parcel PIN
- Flood Plain
  - Flood Fringe and Cond. Dev. A-G
  - Flood Plain, Floodway and Cond. Dev. H
- Temporary Zoning
- Zoning

**Notes**

File 751-4/14-3  
 Simmons Road, Dowling  
 2016 Orthophotography



Scale 1: 9,028

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

## Request for Decision

### Christopher Rantanen - Application for Zoning By-Law Amendment, 890 Martindale, Sudbury

Presented To: Planning Committee

Presented: Wednesday, Sep 09, 2020

Report Date: Friday, Aug 14, 2020

Type: Public Hearings

File Number: 751-6/20-09

### Resolution

THAT the City of Greater Sudbury approves the application by Christopher Rantanen to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “R2-2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special on those lands described as PIN 73589-0691, Parcel 10165, Lot 413, Plan M-99, Lot 7, Concession 2, Township of McKim, as outlined in the report entitled “Christopher Rantanen” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, subject to the following conditions:

1. That the amending zoning by-law for the R1-5 Special zoning includes the following site-specific provisions:
  - i. In addition to the uses permitted in the R2-2 zone, a multiple dwelling containing a maximum of three dwelling units shall be permitted; and
  - ii. The location of the existing buildings shall be permitted.
2. That prior to the enactment of the amending by-law, that the owner apply for all required building permits to the satisfaction of the Chief Building Official; and
3. Conditional approval shall lapse on September 22, 2022 unless Condition 2 above has been met or an extension has been granted by Council.

#### Signed By

##### Report Prepared By

Wendy Kaufman  
Senior Planner  
*Digitally Signed Aug 14, 20*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 14, 20*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 14, 20*

##### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 24, 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 application contributes to the 2019-2027 City of Greater Sudbury Strategic Plan

goals related to housing by adding to the range and mix of housing available in this area.

## **Report Summary**

An application for rezoning has been submitted in order to permit a multiple dwelling with three (3) units. Site specific relief is required to permit the location of the existing main building and two (of three) accessory buildings in the rear yard. The subject land is designated as Living Area 1 in the Official Plan and zoned R2-2, Low Density Residential Two.

Staff recommend approval of the application on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.

## **Financial Implications**

If approved, staff is unable to estimate the increase in taxation revenue, based on the information available.

This would result in increased development charges of approximately \$10,500 based on the assumption of one multiple dwelling unit and based on the rates in effect as of the date of this report.

## **STAFF REPORT**

### **PROPOSAL:**

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury to permit a multiple dwelling with three (3) units.

The existing dwelling on the site is intended to be converted into a multiple dwelling containing three residential dwelling units, in order to legalize an existing third dwelling unit located in the basement. The applicant's site sketch shows the location of the proposed multiple dwelling and parking on the subject lands. There is also an accessory garage and two small sheds on the property. No addition to the existing building is proposed.

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

The R2-2 zone permits a range of low density residential uses including a duplex and semi-detached dwellings.

**Requested Zoning:** R2-2(S), Low Density Residential Two Special

The proposed R2-2(S) zone would permit a multiple dwelling with three (3) units, with site specific relief to permit the location of the existing main building and two (of three) accessory buildings in the rear yard.

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

The subject property is described as PIN 73589-0691, Parcel 10165, Lot 413, Plan M-99, Lot 7, Concession 2, Township of McKim. The subject lands are located on the north side of Martindale Road, and are municipally known as 890 Martindale Road. The lands are 0.05 ha in size with approximately 12.44 m of frontage and are currently serviced with municipal water and sanitary sewer. There is a City transit stop on both sides of Charlotte Street approximately 65 m to the east of the subject lands.

### **Surrounding Land Uses:**

The area surrounding the site includes:

North:	Residential use (single detached dwelling)
East:	Unnamed Lane 26, residential use (single detached dwelling)
South:	Martindale Road Drive, residential use (multiple and single detached dwellings)
West:	Residential use (duplex dwelling)

The existing zoning & location map, indicates the location of the subject lands to be rezoned and the zoning in the immediate area.

Site photos show the residential uses along Martindale Road in this area.

**Date: August 10, 2020**

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### **Public Consultation:**

Notice of complete application of the application was circulated to the public and surrounding property owners on June 24, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on August 20, 2020. The owner 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 applications prior to the public hearing. At the time of writing this report, no inquiries or written comments have been received by the Planning Services Division.

### **POLICY & REGULATORY FRAMEWORK:**

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

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

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

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

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

Section 1.1.3.1 and 1.4.1 of the PPS are relevant to the application. Section 1.1.3.1 identifies that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. Section 1.4.1 requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged.

#### **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. There are no policies that are relevant to this application, therefore the application is considered to conform to the Growth Plan.

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

The subject property is designated as Living Area 1 in the City of Greater Sudbury Official Plan. Section 3.2.1 outlines that the Living Area 1 designation permits low density residential uses up to a maximum density of 36 units per hectare, and medium density residential uses up to a maximum density of 90 units per hectare. Policy 3.2(3) states that new residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning Bylaw.

**Date: August 10, 2020**

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Policy 3.2.1(6) establishes the following criteria to be considered when rezoning lands in the Living Area 1 designation:

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

Section 2.3.3 encourages all forms of intensification and establishes a 20% residential intensification target. Intensification applications are to be evaluated with respect to criteria including site suitability, compatibility with neighbourhood character and proposed mitigation measures, availability of infrastructure and public service facilities, and traffic impacts.

Section 17 identifies a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including encouraging the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The Official Plan is intended to provide direction as to how housing needs and issues can be addressed in concert with the CGS Housing and Homelessness Plan.

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

The development standards for the requested zone require a maximum height of 11m. The minimum required front yard is 6 m, rear yard is 7.5 m and interior side yard is 1.8 m. The maximum lot coverage is 40%. The general provisions of the zoning by-law require a minimum of 50% of all required front yards to be maintained as landscaped open space. Parking provisions for the proposed multiple dwelling require 1.5 spaces per unit. Accessory structures greater than 2.5 m in height are required to meet a minimum setback of 1.2 m, and if less than 2.5 m must meet a minimum setback of 0.6 m.

#### **Site Plan Control:**

A Site Plan Control Application is not required for multiple dwellings with four or less units.

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

The application has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards. Comments have been addressed to the satisfaction of reviewing department and agencies.

Development Engineering has commented that the site is currently serviced with municipal water and sanitary sewer, and that the current water and sewer services may require upgrading. Any upgrading of the water and sanitary sewer services to the lot will be borne by the owner.

Building Services has advised that a building permit application and building permit documents are required for the multiple dwelling. Drawings prepared by a qualified designer are to be submitted showing all floor plans, exits, fire separations, and all fire and life safety requirements in accordance with the current Ontario Building Code standards to the satisfaction of the Chief Building Official. They have noted the zoning bylaw provisions regarding parking space dimensions.

**PLANNING ANALYSIS:**

Planning staff circulated the development application to internal departments and external agencies. The PPS (2020), the Growth Plan (2011), and Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the application in respect of the applicable policies, including issues raised through agency circulation.

The application to permit a multiple dwelling building on the subject lands is consistent with the PPS direction to direct development to fully serviced settlement areas. The Official Plan encourages all forms of intensification.

Both the PPS and the Official Plan encourage municipalities to provide a range and mix of housing types and densities. The Official Plan identifies that a key housing goal is to maintain a balanced mix of ownership and rental housing, and to encourage a greater mix of housing types and tenure, including the production of smaller (one and two bedroom) units to accommodate the growing number of smaller households. The proposal to legalize a multiple dwelling in this location, represents an opportunity to maintain an alternative form of housing.

There are full municipal services with adequate capacity, and public transit stops are available within 65 m of the site. Employment opportunities, commercial areas, and community services are available within relatively close proximity.

The site has sufficient area to accommodate a three-unit multiple dwelling including parking, landscaping and amenity space. There is an unnamed laneway that provides access to the parking area in the rear yard. There is sufficient room on the property to accommodate the required five spaces, comprised of 1 space within the garage and 4 spaces in the gravel parking area in the rear yard. Traffic is not expected to be impacted by this proposal.

The proposed density and building form is compatible with adjacent lands, which are zoned R2-2 and consist of a mix of single-detached, duplex and multiple dwellings. The proposed three units would represent a net density of approximately 60 units per hectare, which would be considered to be medium density. However, no changes are proposed to the low density built-form of the existing duplex dwelling. The proposed density is considered to be compatible with the adjacent residential uses, and this level of intensification can be reasonably accommodated in this area of Martindale Road.

Given the existing front yard setback of the building is 4.88 m, which is less than the required 6 m, it is recommended to include a provision in the amending by-law to permit the location of the existing dwelling on the lot.

Accessory buildings greater than 2.5 m in height are required to meet a minimum setback of 1.2 m from the interior side lot line. Accessory buildings up to 2.5 m in height must meet a minimum setback of 0.6 m. The height of each of the two small sheds (each less than 10 m<sup>2</sup> in gross floor area) to its peaked roof is 2.67 m, which is over this height standard by 17 cm. The sheds are setback 0.77 m and 0.65 m respectively, and as such, do not comply with the required 1.2 m setback. It is recommended to include a provision in the amending by-law to permit the location of these existing accessory buildings. This minor relief is recommended to be appropriate.

**CONCLUSION:**

The Planning Division undertook a circulation of the application to ensure that all technical and planning matters have been satisfactorily addressed.

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

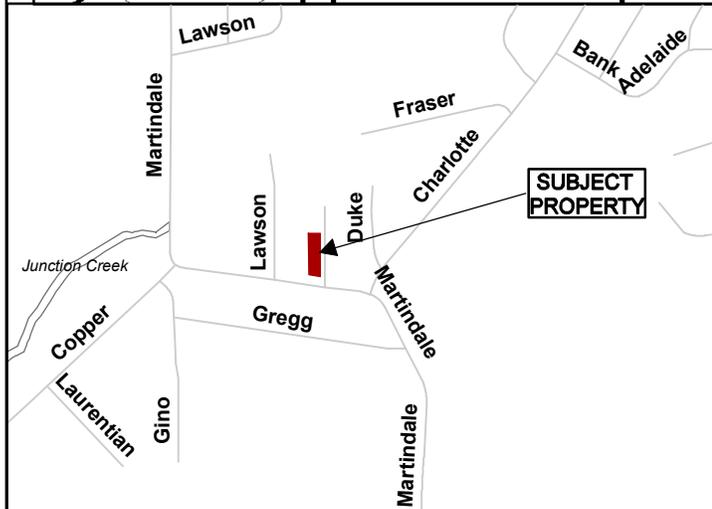
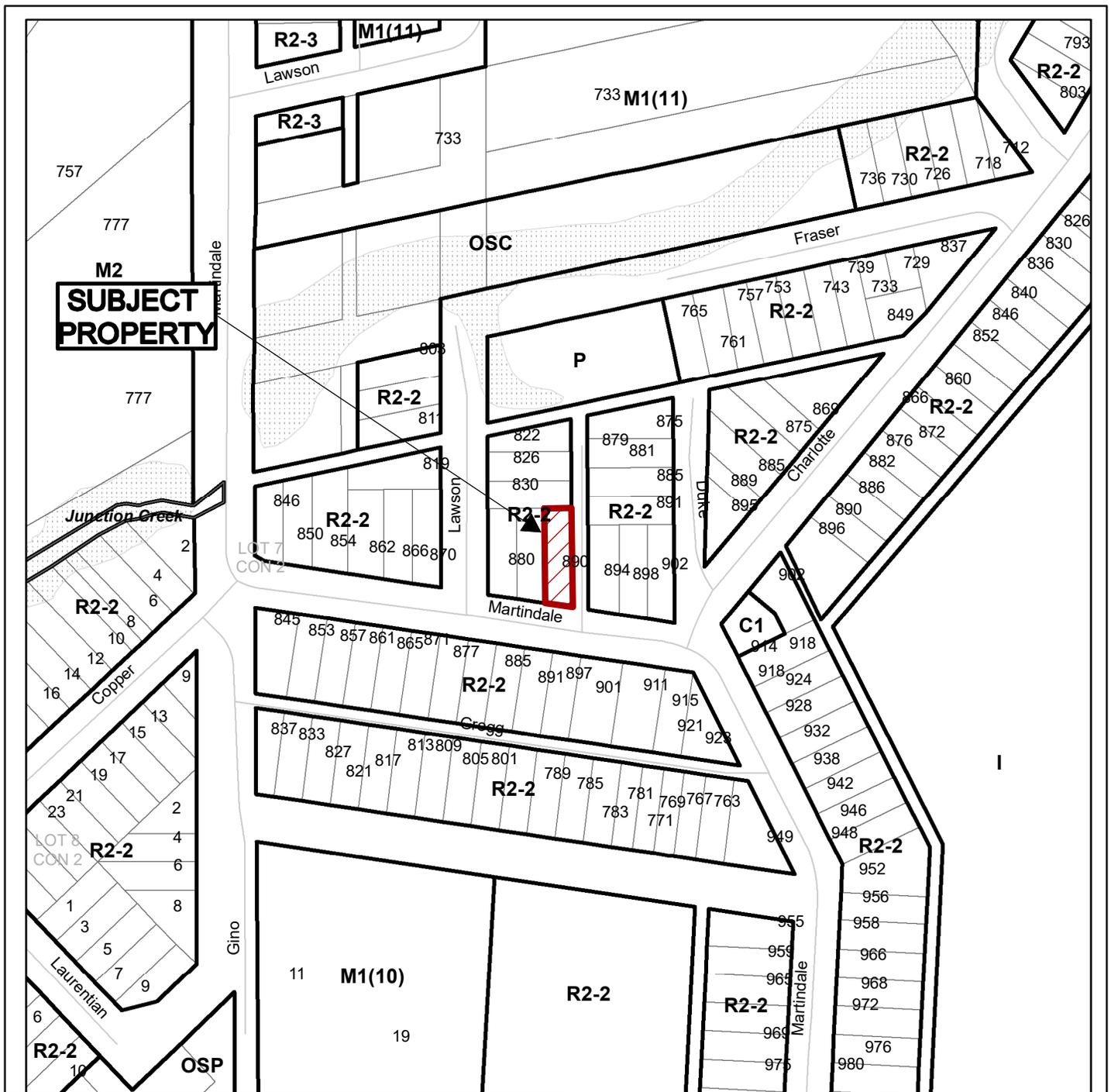
- To rezone the lands from R2-2 to R2-2(S) to enable the development of a multiple dwelling with three (3) dwelling units, and to permit the location of the existing main building and two (of three) accessory buildings in the rear yard.

The development of the subject lands achieves a number of policy directives related to intensification and the provision of a range and mix of housing types. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is satisfied that the application is consistent with the PPS and conforms to the Growth Plan and the Official Plan. Staff are of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- The proposed multiple dwelling will maintain the range and mix of housing available in the area.
- The site is suitable for the proposed density and building form.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Adequate parking, landscaping and amenity areas can be provided.
- The impact on local streets will be minimal.
- The sewer and water services are adequate for the site.

Staff recommend approval of the application as described in the Resolution section on the basis that it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, has regard for matters of provincial interest and represents good planning.



**Growth and Infrastructure  
Department** 

Subject Property being PIN 73589-0691,  
Pcl 10165, Lot 413, Plan M-99,,  
Lot 7, Concession 2, Township of McKim,  
890 Martindale Road, Sudbury,  
City of Greater Sudbury

NTS 751-6/20-9  
Sketch 1 Date: 2020 06 15

# REZONING PLAN

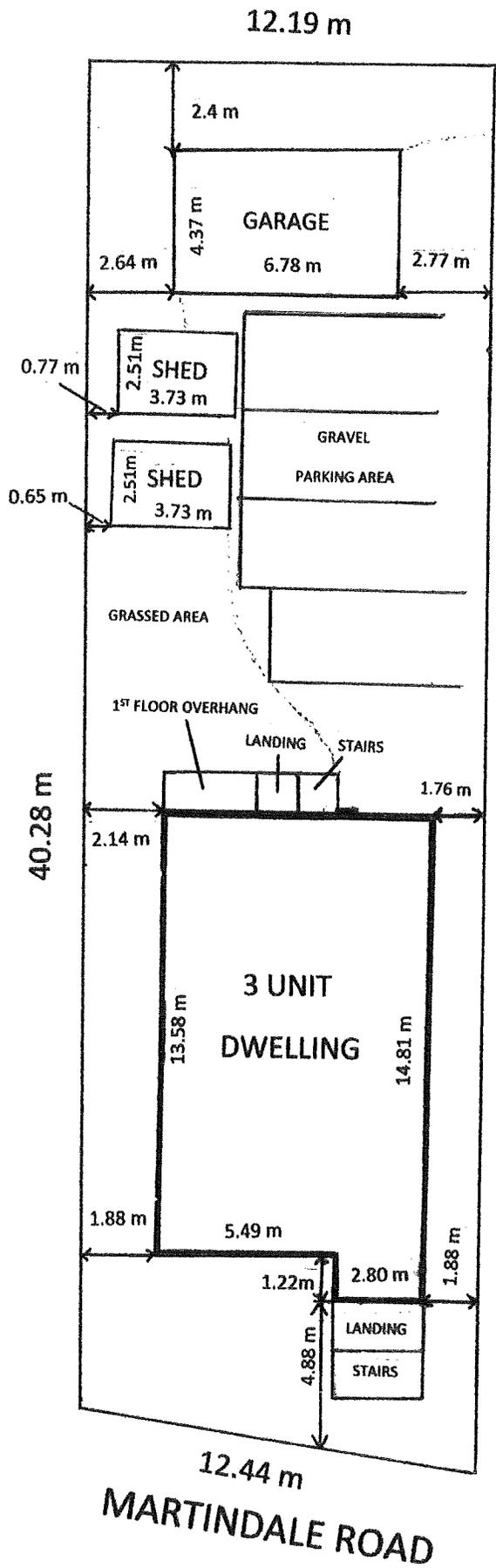
890 MARTINDALE ROAD

CITY OF GREATER SUDBURY

LOT 413

PLAN M99

McKIM TOWNSHIP



LOT AREA	502 m <sup>2</sup>
BUILDING GFA GROUND FLOOR	167.4 m <sup>2</sup>
MAXIMUM LOT COVERAGE PERMITTED	40%
EXISTING LOT COVERAGE	33.3%
MAXIMUM ACCESSORY STRUCTURE LOT COVERAGE PERMITTED	10 %
EXISTING ACCESSORY STRUCTURE LOT COVERAGE 48.4 m <sup>2</sup>	9.6%
PARKING REQUIRED	5
PARKING PROVIDED	5
(1 SPACE IN GARAGE & 4 SPACES IN GRAVEL SURFACE PARKING AREA)	

LANE

MARTINDALE ROAD

SCALE 1:200



Photo #1. Subject lands showing the existing duplex dwelling, and duplex dwelling to the west of the subject lands, looking north. Photo taken July 28, 2020.



Photo #2. Subject lands showing existing parking area, amenity space, two sheds and garage, looking northwest. Photo taken July 28, 2020.



Photo #3. Single detached dwelling to the east of the subject lands, looking north. Photo taken July 28, 2020.



Photo #4. Residential use across the street from the subject lands, on the south side of Martindale Road, looking south. Photo taken July 28, 2020.

## Request for Decision

**Dalron Construction Ltd. - Application to extend a draft approved plan of subdivision approval, Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer (Dominion Drive and Saddle Creek Drive, Val Therese)**

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Routine Management Reports
File Number:	780-7/04006

### 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 Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer, File # 780-7/04006, as outlined in the report entitled “Dalron Construction Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, as follows:

1. In Conditions 2, 3, 4, 5, 7, 12, 15, 28 by replacing the word ‘Municipality’ or ‘City of Greater Sudbury’ with ‘City’;
2. By deleting Condition #11 and replacing it with the following:
 

“11. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Growth & Infrastructure, provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, water mains, 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. The geotechnical engineer will be required to address On-site and Excess Soil Management in accordance with O. Reg. 406/19 under the Environmental Protection Act. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and City Solicitor.”

**Signed By**

**Report Prepared By**  
 Wendy Kaufman  
 Senior Planner  
*Digitally Signed Aug 13, 20*

**Manager Review**  
 Alex Singbush  
 Manager of Development Approvals  
*Digitally Signed Aug 13, 20*

**Recommended by the Division**  
 Jason Ferrigan  
 Director of Planning Services  
*Digitally Signed Aug 13, 20*

**Financial Implications**  
 Apryl Lukezic  
 Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

**Recommended by the Department**  
 Tony Cecutti  
 General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

**Recommended by the C.A.O.**  
 Ed Archer  
 Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

3. By deleting Condition #34 and replacing it with the following:

“34. That this draft approval shall lapse on November 28, 2023.”

4. By deleting Condition #36 and replacing it with the following:

“36. 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 & 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. By deleting Condition #37 and replacing it with the following:

“37. That in the subdivision agreement the owner acknowledges the completion of the Paquette Whitson Municipal Drain engineer’s report dated February 8, 2012 by K. Smart Associates Ltd. Said report provides for the construction of outlet drainage channel improvements and stormwater pond quantity and quality control facilities to service the subject subdivision lands within the Saddle Creek Subdivision.

That in the subdivision agreement the owner agrees to pay the assessments set out in the engineer’s report for the subject subdivision for stormwater conveyance channel improvements, stormwater quantity control and stormwater quality control, at the time of registration of each subdivision phase, in the amount of \$2,500 per lot until December 31, 2014 and thereafter with interest accruing at the rate of 4.5 percent per annum.

The major storm over flow system shall be designed and directed down City roads and City drainage blocks to outlet to the Paquette Whitson Municipal Drain.”

6. In Condition #38, by replacing the word ‘developer’ with ‘owner’.

7. In Condition #40, by adding the word ‘Services’ after the words ‘Director of Planning’.

## **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 Saddle Creek draft approved plan of subdivision (File # 780-7/04006) in the community of Val Therese for a period of three years until November 28, 2023. 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 three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

## **Financial Implications**

If approved, staff estimates approximately \$414,000 in taxation revenue, based on the assumption of 89 single family dwelling units at an estimated assessed value of \$375,000 per dwelling units at the 2020 property tax rates.

In addition, this development would result in total development charges of approximately \$1,620,000 based on the assumption of 89 single family dwelling units 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).

**Date: August 10, 2020**

## **STAFF REPORT**

### **Applicant:**

Dalron Construction Ltd.

### **Location:**

Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer, Dominion Drive and Saddle Creek Drive, Val Therese

### **Application:**

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on November 25, 2004. The draft approval was most recently extended by Council on November 22, 2017, until November 28, 2020, for a plan of subdivision on those lands described as Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer (Saddle Creek Subdivision).

### **Proposal:**

The owner is requesting that the draft approval for the above noted lands be extended for a period of three years until November 28, 2023.

### **Background:**

The City received a request from Dalron Construction on June 16, 2020 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of former Parcel 709 SES, being Part of PIN 73504-0953, Part Lot 6, Concession 1, Township of Hanmer.

The Saddle Creek plan of subdivision was draft approved on November 25, 2004 and included the creation of 89 lots for single detached dwellings. The first phase of 27 lots was registered on November 28, 2005; subsequently the lapsing date on the draft approval was extended in 2008, 2011, 2014 and 2017. The most recent set of draft plan conditions are attached to this report, which include that the plan lapses on November 28, 2020.

The lands within the plan of subdivision are designated Living Area 1 and Parks & Open Space in the Official Plan. The lands are currently zoned 'R1-5', Low Density Residential One, with the majority of the lands subject to a Flood Plan Overlay.

Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to November 28, 2023.

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: August 10, 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.

The owner has advised that while they have been waiting for floodplain work to move forward they have been working on design for the balance of the site and preparing the site for future development. Staff is satisfied that the owner is making reasonable efforts towards developing the subdivision.

### Draft Approval Conditions

Condition #34 should be deleted entirely and replaced with a sentence referring to November 28, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Building Services has requested wording be added to Condition #11 to address the requirement to manage excess soils.

Conservation Sudbury has requested a minor housekeeping amendment to Condition #36 related to the title of a report.

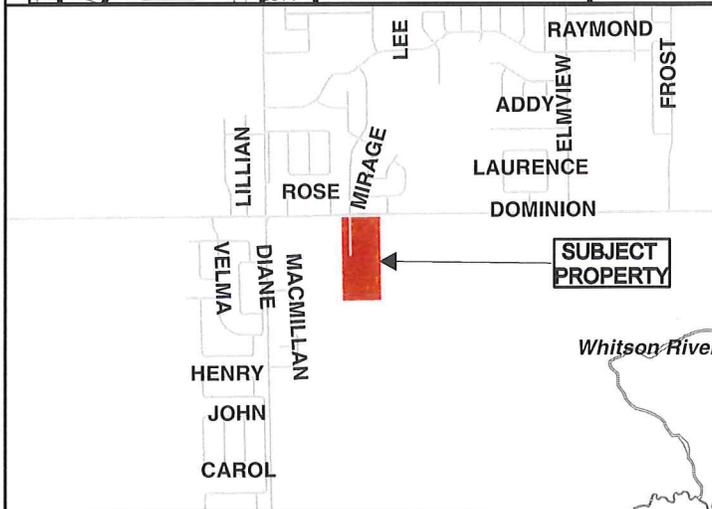
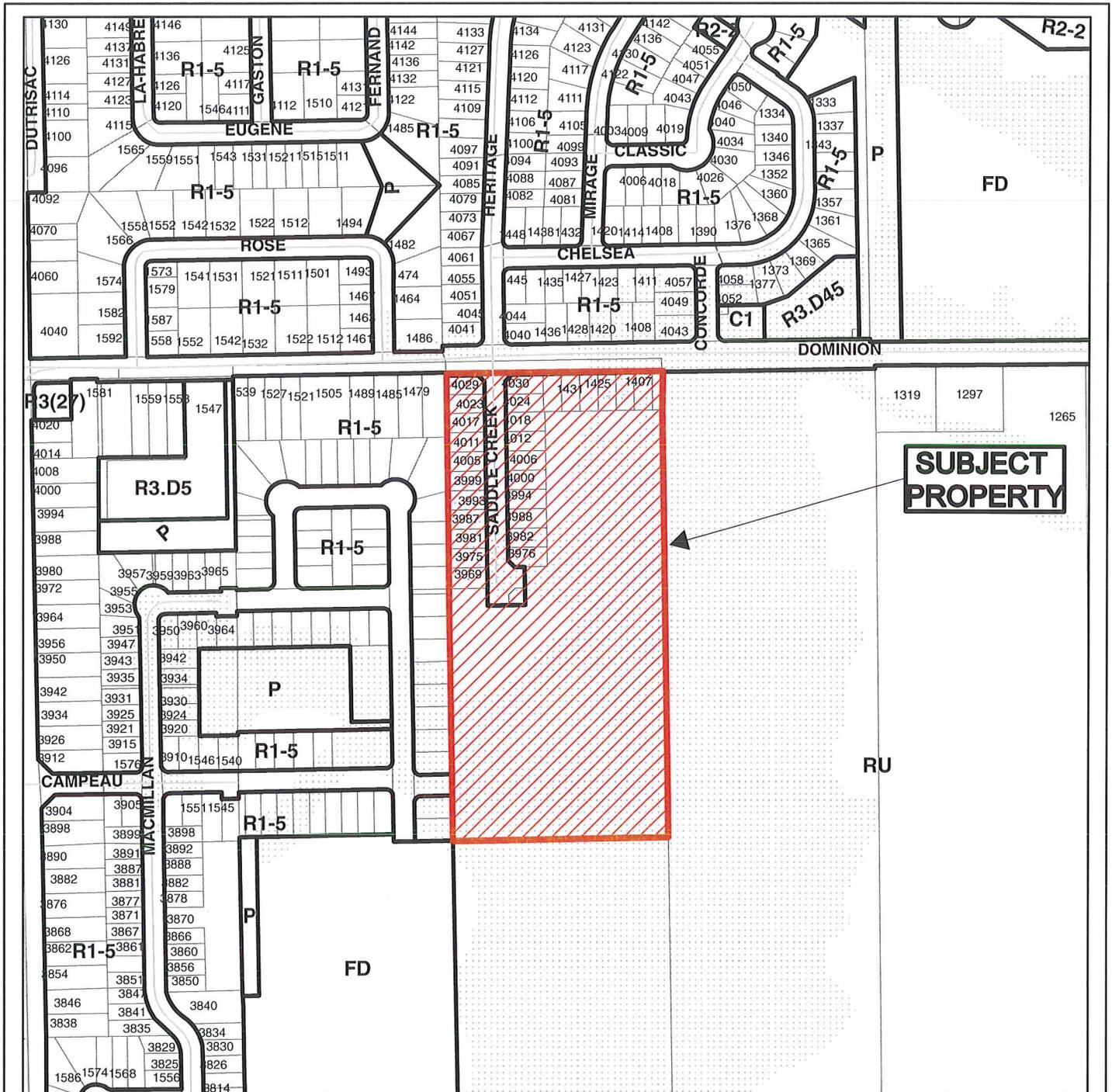
Development Engineering and the City's Drainage Section have requested that Condition #37 be updated to reflect the Paquette Whitson Municipal Drain project, and the requirement to provide a financial contribution to the project rather than providing on-site stormwater management.

Housekeeping changes are recommended to ensure consistency in terminology when referring to the 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.

## 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 Saddle Creek Subdivision for a period of three years until November 28, 2023, be approved as outlined in the Resolution section of this report.



**Growth and Development Department**

N

Subject Property being part of Pcl. 709,  
 Lot 6, Con. 1, Twp of Hanmer, 1439 Dominion  
 Drive, Val Therese, City of Greater Sudbury

Sketch 1 751-7/04-11 & 780-7/04006  
 NTS Date: 2011-10-17



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

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1. That this draft approval applies to the draft plan of subdivision of Part of PIN 73504-0953 (formerly Parcel 709 SES) in Lot 6, Concession 1, Hanmer Township as shown on a plan of subdivision prepared by T. Del Bosco, O.L.S. and dated May 5, 2004.
2. That the streets 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 lands.
4. That the lot areas, frontages and depths appearing on the final plan shall not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all requirements, financial and otherwise, of the City of Greater Sudbury concerning the provision of roads, installation of services and drainage.
8. That the subdivision agreement contain provisions whereby the owner agrees that all requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. The owner shall ensure that the corner radii for all intersecting streets is 9.0m.
10. The owner shall provide a detailed lot grading plan prepared by a consulting civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, 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.
11. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the General Manager of Growth & Infrastructure, provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information

and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall be registered on title, to the satisfaction of the Chief Building Official and City Solicitor.

12. The applicant will be required to dedicate rear lot easements to the City of Greater Sudbury for municipal purposes.
13. The owner shall be required to cost share in the construction of stormwater management facilities as required by the General Manager of Growth & Infrastructure. The owner shall provide lands for said facilities as required by the General Manager of Growth & Infrastructure.
14. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances.
15. The applicant will be required to enter into a written agreement to satisfy all requirements of the City of Greater Sudbury concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers, storm water management facilities and surface drainage facilities.
16. Draft approval does not guarantee the allocation of either sewer or water capacity. Prior to the signing of the final plan, clearance is required from the General Manager of Growth & Infrastructure that sufficient sewage treatment capacity exists to service this development.
17. The owner shall provide a 1.5 metre concrete sidewalk on the west side of Street A from Dominion Drive to the southerly limit of the draft plan and to the end of the existing Campeau Street.
18. Deleted.
19. The owner shall ensure that lots 30 and 31 are developed with access off of Campeau Street.
20. The owner shall provide a land block to the City along the easterly side of the draft plan to accommodate a walkway and 50 percent of the land required for a realigned drainage channel with 3:1 slopes.
21. The owner shall be responsible for the cost of a 50 mm asphalt overlay along the north side of Dominion Drive and the subdivision frontage.
22. The owner shall be responsible for upgrading the south side of Dominion Drive to urban standard including storm drainage facilities as required.
23. Deleted.

24. The owner shall ensure that the underside of footing elevations for new homes along lots 1, 38, 39 and 61 to 73 inclusive are not affected by flood waters in the new drainage channel. This requirement shall be completed to the satisfaction of the Chief Building Official, Nickel District Conservation Authority and the General Manager of Growth & Infrastructure.
25. The owner shall be responsible for the construction of Campeau Street from the easterly limit of the subject draft plan to the existing end of Campeau Street to a collector standard including a 1.5 metre sidewalk.
26. Lots 72 to 79 on Streets A and B are renumbered to Lots 82 to 89.
27. The owner shall construct a walkway on block 83 to the satisfaction of the General Manager of Growth & Infrastructure.
28. That 5% of the land included in the plan of subdivision be deeded to the City of Greater Sudbury for parks purposes in accordance with Section 51.1 (1) of the Planning Act.
29. That prior to the signing of the final plan the owner shall undertake a traffic impact analysis to determine what local road improvements are made necessary by the proposed subdivision and the owner shall agree to undertake the improvements identified, all to the satisfaction of the General Manager of Growth & Infrastructure.
30. 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.
31. Prior to the registration of any part of the subdivision which includes any part of Lot 1 or Lots 17 to 83 the Planning Services Division is to be advised by the Nickel District Conservation Authority that their requirements under Ontario Regulation 156/06 have been satisfied, and that prior to any development occurring in the designated floodplain, the Paquette-Whitson Drain shall be constructed.
32. That prior to the signing of the final plan the owner shall satisfy Canada Post with respect to mail delivery facilities for the site.
33. The owner shall provide an upgraded watermain from the end of the existing watermain on Campeau Street through to the subject subdivision to the satisfaction of the General Manager of Growth & Infrastructure.
34. That this draft approval shall lapse on November 28, 2020.

35. 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, 9, 10, 11, 12, 15, 20, 28, 29 and 41 have been complied with to his satisfaction.
36. That 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 & 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.
37. 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 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 report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the stormwater management report.
38. That the developer provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Eastlink and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
39. 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 & Infrastructure.
40. 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.
41. 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 land after registration of the plan of subdivision are informed, at the time the land is transferred of all of the development charges related to development.

## Request for Decision

**Bayside Sudbury Corporation - Applications for a common elements draft plan of condominium and exemption from part lot control in order to facilitate the development of 24 freehold residential lots, Parkview Drive, Azilda**

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Routine Management Reports
File Number:	741-5-20001

### Resolution

#### Resolution regarding Draft Plan of Condominium:

THAT the City of Greater Sudbury’s delegated official be directed to issue draft plan approval for a plan of condominium on those lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, as outlined in the report entitled “Bayside Sudbury Corporation”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, subject to the following conditions:

1. That this approval applies to a draft plan of common elements condominium on lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, as shown on the two plans as prepared by Bortolussi Surveying Ltd. and signed by the owner and surveyor on August 7, 2020;
2. The final condominium 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 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;
3. That such easements as may be required for access, utility, servicing or drainage purposes shall be granted to the appropriate authority, or party;

**Signed By**

**Report Prepared By**  
 Glen Ferguson  
 Senior Planner  
*Digitally Signed Aug 13, 20*

**Manager Review**  
 Alex Singbush  
 Manager of Development Approvals  
*Digitally Signed Aug 13, 20*

**Recommended by the Division**  
 Jason Ferrigan  
 Director of Planning Services  
*Digitally Signed Aug 13, 20*

**Financial Implications**  
 Apryl Lukezic  
 Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

**Recommended by the Department**  
 Tony Cecutti  
 General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

**Recommended by the C.A.O.**  
 Ed Archer  
 Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

4. That the infrastructure and facilities included in the common elements condominium shall have been constructed to the satisfaction of the General Manager of Growth and Infrastructure;
5. That the owner agrees in writing to satisfy all requirements of Canada Post with respect to the location of any new Community Mail Boxes on the lands that are to be developed to the satisfaction of both Canada Post and the Director of Planning Services; and,
6. That this draft approval shall lapse three years from the date of draft plan approval issuance.

Resolution regarding Exemption from Part Lot Control:

THAT the City of Greater Sudbury approves the application by Bayside Sudbury Corporation to pass a by-law under Section 50(7) of the Planning Act thereby exempting those lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, from part lot control for a maximum period of two years, as outlined in the report entitled “Bayside Sudbury Corporation” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 9, 2020, subject to a condition that the owner shall register a plan of subdivision across the lands affected by the development proposal to the satisfaction of the Director of Planning Services prior to the passing of a by-law exempting the lands from part lot control.

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

The applications for a common elements draft plan of condominium and exemption from part lot control are operational matters under the Planning Act to which the City is responding.

## **Report Summary**

This report reviews applications for a draft plan of common elements condominium and a request for an exemption from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda. The common elements to the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure. The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City’s Zoning By-law to have frontage onto the private condominium road and would be described as “parcels of tied land” to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings and row townhouse dwellings.

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 generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed draft plan of condominium or the exemption from part lot control in order to facilitate the creation of the residential lots.

Staff is supportive and recommending approval of both applications; however, it is noted that at the time of writing this report there is an outstanding requirement to register a plan of subdivision (i.e. M-Plan) across the lands in order to properly facilitate the development as proposed. The Planning Services Division is recommending that both applications be approved with conditions as outlined and noted in the Resolution section of this report.

## **Financial Implications**

If approved, staff estimates approximately \$82,000 in taxation revenue, based on the assumption of 12 semi-detached dwelling units and 12 row townhouse dwelling units at an estimated assessed value of \$300,000 and \$275,000 respectively per dwelling unit at the 2020 property tax rates.

In addition, this development would result in total development charges of approximately \$300,000 based on the assumption of 12 semi-detached dwelling units and 12 row townhouse dwelling units based on the rates in effect as of this report.

**Title: Bayside Sudbury Corporation**

**Date: July 29, 2020**

## **STAFF REPORT**

### **PROPOSAL:**

The applications together seek approval for a draft plan of common elements condominium and a request for an exemption from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda.

The common elements within the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure.

The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City's Zoning By-law to have frontage onto the private condominium road and would be described as "parcels of tied land" (POTLs) to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings (i.e. 12 dwelling units) and row townhouse dwellings (i.e. 12 dwelling units).

The owner submitted an application for pre-consultation with respect to their proposed draft plan of condominium on May 14, 2019, that was considered by the Sudbury Planning Application Review Team (SPART) on May 29, 2019 (File # PC2019-039). The owner met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on June 3, 2019, and has subsequently now submitted a formal plan of condominium application to the City for consideration.

The owner's agent has submitted a Concept Plan depicting each of the 24 urban residential lots, along with a draft condominium plan and associated draft reference plans in support of the applications that together would facilitate the above noted urban residential development.

**Existing Zoning:** "R3", Medium Density Residential & "R3.D17.3(2)", Medium Density Residential Special

The "R3" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, one convenience store or one personal service not exceeding 150 m<sup>2</sup> (1,614.59 ft<sup>2</sup>) net floor area as an accessory use within a multiple dwelling, a day care centre, a duplex dwelling, a group home type 1 provided it is located within a single-detached dwelling and having a maximum of ten beds, a linked dwelling, multiple dwelling, a private home daycare, row dwelling, shared housing in specified areas, semi-detached dwelling, single-detached dwelling and street townhouse dwelling. The "R3.D17.3(2)" Zone is site-specific to the subject lands and permits all "R3" land uses subject to a special provision that all minimum required yards shall be 7.5 m (24.61 ft).

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

The subject lands are located to the north of Parkview Drive in the community of Azilda. Fire Route "S" is located to the west and Brabant Street is located to the east of the lands. The lands subject to the applications have a total lot area of approximately 1.3 ha (3.2 acres) and are intended to be accessed from Parkview Drive. The common element condominium components (i.e. private road and storm-water management infrastructure) form approximately 0.42 ha (1 acres) of the total lot area referenced above. The part lot control exemption would be applicable to the balance of the lands that would accommodate the proposed 24 urban residential freehold lots (i.e. "parcels of tied land"). The lands are presently vacant.

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**Surrounding Land Uses:**

North: Vacant and naturally vegetated lands zoned for medium density urban residential development, a parcel of land intended for parks and open space use, and St. Agnes Street.

East: Vacant lands and natural vegetated lands zoned for medium density residential development, existing low density urban residential land uses, and Brabant Street.

South: Low and medium density urban residential land uses, including the “Bayside Estates – Phase 1” development, and Parkview Drive.

West: Several large and vacant rural lots, Fire Route “S” and a City-owned naturally vegetated open space parcel of land.

The existing zoning and location map attached to this report indicates the location of the subject lands that are intended to form the common element condominium and the residential lots in the form of POTLs, as well as the applicable zoning in the immediate area.

Aerial photography of the subject lands is also attached to this report for reference purposes.

**Public Consultation:**

There is no requirement to hold a public hearing under the Planning Act for the consideration of a common-element condominium application as per Sections 7(1) and 7(1) of [Ontario Regulation 544/06](#). There is also no public hearing requirement under the Planning Act, R.S.O. 1990, c. P.13 in order to provide an exemption from part lot control.

The owners and agent were also advised of the City’s policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner has not conducted any public consultation as there is no public hearing requirement under the Planning Act for a common element condominium application or for an application to exempt certain lands from the part lot control provisions of the Planning Act. The agent for the owner has also correctly noted in their application form that a public hearing under the Planning Act was already held when the lands were rezoned to facilitate urban residential development, as well as when existing draft plan of subdivision applicable to the lands was heard by the Planning Committee and subsequently approved by Council (Files # 751-5/16-2 & 780-5/06004).

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

**POLICY AND REGULATORY FRAMEWORK:**

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

- [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](#).

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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 a common element condominium and exemption from part lot control:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently use land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.6 outlines that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
4. Section 1.1.3.7 outlines that municipalities should establish and implement phasing policies that ensures new development occurs within designated growth areas in an orderly progression with regard for the timely provision of the infrastructure and public service facilities required to meet current and future needs;
5. With respect to Housing Policies, Section 1.4 generally requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected requirements for current and future residents of the regional market area;
6. Section 1.4.3 outlines that municipalities shall permit and facilitate:
  - a) All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities;
  - b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; and,
  - c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

### **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 is satisfied that the applications for a common element condominium and an exemption from part lot control conforms to and does not conflict with the Growth Plan for Northern Ontario.

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

The portion of the subject lands intended to accommodate the majority of the proposed urban residential development is designated Living Area 1 in the Official Plan for the City of Greater Sudbury. There are also portions of the subject lands to the north and north-east that are designated Parks and Open Space.

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

With respect to phasing development within the Living Area 1 designation, the following policies are applicable to the applications:

1. New development in Living Area 1 will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
2. Where expansion onto vacant undeveloped lands is proposed, the following phasing policies will be considered at the time of application review:
  - a) The proposed development represents a contiguous expansion within the Living Area 1 designation;
  - b) The proposed development represents a logical utilization of existing infrastructure and public service facilities;
  - c) The proposed development completes or rounds out existing neighbourhood plans with respect to infrastructure matters such as road connections and waterline looping, and public service facilities such as schools and recreation facilities; and,
  - d) The area is experiencing growth pressure as evidenced by adjoining development, and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium.

The subject lands are within an identified Settlement Area (i.e. Azilda) and immediately abutting a Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. The following Settlement Area policies under Section 2.3.2 of the City's Official Plan are applicable with respect to the subject development applications:

1. Settlement Area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods; and,
2. Intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.

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Section 17.0 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 17.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 17.2.1 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 (one and two bedroom) units to accommodate the growing number of smaller households;
3. To promote a range of housing types suitable to the needs of senior citizens; and,
4. To support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities – designed to have a mix of land uses, supportive of transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

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

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

The owner is not requesting that the subject lands be rezoned. The exemption from part lot control would facilitate the development of a residential land use that is permitted within the zoning classifications that are applicable to the lands being proposed for development.

Section 4.3 d) of the City's Zoning By-law outlines that, "Where lands are a parcel of tied land to a condominium corporation, or are located within a condominium corporation which has access to a roadway owned and maintained by a registered condominium corporation said roadway shall be deemed to be an assumed road."

**Department/Agency Review:**

The applications, including relevant accompanying materials, have been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to ensure that appropriate draft plan of condominium conditions are applied to the lands and that the exemption from part lot control will properly facilitate the intended development of the lands should the applications be approved.

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

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

Building Services has requested that all required minor variances be final and binding prior to the approval of the common elements condominium application.

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Canada Post has advised that additional Community Mailboxes (CMBs) will be required in order to facilitate mail delivery to the proposed residential development. Canada Post has further advised that an existing CMB in the area can accommodate mail delivery to the first 12 residential dwelling units and therefore additional CMBs will be necessary for the remaining 12 residential dwelling units.

Conservation Sudbury has no concerns with the applications, but notes that this comment does not imply any form of support for any remaining or future land use planning applications on the lands. Additionally, the owner is advised that any works in a regulated area will require the permission of Conservation Sudbury through a permit pursuant to Section 28 of the [Conservation Authorities Act](#).

Development Engineering advises that municipal water and sanitary sewer infrastructure is available within the Parkview Drive right-of-way and that any required costs associated with the upgrading of municipal water and sewer infrastructure to service the lands will be borne entirely by the owner.

Environmental Planning Initiatives (EPI) has noted that there are no significant environmental concerns with the development proposal. EPI has further noted that erosion and sediment control requirements for the proposed development will be further addressed through a detailed engineering review later in the land use planning process.

Subdivision/Site Plan Control (SSPC) has noted that the lands to be developed are also the subject of a concurrent site plan application that, once finalized, would amend an existing site plan control agreement which facilitated construction of the first phase of the overall proposed development (Files # SPCA 2016-004A & SPCA 2016-004B). SSPC has also noted that should the development proceed in two phases (i.e. Phases 2A & 2B) that all site elements and infrastructure shown in the second phase will need to be provided during the construction of the first phase.

**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 planning analysis of the applications with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed draft common elements plan of condominium and exemption from part lot control are consistent with the PPS for the following reasons:

1. The community of Azilda is an identified settlement area in the City's Official Plan. The development of the second phase and continuation of an existing urban residential development to the north of Parkview Drive and accessed via a private road within a new common elements condominium should be promoted and is considered to be good land use planning. The exemption from part lot control would facilitate the creation of freehold lots that would be POTLs having lot frontage onto the proposed private road within the proposed common elements condominium;
2. Staff is of the opinion that the proposed residential development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area to the south of St. Agnes Street in Azilda. The lands would have access to municipal water and sanitary sewer, and access to public transportation is available to the north along St. Agnes Street (i.e. Route 104 – Azilda/Chelmsford). Connectivity to St. Agnes Street is also expected to be improved through time as the balance of the draft approved plan of subdivision develops to the north and to the east of the development that is the subject of this report. There are also a number of public open space and community facilities that can be accessed in the general area (i.e. Whitewater Lake Park and Whitewater Lake Beach). The proposed applications therefore are viewed as facilitating good land use planning on the lands from a mix of densities and land uses perspective;

3. The proposed common elements condominium and the use of an exemption from part lot control will facilitate urban residential development that would immediately abut a prior phase of development in the overall Bayside Estates draft approved plan of subdivision. The proposed built-form being that of semi-detached dwellings and row townhouses will contribute positively to the mix of residential uses and densities in the area and should be viewed as making efficient use of the land itself, as well as the existing infrastructure and public service facilities available in the area;
4. Staff notes that the City's Official Plan includes phasing policies and the proposed development would occur within the Azilda settlement area and immediately abuts an identified built boundary. Staff is satisfied that the proposed development represents an orderly progression and the timely use of infrastructure located in the area would be achieved. The City's phasing policies are reviewed in fuller detail later in this report;
5. With respect to housing policies in the PPS, staff has the following observations:
  - a) The proposed common elements condominium and use of an exemption from part lot control will, in general, provide for an expanded range and potentially mix of housing options, tenure and densities in the community of Azilda. Staff is satisfied that no negative impacts would be generated should the development proceed in the manner proposed from a social, health, economic and well-being perspective in terms of those current and future residents living in the Azilda community;
  - b) Staff is satisfied through their review and circulation of the applications that the proposed residential development and resulting new housing options can be appropriately directed to the subject lands where appropriate levels of infrastructure (eg. sewer, water, public transportation, etc.) are presently available;
  - c) Staff is of the opinion that the proposed residential development would result in the efficient use of land, infrastructure, and encourage the use of available active transportation and public transportation in the immediate area.

Staff in general has no concerns with respect to the proposed common elements condominium and the use of a part lot control exemption to facilitate the creation of the freehold POTL lots conforming to the applicable Living Area 1 policies in the Official Plan for the City of Greater Sudbury. The use of an exemption from part lot control is a land use planning tool afforded to municipalities under the Planning Act and in this case is a technical matter that would allow for the proposed form of residential lot development being that of freehold POTLs to a common element condominium to proceed. Those policies relevant to the overall development proposal that would facilitate the development of a common element condominium comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure are discussed below.

With respect to phasing policies, staff notes that the proposed development would occur adjacent to the first phase of the development and would represent a contiguous expansion to development within the Living Area 1 land use designation. The proposed development does not "leap frog" any immediately abutting phases that should proceed ahead of the current phase being proposed through the use of a common elements condominium and use of an exemption from part lot control to create freehold POTLs. The proposed development will also extend the mix of uses and densities that can be developed on the draft approved plan of subdivision lands and will complement the lower density built-forms situated to the south along Parkview Drive. Development Engineering did review the application and has no concerns with the proposed development utilizing existing municipal infrastructure and public service facilities in the area. Staff would also note that, while not completing or rounding out the development of the Bayside neighbourhood, the proposed development is a positive and welcome advance in terms of moving closer toward the completion of the Bayside neighbourhood from a good land use planning perspective.

**Title: Bayside Sudbury Corporation**

**Date: July 29, 2020**

Staff would further add that the first phase is nearing full completion and the second phase is a natural progression and extension of the Bayside neighbourhood and is representative of the demand for this particular kind of urban residential development in the community of Azilda. The balance of the draft approved Bayside Estates plan of subdivision would remain to both the north and to the east of the proposed development.

Staff would also again note that the lands are within a Settlement Area and are immediately abutting the Built Boundary as identified in the City's Official Plan and further that the development being proposed would make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods within the Bayside neighbourhood. Staff acknowledges that the development would not be occurring within the Built Boundary; however, the development is permitted provided that conformity with the policies of the City's Official Plan are considered and maintained. Staff has no concerns with respect to facilitating the development of a common elements condominium consisting of a private road and associated storm-water management infrastructure along with an exemption from part lot control in this instance that is outside of the Built Boundary but fully within the identified Settlement Area of Azilda.

With respect to housing policies in the City's Official Plan, staff would advise that approval of the applications would facilitate the development of a wider range of housing types, tenure and built-forms suitable to meet the housing needs of all current and future residents in the community of Azilda. Staff understands that there will be two bedroom options provided for within the development, which would positively contribute to better access being provided to smaller units that are best suited to accommodate the growing number of smaller households. Staff understands that the residential units will take the form of bungalows, which can be an attractive built-form for senior citizens that do not wish to live in or have to traverse flights of stairs within a traditional two-storey or two-plus-storey single-detached dwelling. Staff would finally note that the lands are planned for and zoned for urban residential development that is being proposed and it should be noted that the applications that are before the Planning Committee and Council at this time would largely act to facilitate the implementation of an alternative form of tenure being that of a common elements condominium along with freehold POTLs having frontage onto the private condominium road.

It is on the above basis that staff can advise that there are no areas of concern with the applications for a common elements condominium or an exemption from part lot control on the subject lands from the perspective of conformity to the City's Official Plan.

With respect to the City's Zoning By-law, it is noted that the owner is not requesting that the subject lands be rezoned and has instead obtained approval for a series of minor variances from the Committee of Adjustment (File # A0030/2020). Staff was supportive of the minor variances and noted that the variances sought were largely technical in nature and were necessary to address the unique form of development that is being pursued by the owner. Staff advises that the minor variances required in order to facilitate the proposed development were approved by the Committee of Adjustment on July 8, 2020. Staff further advises that the appeal period expired on July 28, 2020 and that no appeals were received. Staff would also note that recent changes to the City's Zoning By-law would permit this form of residential development being that of a common element condominium private road providing access for future landowners to an assumed road being that of Parkview Drive.

With respect to the request to exempt the lands from part lot control, staff advises that part lot control is established under Section 50(5) of the Planning Act, while Section 50(7) enables a municipality to pass a by-law exempting part lot control from all or part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring approval from the City's Consent Official. Staff would also note that if required Section 50(7.4) of the Planning Act would allow for an extension to the two year time period.

**Title: Bayside Sudbury Corporation**

**Date: July 29, 2020**

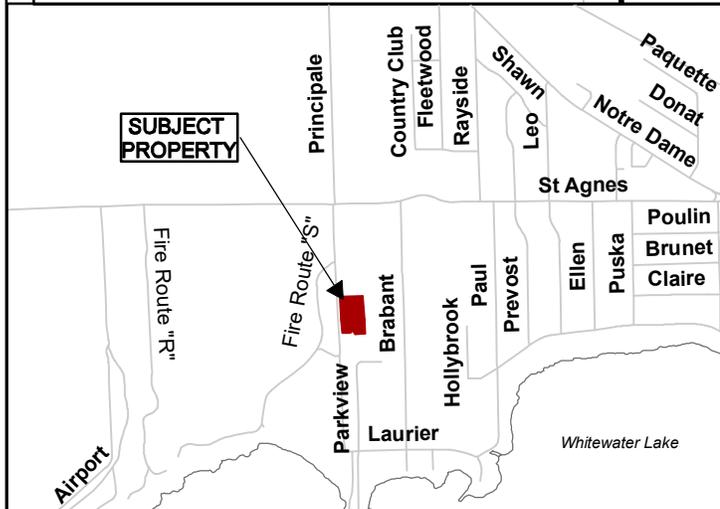
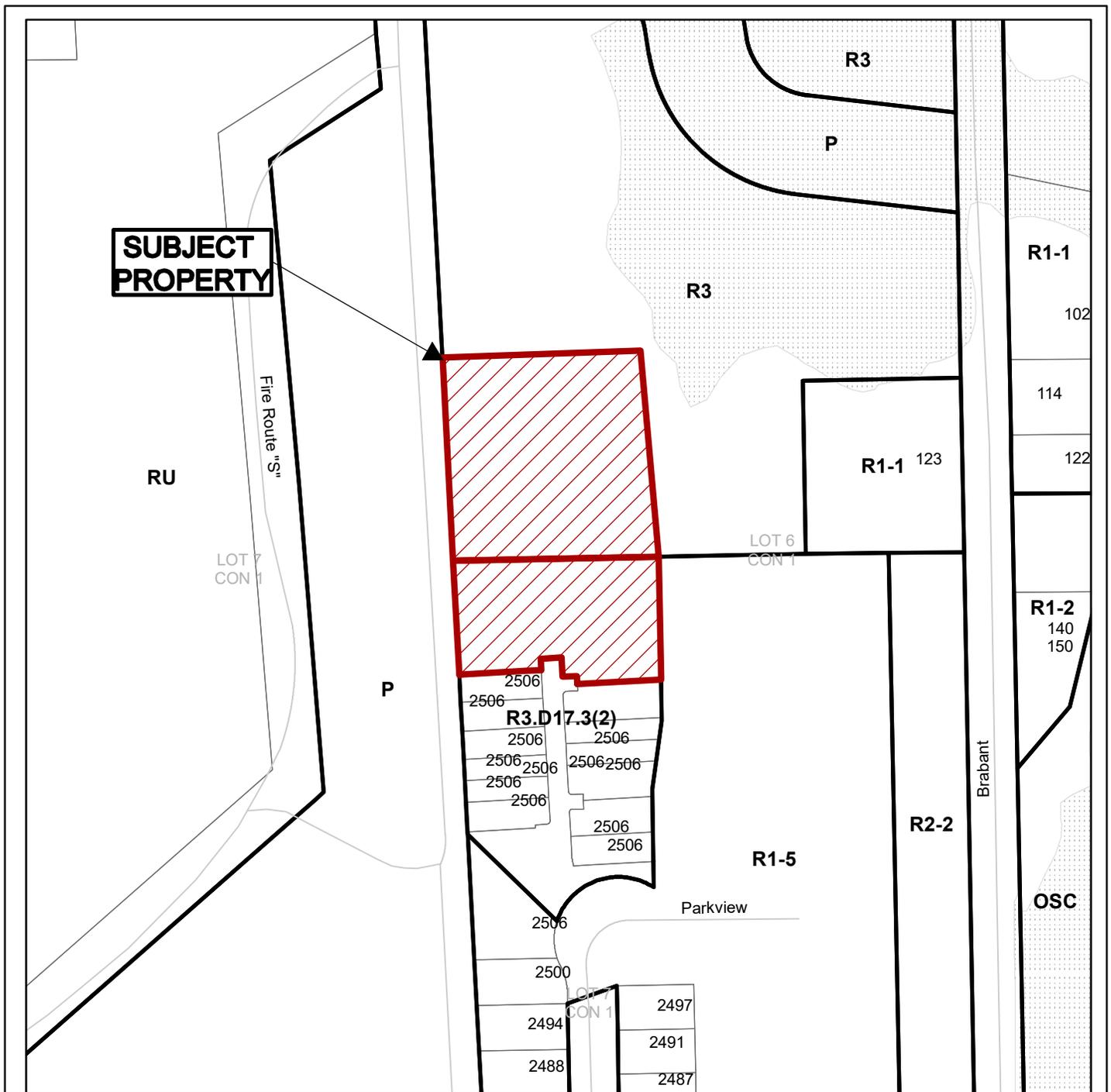
In order to exempt those lands affected by the development proposal from the part lot control provisions of the Planning Act, staff is recommending that the owner be required to register a plan of subdivision across the lands to the satisfaction of the Director of Planning Services prior to the passing of a by-law exempting the lands from part lot control. The registration of a plan of subdivision on the lands to be developed is necessary in order to ensure that part lot control is being removed from a whole lot or block within a registered plan of subdivision, whereas currently the lands are partially within an already registered plan of subdivision (i.e. Part of Block 3, Plan 53M-1429), while the northerly portion of the lands to be developed are not at present situated within a registered plan of subdivision. Once the lands have been exempted from part lot control, the owner will be able to proceed with the creation of the freehold lots (i.e. POTLs) having frontage onto the common element condominium private road.

### **CONCLUSION:**

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 generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario. Staff also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed draft plan of condominium or the exemption from part lot control in order to facilitate the creation of the residential lots.

Together the applications would permit a draft plan of common elements condominium and exempt the lands from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda. The common elements to the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure. The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City's Zoning By-law to have frontage onto the private condominium road and would be described as POTLs to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings and row townhouse dwellings.

Staff is supportive and recommending approval of both applications; however, it is noted that at the time of writing this report there is an outstanding requirement to register a plan of subdivision (i.e. M-Plan) across the lands in order to properly facilitate the development as proposed. The Planning Services Division therefore recommends that the applications for a common element condominium and an exemption from part lot control be approved in accordance with the Resolution section of this report.



**Growth and Infrastructure Department**

Subject Property being PIN 73347-1821 and Part of PIN 73347-1804, Parts 1,2, & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, Parkview Drive, Azilda, City of Greater Sudbury

NTS 741-5/20001 & PLC 2020-01

Sketch 1 Date: 2020 05 01



Files: 741-5/20001  
and PLC 2020-01.  
Parkview Drive,  
Azilda  
2017 and 2019 Orthophotography



**Subject Property**



Fire Route "S"

Maywood Drive

Brentwood Drive

Ceccetto Crescent

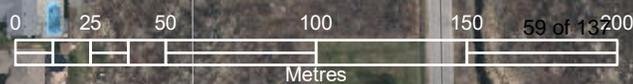
Unnamed Private Road 252

Unnamed Private Road 251

Parkview Drive

Meadowbrook Road

Brabant Street



PLAN OF SURVEY OF  
**PART OF BLOCK 1  
 AND ALL OF BLOCKS 2 & 4**  
 REGISTERED PLAN 53M-????  
 CITY OF GREATER SUDBURY  
 DISTRICT OF SUDBURY

SCALE: 1 : 300



INDEX OF PARTS THIS PLAN CONSISTS OF THE FOLLOWING PARTS		
PART	SHEET(S)	DESCRIPTION
1	1	PLAN OF SURVEY OF THE CONDOMINIUM PROPERTY AND THE ILLUSTRATION OF THE SERVIENT AND APPURTENANT INTERESTS
2	N/L	THERE ARE NO EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS
3	N/L	THERE ARE NO ARCHITECTURAL PLANS
4	N/L	THERE ARE NO STRUCTURAL PLANS

SUBURBY COMMON ELEMENTS CONDOMINIUM PLAN No.  
 LEVEL 1  
 REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LANDS TITLE DIVISION OF SUDBURY ON 531 AT SUDBURY, AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.  
 REPRESENTATIVE FOR THE LAND REGISTRAR

COORD	ADJUTY	ABC	DESD	ADJUTY
A	0.900	1.414	1.273	N48°00'00"W
B	0.900	1.414	1.273	N42°00'00"E
C	0.900	1.414	1.273	N48°00'00"E
D	0.900	1.414	1.273	N48°00'00"W
E	0.900	1.414	1.273	N48°00'00"W
F	0.900	1.414	1.273	N42°00'00"E
G	0.900	1.414	1.273	N48°00'00"W

- LEGEND**
- SURVEY MONUMENT FOUND
  - SURVEY MONUMENT PLANTED
  - S18 STANDARD IRON BAR
  - S18B SHORT STANDARD IRON BAR
  - 18 IRON BAR
  - RPL ROCK PLUG
  - 253 D S IRONSAND, DLS
  - 1639 A BORTOLUSSI, DLS
  - UNIT BOUNDARIES AND BOUNDARIES OF THE COMMON ELEMENTS
  - BOUNDARY

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 (a) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE CONDOMINIUM ACT AND THE REGULATIONS MADE UNDER THEM  
 (b) THE SURVEY WAS COMPLETED ON 11/11/2020

DATE \_\_\_\_\_ A BORTOLUSSI, DLS  
 DECLARATION REGISTERED AS No. \_\_\_\_\_  
 THIS PLAN COMPRESSES PART OF PIN 73347-1111

**PRELIMINARY**  
 DECLARATION REGISTERED AS No. \_\_\_\_\_  
 THIS PLAN COMPRESSES PART OF PIN 73347-1111

SCHEDULE OF APPURTENANT AND SERVIENT INTERESTS PURSUANT TO SECTION 6(1)(g) & (4) OF THE CONDOMINIUM ACT			
PART	PLAN	DESCRIBED IN	NOTES
TOEIGHTH VEST APPURTENANT INTERESTS	PARTS 2, 4, 6, 10, 14, 17, 20, 24, 28, 32, 36, 40, 44, 48, 52	53M-21517	DECLARATION
	PARTS 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55	53M-21517	DECLARATION
	PARTS 23, 24, 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	15216399
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
SUBJECT TO SERVIENT INTERESTS	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414
	PARTS 25, 26, 27, 28, 29, 30, 31, 32	53M-21517	53241414

POINT ID	NORTHING	EASTING
CRP 'A' S18	5154956151	4919192296
CRP 'B' S18B	5154927462	491916334

ALL COORDINATES ARE IN METERS, ARE RELATED TO UTM ZONE 17 (81° WEST HEMISPHERE) AND HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF URBAN AREA AT A 95% CONFIDENCE LEVEL.  
 COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES ON THIS PLAN

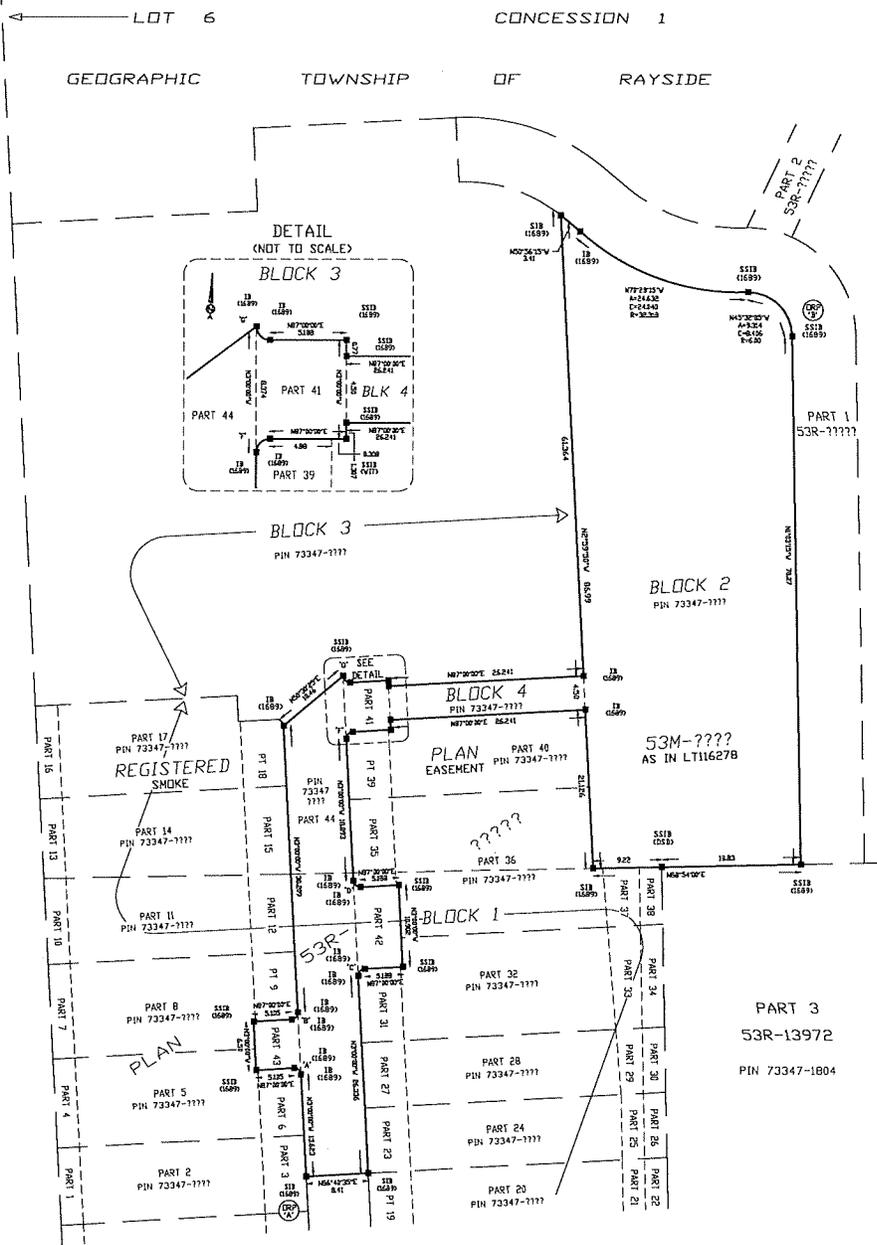
DISTANCES AND COORDINATES SHOWN IN THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**NOTE:**  
 BEARINGS SHOWN HEREIN ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN THROUGH BY WEST LONGITUDE OF THE UTM ZONE 17, AND ARE DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS, WAB9-C585 (2015)  
 DISTANCES SHOWN HEREIN ARE ADJUSTED HORIZONTAL GROUND DISTANCES  
 GROUND DISTANCES CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY A CORRECTED SCALE FACTOR OF 0.9999508

PART 1 APPROVED UNDER SECTION 9 OF THE CONDOMINIUM ACT, RSO 1990, AND SECTION 51 OF THE PLANNING ACT, RSO 1990 BY THE DEPUTY CLERK OF THE CITY OF GREATER SUDBURY  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

**CERTIFICATE OF DECLARANT**  
 THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID OUT INTO COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUMENTS.

DECLARANT: BAYSIDE SUDBURY CORP.  
 DATED AT \_\_\_\_\_  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020  
 BAYSIDE SUDBURY CORP.  
 GERRY CECARIELLO  
 (I HAVE THE AUTHORITY TO SIGN THE CORPORATE)



**BORTOLUSSI**  
 SURVEYING LTD.





## Request for Decision

**Spectrum Group - Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 3100 Joe Lake Road, Hanmer**

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Routine Management Reports
File Number:	705-20-1

### Resolution

THAT the City of Greater Sudbury direct the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report that is to be located on those lands known and described as PIN 73522-0032, Parcel 30903, Part 1, Plan SR-531, Part of Lot 7 & 7A, Plan M-207, Lots 5 & 6, Concession 1, Township of Wisner, as outlined in the report entitled "Spectrum Group", presented at the Planning Committee meeting on September 9, 2020.

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

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life an increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, the proposed antenna system in this location has been chosen and is intended to improve access and service to radio-communication and broadcasting capabilities in this particular rural residential cluster along Joe Lake Road in Hanmer.

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

**Signed By**

**Report Prepared By**  
 Glen Ferguson  
 Senior Planner  
*Digitally Signed Aug 13, 20*

**Manager Review**  
 Alex Singbush  
 Manager of Development Approvals  
*Digitally Signed Aug 13, 20*

**Recommended by the Division**  
 Jason Ferrigan  
 Director of Planning Services  
*Digitally Signed Aug 13, 20*

**Financial Implications**  
 Apryl Lukezic  
 Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

**Recommended by the C.A.O.**  
 Ed Archer  
 Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

## **Report Summary**

This report reviews an application for public consultation for a proposed antenna system located at 3100 Joe Lake Road in the community of Hanmer. The proposed self-supporting antenna system would have a maximum height of 36.58 m (120 ft) and would be located on a south-westerly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Joe Lake Road. The proponent has conducted their own public consultation in the local community and reported back to staff that no letters or emails in opposition to the proposed antenna system were received. The application for public consultation was circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no concerns were provided to the Planning Services Division. The Planning Services Division is therefore recommending that the City's Designated Municipal Officer indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report.

## **Financial Implications**

There are no financial implications associated with this report.

**Title: Spectrum Group**

**Date: August 4, 2020**

## **STAFF REPORT**

### **Proponent:**

Spectrum Group

### **Agent:**

Wayne Lynch (Spectrum Group)

### **Location:**

PIN 73522-0032, Parcel 30903, Part 1, Plan SR-531, Part of Lot 7 & 7A, Plan M-207, Lots 5 & 6, Concession 1, Township of Wisner (3100 Joe Lake Road, Hanmer)

### **Application:**

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

### **Proposal:**

The proposed self-support antenna system would have a maximum height of 36.58 m (120 ft) and would be located on a south-westerly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Joe Lake Road.

### **Jurisdiction and Roles:**

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

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISEDC. This statement is to consider only the land use compatibility of the proposed antenna system, the responses of affected residents and adherence by the proponent to public consultation protocol requirements.

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

**Title: Spectrum Group**

**Date: August 4, 2020**

**Site Description & Surrounding Uses:**

The subject lands are located on the west side of Joe Lake Road and to the south of Dixon Lake Road in the community of Hanmer. The lands have a total lot area of approximately 2,202 m<sup>2</sup> (23,706 ft<sup>2</sup>) and approximately 33 m (108 ft) of lot frontage on Joe Lake Road. The lands also have water frontage on Joe Lake and Dixon Lake is situated to the north-east. The lands contain an existing single-detached dwelling and detached garage with both sharing a driveway access onto Joe Lake Road. The proposed antenna system would be located to the south of both the residential dwelling and detached garage and would also be accessed from the driveway access onto Joe Lake Road.

Surrounding uses are predominantly rural residential in nature along the west side of Joe Lake Road with the predominant built-form being that of single-detached dwellings along with accessory buildings and structures. There are also a number of larger vacant rural and mining industrial properties to the south and to the east of the subject lands. The immediately surrounding area and land uses are well buffered with mature vegetation.

**Departmental/Agency Circulation:**

The application for public consultation was circulated to all relevant agencies and departments. Comments received at the time of writing this report are as follows:

1. Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m<sup>2</sup> (108 ft<sup>2</sup>) are subject to the Ontario Building Code and would require a building permit;
2. Conservation Sudbury has advised that the proposed antenna system is not located within an area regulated by [Ontario Regulation 156/06](#); and,
3. Development Engineering has advised that the subject lands are not serviced with municipal water or sanitary sewer infrastructure;
4. Environmental Planning Initiatives have advised that no significant environmental concerns would arise from the antenna system proposal;
5. Roads, Traffic and Transportation have noted that the subject lands have frontage on a privately owned portion of Joe Lake Road.

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

**Title: Spectrum Group**

**Date: August 4, 2020**

**Public Consultation:**

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Spectrum Group with City staff on January 13, 2020. The City's Development Approvals Section confirmed to the proponent on January 15, 2020, that the proposed antenna system was subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#). The letter of confirmation dated January 15, 2020, to the proponent also included an information package confirming the City's preferences and requirements for an application for public consultation should the proponent choose to proceed. The owner of the subject lands was also copied on this correspondence for information purposes.

"Area B" – Public Consultation Requirements

Those antenna systems which are subject to the City's Protocol and located within "Area B" as identified in Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas do not meet any of the modified review process parameters set out in Section 4.2 of the City's Protocol and are required to hold a Public Information Session in the local community and report back to staff prior to proceeding to the City's Planning Committee and Council to obtain a position of concurrence or non-concurrence that is then forwarded to ISEDC. Staff also completes an internal review of the proposed antenna system from a land use perspective and circulates the application for public consultation to relevant agencies and departments for their review and comment. Antenna systems located within "Area B" are greater than 15 m (50 ft) in height and located between 0 m (0 ft) and 150 m (492.13 ft) from the closest Residential Area.

Comments Received

The proponent did initiate their own public consultation process on June 10, 2020, and distributed notification letters by letter mail to all properties located within the prescribed distance as defined under Section 3.0 of the City's Protocol. The prescribed notification distance for this particular antenna system was established at 146.3 m (479.99 ft), which represents a distance of four times the antenna system tower height as measured from the antenna system's base. The notification letter invited landowners to submit comments, concerns or questions directly to Spectrum Group. Staff understands that Spectrum Group operates a tracking system that logs and assigns ticket numbers to each comment received in order to ensure each is responded to accordingly and within those timeframes set out in the City's Protocol.

The proponent submitted a summary report of their public consultation efforts on July 27, 2020, which outlined that during the commenting period a total of 26 emails were received. No phone calls or facsimiles were received. Staff were provided with copies of the comments received and advise that in general each email expressed support for the proposed antenna system with many landowners also welcoming the opportunity to have improved access to the internet at more affordable prices in this particular rural residential cluster in the City. The proponent did not respond directly to each email they received as there were no questions posed requiring their direct response. The proponent has advised staff however that many residents in the area have inquired about the timing for construction of the antenna system and when improved internet services would become available for use. The proponent has also advised that these inquiries in particular intensified with the emergence of the global pandemic (ie. Covid-19 virus) as more people living in the area began to work from home with some having children requiring internet access for virtual education learning.

**Title: Spectrum Group**

**Date: August 4, 2020**

### Further Exemption Provided

Staff notes that the DMO provided an exemption from the requirement to hold a Public Information Session on June 3, 2020 due to the emergence of the global pandemic as permitted under Section 4.3 of the City's Protocol and determined that only a notification letter, commenting and response period, along with an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would be required. The exemption was provided for on the basis that the emerging nature of the global pandemic had created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification and commenting in the local community and feedback at that time had been entirely positive. The DMO requested that this further exemption was provided on the basis that the proponent would complete the public commenting period and submit a summary report outlining the process they undertook and the feedback that they received on the proposed antenna system. The proponent submitted their summary report to the DMO's attention of July 27, 2020.

### Internal Review

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

### **Land Use Planning Analysis:**

#### Proposed Antenna System

The proposed self-supporting antenna system would have a maximum height of 36.58 m (120 ft) and would be located on a south-westerly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Joe Lake Road. The antenna system is intended to provide high-speed internet access and related services to nearby residents and businesses. The proponent has advised that there is an identified gap in wireless internet coverage in the immediate vicinity of the proposed antenna system and a lower profile antenna system is proposed in order to minimize the visual impact on the local landscape. The proposed antenna system would also have a ground-level equipment shelter and anti-climb shields will be installed to prevent unwanted access the tower structure. The proposed antenna system will also require minimal removal of vegetation as the proposed antenna system base would measure 121.92 cm (48 inches) at its base tapering to 45.72 cm (18 inches) at its peak.

The proponent has submitted a site plan and elevation plan along with aerial photography and digital renderings which together depict the location and design of the proposed self-supporting antenna system. The site plan, elevation plan and the digital renderings are attached to this report for reference purposes.

**Title: Spectrum Group**

**Date: August 4, 2020**

### Closest Residential Area

The City's protocol defines a Residential Area as, "... the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury." The proponent has indicated in their application that the subject lands are within an existing rural residential cluster and therefore the antenna system would be situated entirely within a Residential Area as defined in the City's Protocol. Staff has reviewed the information submitted by the proponent and would agree that the proposed antenna system would be located within an existing Residential Area as defined in the City's Protocol.

This calculation was utilized by the DMO to determine the extent of public consultation necessary for the proposed antenna system installation, but is also important in terms of assessing the proposed antenna system from a development guidelines perspective as reviewed in the next section of this report.

### Development Guidelines

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

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

1. Co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within the targeted service area of the proposed new antenna system that could accommodate the physical infrastructure required to provide the intended access to wireless internet services. Co-location was considered by the proponent and they have advised that they would be open to and consider co-location opportunities on this installation in the future provided that any co-located equipment does not interfere with the internet services being provided by Spectrum Group. Further to this, any additional antennae proposed to co-locate on the antenna system would require a comprehensive structural analysis completed by a competent engineering professional. The proponent has further advised that they are often approached by utilities, municipalities and cellular service providers to facilitate co-location and that they are certainly open to exploring these opportunities should they arise in the future with respect to this particular antenna system. Staff is satisfied that co-location has been sufficiently explored and have noted that in the future other proponents may be advised to explore locating on the proposed antenna system in order to avoid additional towers being constructed within the rural residential cluster in the future;
2. With respect to locating antenna systems at maximum distance from a residential area, staff acknowledge the targeted service area for the proposed antenna system is a rural residential cluster along Joe Lake Road and therefore it is not reasonably possible to increase the distances to residences for which the proposed antenna system is intended to service. Staff are satisfied that the antenna system is not excessive in terms of its design and the "dull" grey colour that will be utilized will have minimal visual impact on the surrounding area and it is not expected to draw attention to the antenna system given the amount of mature vegetation that is present in the area; and,

**Title: Spectrum Group**

**Date: August 4, 2020**

3. Staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system. Signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. The proponent has indicated that it is their understanding that the proposed antenna system will not require any aeronautical lighting. The proponent has not indicated any security lighting is required however staff would advise that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

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

#### Position of Concurrence or Non-Concurrence

Staff advises that no areas of concern have been identified with respect to the development guidelines set out in the City's Protocol. The application was also circulated to relevant agencies and departments and no concerns were identified. It is recommended that the Designated Municipal Officer be directed to provide ISEDC with a position of concurrence on the proposed antenna system.

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

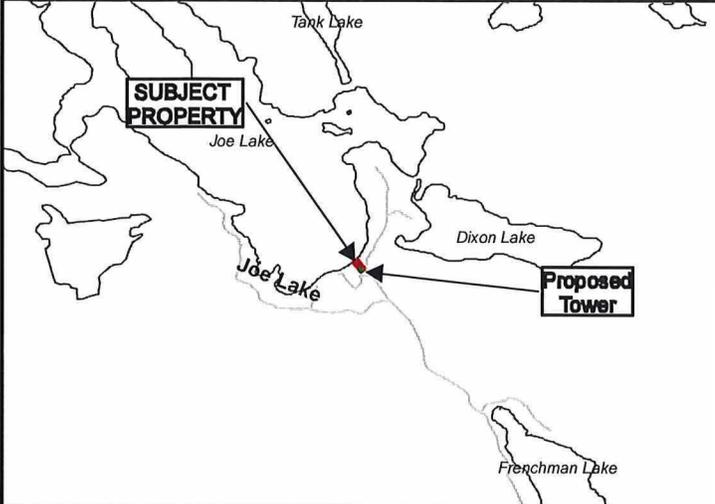
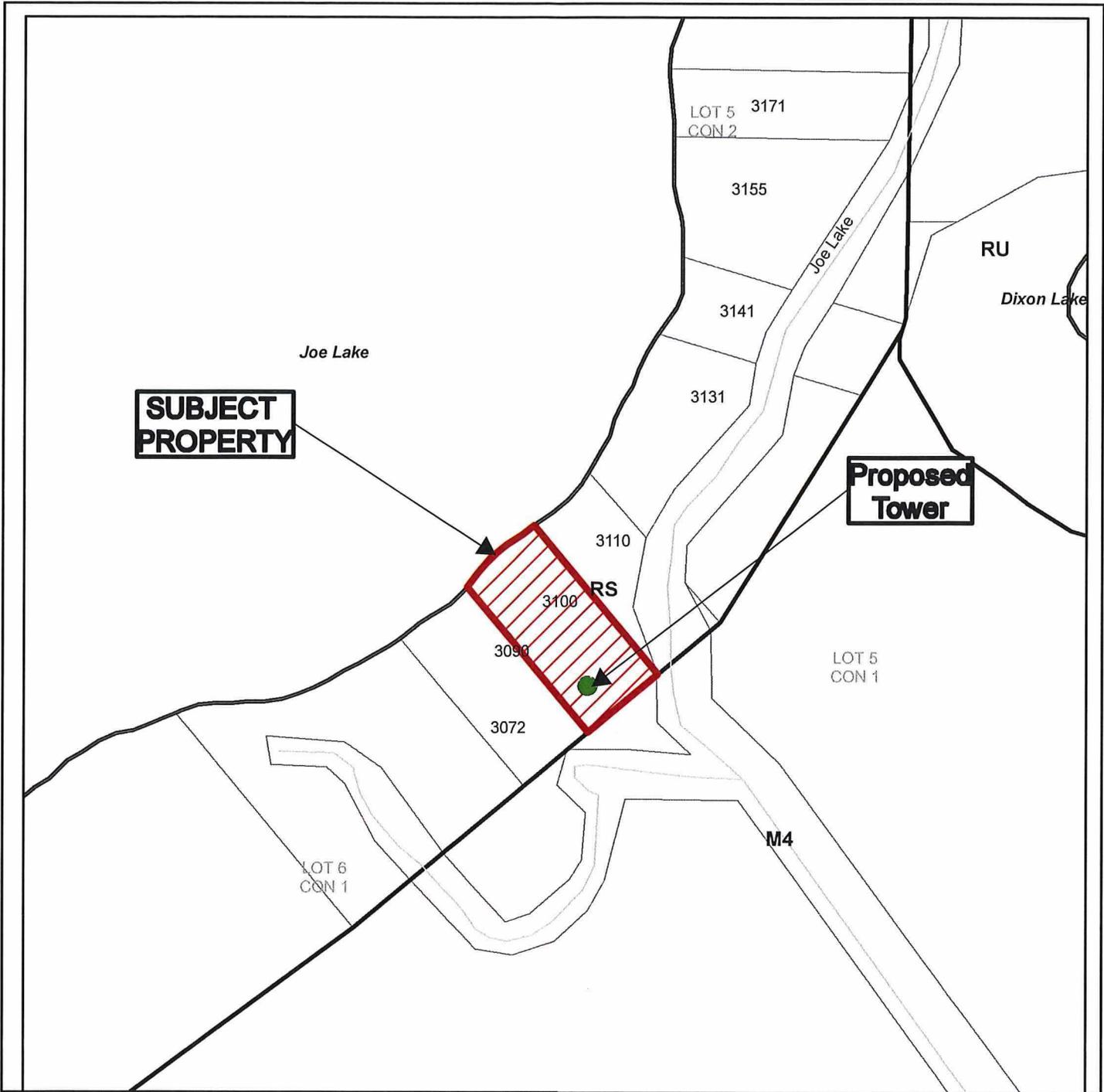
The City's Protocol allows for a one-time extension to a position of concurrence for a period not exceeding one year in length provided the proponent demonstrates to the Designated Municipal Officer that no substantial change in land use planning circumstances within the vicinity of the proposed antenna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

#### **Summary:**

Staff advises that Spectrum Group has completed the public consultation requirements as set out in the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol* to the satisfaction of the City's Designated Municipal Officer.

This report has noted that the City's DMO did grant an exemption to the proponent from having to hold a Public Information Session on the basis that the emerging nature of the global pandemic has created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification in the local community and commenting from nearby landowners has been entirely positive.

Staff has also completed an internal review of the proposed antenna system from a land use planning perspective and has no concerns. Staff is also satisfied that the proposed antenna system raises no areas of concern with respect to those development guidelines that are identified in the City's Protocol. Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence from the City as it pertains to the subject lands referenced in this report and specifically the antenna system that was considered during this particular public consultation process.



**Growth and Infrastructure Department**

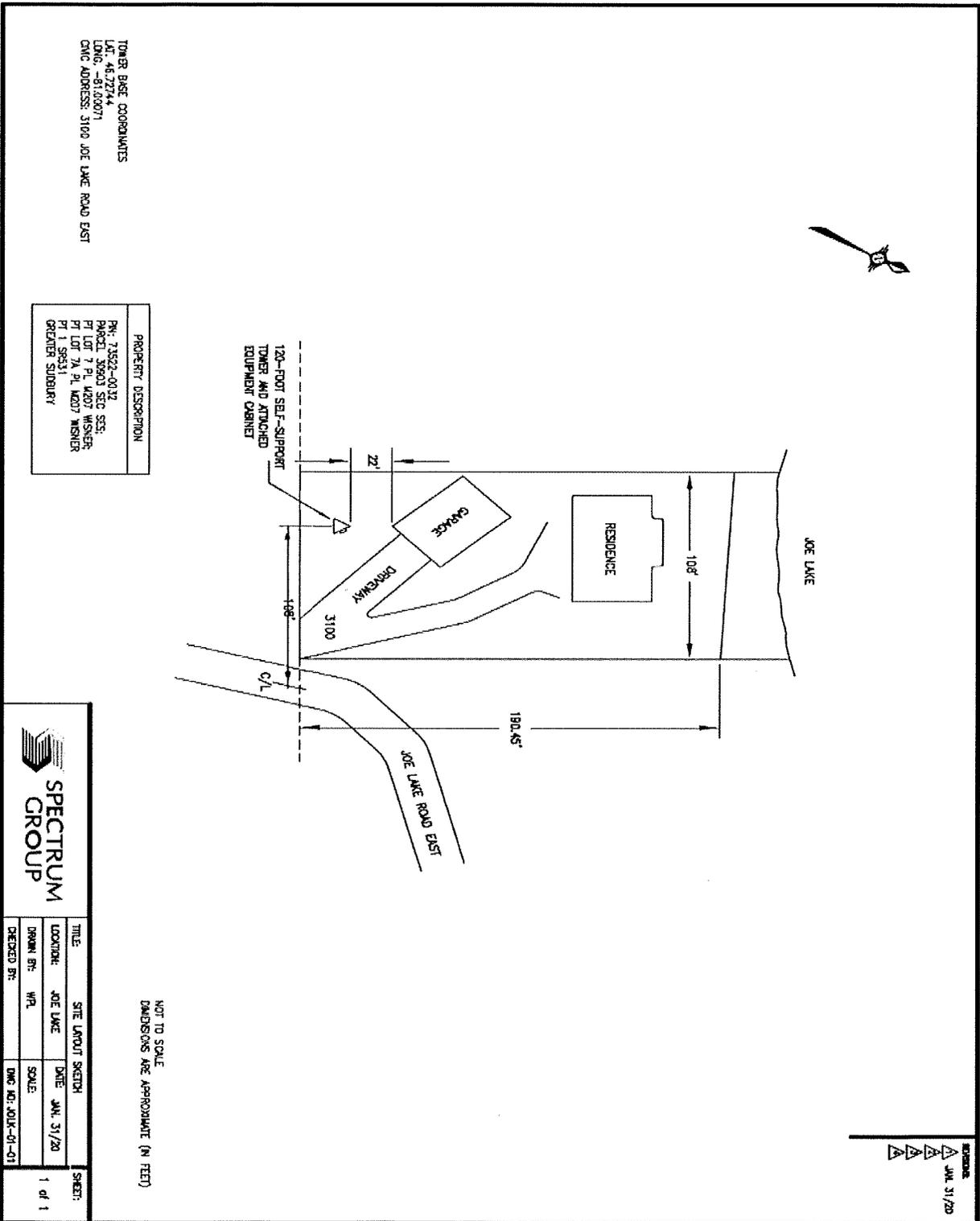


Subject Property being PIN 73522-0032,  
 Pcl 30903, Part 1, Plan SR-531,  
 Pt Lot 7 & 7A, Plan M-207,  
 Lots 5 & 6, Concession 1, Township of Wisner,  
 3100 Joe Lake Road, Hanmer,  
 City of Greater Sudbury

NTS  
 Sketch 1

Spectrum Group Proposed  
 Telecommunications Tower  
 Date: 2020 03 05

# APPENDIX "A" – SITE PLAN



TOWER BASE COORDINATES  
 LAT. 46.27244  
 LONG. -81.00071  
 CMC ADDRESS: 3100 JOE LAKE ROAD EAST

PROPERTY DESCRIPTION
P#: 73522-0032 PARCEL: 30903 SEC. 3S3. PT. LOT 7 PL. M207 WISNER PT. 1 S9531 GREATER SUBURBY

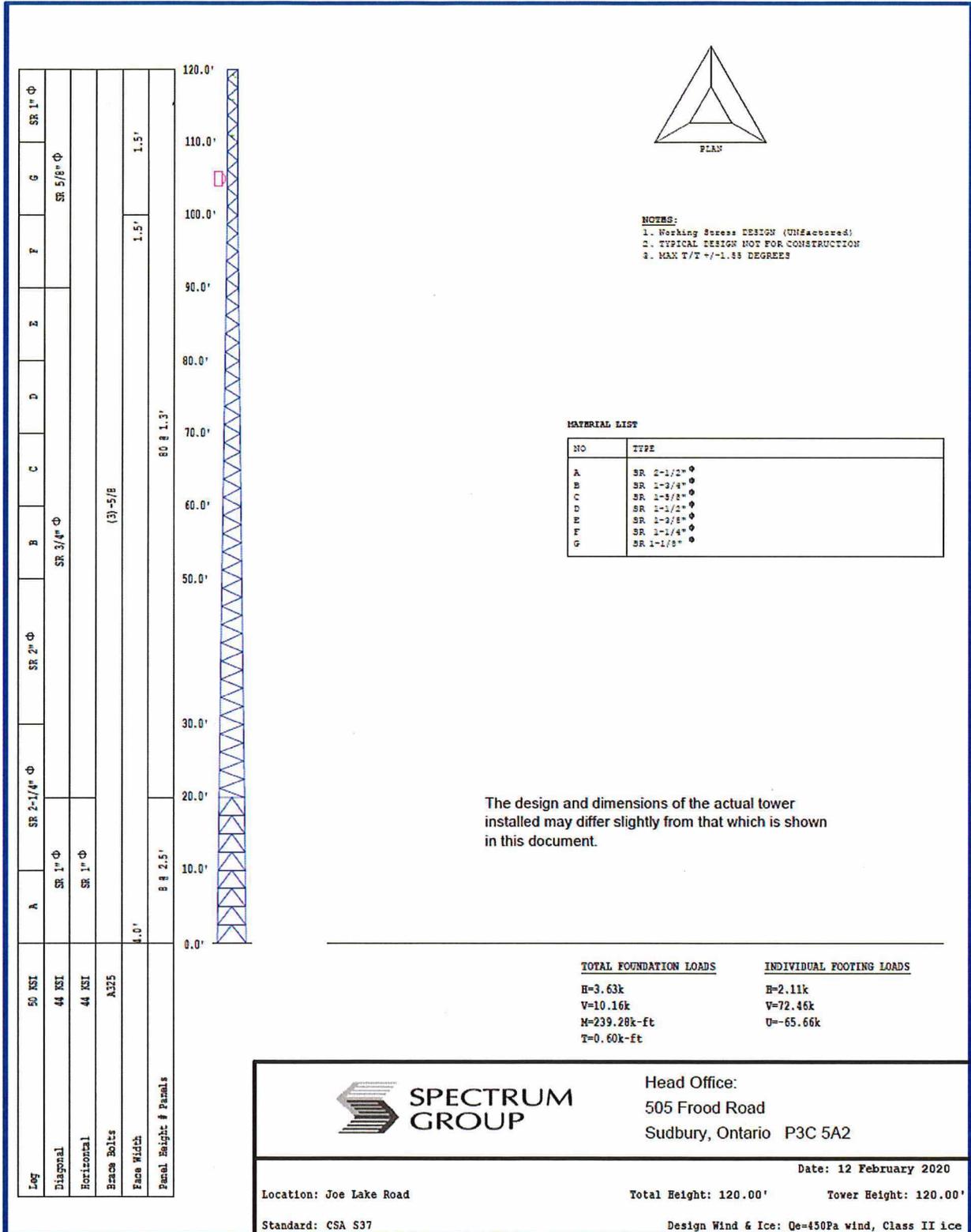
**SPECTRUM GROUP**

TITLE:	SITE LAYOUT SKETCH	SHEET:	
LOCATION:	JOE LAKE	DATE:	JAN. 31/20
DRAWN BY:	WPL	SCALE:	1 OF 1
CHECKED BY:	CMC NO: JOLK-01-01		

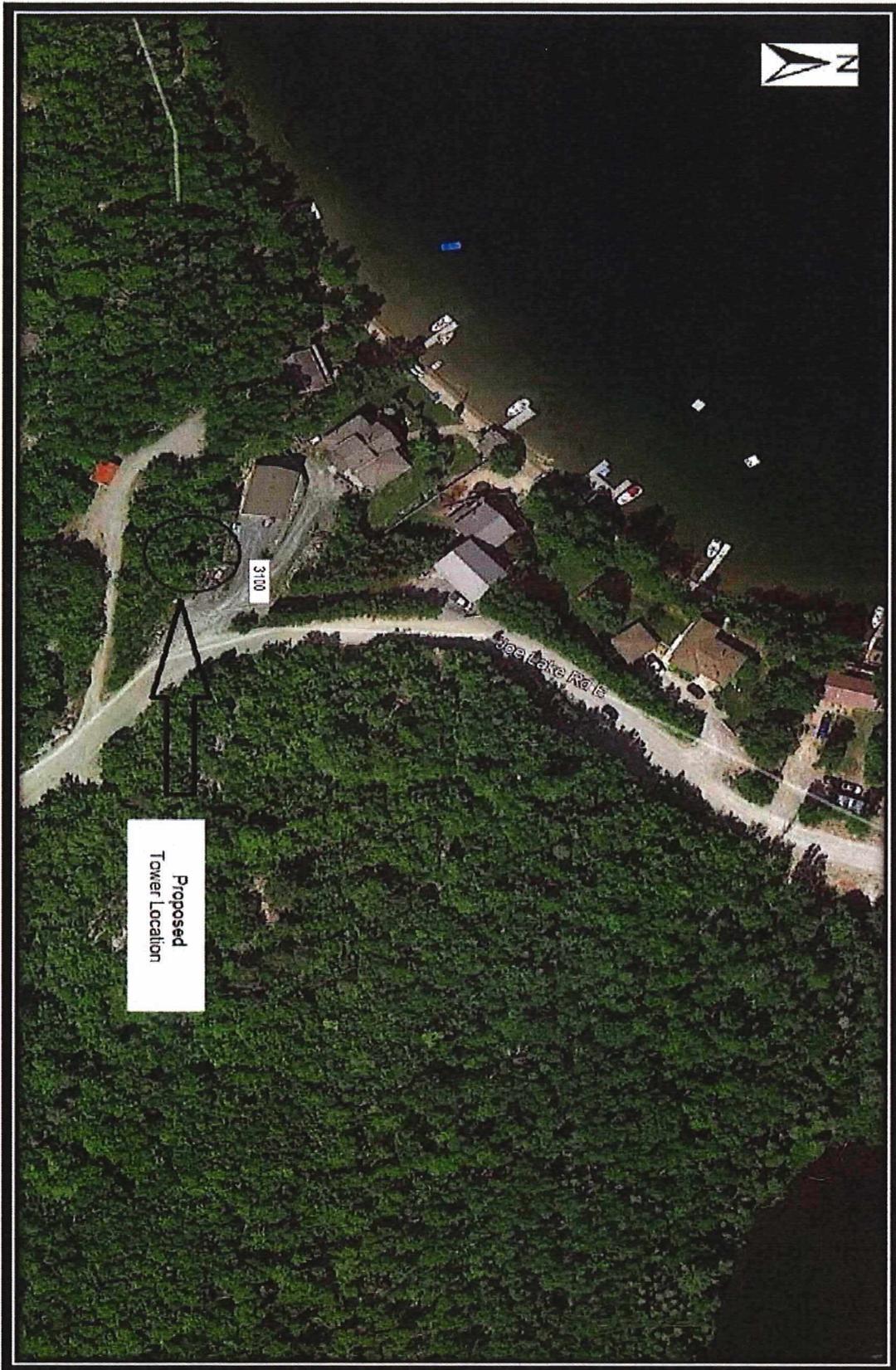
NOT TO SCALE  
 DIMENSIONS ARE APPROXIMATE (IN FEET)

REVISED:  
 JAN. 31/20

# APPENDIX "A2" – ELEVATION PLAN

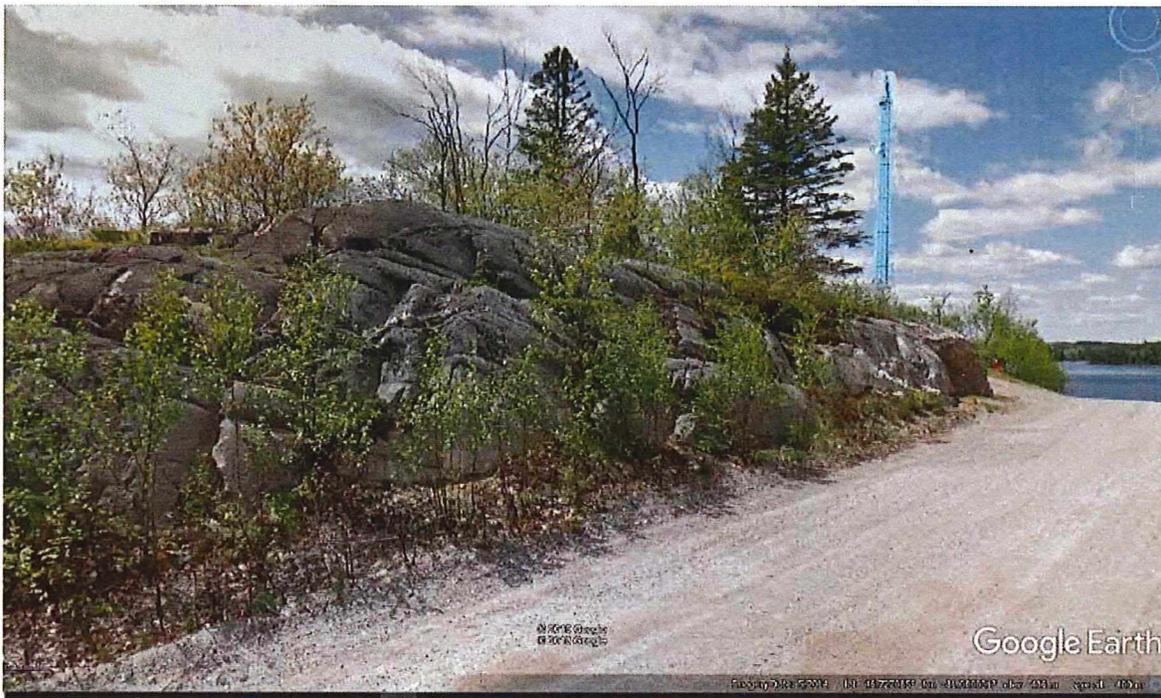


APPENDIX "B" – AERIAL PHOTOGRAPHY



## APPENDIX “C” – VISUAL RENDERINGS

**Photo 1:** Superimposed Image of Mast on Tree Line near 3100 Joe Lake Road E (looking north)



**Photo 2:** Superimposed Image of Mast on Tree Line (looking southward near 3100 Joe Lake Road E)



## Request for Decision

**ReachCast - Applications for public consultation on four proposed ground-based radio-communication and broadcasting antenna systems, 6490 Tilton Lake Road & 1485 Hanna Lake Road, Sudbury & 635 Kantola Road & 2417 Melin's Road, Lively**

Presented To: Planning Committee

Presented: Wednesday, Sep 09, 2020

Report Date: Wednesday, Aug 12, 2020

Type: Routine Management Reports

File Number: 705-20-2 to 705-20-5

### Resolution

#### Resolution #1 (6490 Tilton Lake Road):

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report that is to be located on those lands known and described as PIN 73472-0207, Parcel 9840, Lot 9, Concession 1, Township of Broder, as outlined in the report entitled "ReachCast", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020.

#### Resolution #2 (1485 Hanna Lake Road):

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report that is to be located on those lands known and described as PIN 73474-0030, Parcel 43846, Part 1, Plan 53R-7253, Lot 10, Concession 5, Township of Broder, as outlined in the report entitled "ReachCast", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020.

#### Resolution #3 (635 Kantola Road):

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report that is to be located on those lands known and described as PIN 73374-0078, Parcel 27543,

### Signed By

#### **Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Aug 12, 20*

#### **Manager Review**

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 12, 20*

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

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 13, 20*

#### **Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

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

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

Part 9, Plan 53R-8942, Lot 4, Concession 2, Township of Waters, as outlined in the report entitled "ReachCast", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020.

Resolution #4 (2417 Melin's Road):

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report that is to be located on those lands known and described as PIN 73373-0147, Parcel 23598, Lot 12, Concession 3, Township of Waters, as outlined in the report entitled "ReachCast", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020.

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

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life and increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, the proposed antenna system in this location has been chosen and is intended to improve access and service to radio-communication and broadcasting capabilities within the four identified rural residential clusters that are described in this report.

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

### **Report Summary**

This report reviews four applications for public consultation for proposed antenna systems at 6490 Tilton Lake Road and 1485 Hanna Lake Road in Sudbury and 635 Kantola Road and 2417 Melin's Road in Lively. The proposed self-supporting antenna systems would have a maximum height of 29.26 m (96 ft) and each would be accessed via existing driveway entrances.

The City's DMO did grant an exemption to the proponent from certain parts of the City's Protocol on the basis that the emerging nature of the global pandemic has created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access to the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification in each of the local communities and feedback from nearby landowners in each case has been entirely positive.

The proponent has however conducted their own public consultation in the local community prior to filing the applications with the City and included summary reports on each of the four proposed antenna system locations in support of their public consultation applications. The applications for public consultation were also circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no concerns were provided to the Planning Services Division.

The Planning Services Division is therefore recommending that the City's Designated Municipal Officer indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect

to the each of the four proposed radio-communication and broadcasting antenna system as described in this report.

### **Financial Implications**

There are no financial implications associated with this report.

**Title:** ReachCast

**Date:** August 6, 2020

## **STAFF REPORT**

### **Proponent:**

ReachCast

### **Agent:**

Eric Chaudry (ReachCast)

### **Locations:**

PIN 73472-0207, Parcel 9840, Lot 9, Concession 1, Township of Broder (6490 Tilton Lake Road, Sudbury)

PIN 73474-0030, Parcel 43846, Part 1, Plan 53R-7253, Lot 10, Concession 5, Township of Broder (1485 Hanna Lake Road, Sudbury)

PIN 73374-0078, Parcel 27543, Part 9, Plan 53R-8942, Lot 4, Concession 2, Township of Waters (635 Kantola Road, Lively)

PIN 73373-0147, Parcel 23598, Lot 12, Concession 3, Township of Waters (2417 Melin's Road, Lively)

### **Applications:**

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

### **Proposal:**

The proposed self-supported antenna systems would each have a maximum height of 29.26 m (96 ft). The antenna system would each be accessed from existing driveway entrances onto Tilton Lake Road, Hanna Lake Road, Kantola Road and Melin's Road respectively. The respective locations on each of the subject lands noted above are depicted on site plans submitted by the owner and included within "Appendix A – Site Plans" of this report.

### **Jurisdiction and Roles:**

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

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISED. This statement is to consider only the land use compatibility of the proposed antenna system, the responses of affected residents and adherence by the proponent to public consultation protocol requirements.

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

**Title: ReachCast**

**Date: August 6, 2020**

### **Site Descriptions & Surrounding Uses:**

Firstly, the subject lands known municipally as 6490 Tilton Lake Road are located to the south-east of the traveled portion of Tilton Lake Road and to the east of Clearwater Lake in the community of Sudbury. The lands have a total lot area of approximately 30.06 ha (74.29 acres) and are accessed via a private road and driveway entrance from Tilton Lake Road to the north. The lands also have water frontage on Clearwater Lake. The lands contain an existing private camp with numerous buildings and structures being located on the property. The proposed antenna system would be located to the east of the buildings and structures located currently on the lands and would require the removal of a small area of mature vegetation in order to accommodate the proposed antenna system.

Secondly, the subject lands known municipally as 1485 Hanna Lake Road are located to the east of Jarvi Road and to the south-west of Highway #17 in the community of Sudbury. The lands have a total lot area of 2.03 ha (5.01 acres) and approximately 192.02 m (630 ft) of lot frontage onto Hanna Lake Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located on a middle and higher, northerly portion of the lands and would utilize the existing driveway from Hanna Lake Road.

Thirdly, the subject lands known municipally as 635 Kantola Road are located to the east of Makada Road and Makada Lake in the community of Lively. The lands have a total lot area of approximately 2 ha (5 acres) and approximately 450 m (1,476.38 ft) of lot frontage on Kantola Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located to the north of the existing residential dwelling on a middle portion of the lands and would utilize the existing driveway from Kantola Road.

Fourthly, the subject lands known municipally as 2417 Melin's Road are located to the west of Lammi's Road and to the east of Moxam Landing Road in the community of Lively. The lands have a total lot area of approximately 1.93 ha (4.77 acres) with approximately 300 m (984.25 ft) of lot frontage on Melin's Road. The lands contain an existing single-detached dwelling. The proposed antenna system would be located on a north-westerly portion of the lands and to the north-west of the existing residential dwelling. The existing driveway entrance onto Melin's Road would be utilized.

Surrounding uses in each of the above noted cases are predominantly rural residential in nature with the predominant built-form being that of single-detached dwellings. The proposed antenna systems in each case are intended to directly service nearby clusters of residential uses. There are also some rural industrial and commercial uses that would benefit from the proposed antenna systems. There are also in each case a number of larger and vacant rural parcels of land in close vicinity to the lands. The lands subject to the applications are also generally well-vegetated and have varying topography.

### **Departmental/Agency Circulation:**

The applications for public consultation was circulated to all relevant agencies and departments. Comments received at the time of writing this report are as follows:

1. Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m<sup>2</sup> (108 ft<sup>2</sup>) are subject to the Ontario Building Code and would require a building permit; and,

**Title: ReachCast**

**Date: August 6, 2020**

2. Environmental Planning Initiatives have advised that for each of the four proposed antenna systems that no significant environmental concerns would arise.

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

## **Public Consultation:**

### Pre-Consultation

Pre-consultation for the proposed antenna systems was commenced by ReachCast with City staff on June 29, 2020. The City's Development Approvals Section confirmed during a virtual meeting with the proponent on July 7, 2020, that the proposed antenna systems would each be subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#).

### "Area B" – Public Consultation Requirements

Those antenna systems which are subject to the City's Protocol and located within "Area B" as identified in Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas do not meet any of the modified review process parameters set out in Section 4.2 of the City's Protocol and are required to hold a Public Information Session in the local community and report back to staff prior to proceeding to the City's Planning Committee and Council to obtain a position of concurrence or non-concurrence that is then forwarded to ISEDC. Staff also completes an internal review of the proposed antenna system from a land use perspective and circulates the application for public consultation to relevant agencies and departments for their review and comment. Antenna systems located within "Area B" are greater than 15 m (50 ft) in height and located between 0 m (0 ft) and 150 m (492.13 ft) from the closest Residential Area.

### Further Exemption Provided

Staff notes that the DMO provided an exemption under Section 4.3 of the City's Protocol from the requirement to hold a Public Information Session for each of the four antenna systems on July 9, 2020 due to the emergence of the global pandemic. The proponent was also not required to provide a notification letter to local residents or facilitate a commenting and response period, as it was sufficiently demonstrated by the proponent that they had already completed some public consultation in each of the local communities prior to engaging in pre-consultation with the City. The DMO did however determine that an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would still be required. The exemption was provided for on the basis that the emerging nature of the global pandemic has created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO was satisfied with this approach given that the proponent had already commenced public notification in the local communities and feedback has been entirely positive. The DMO advised that this further exemption was provided on the basis that the proponent would provide summary reports on the feedback received prior to filing the applications for public consultation for each of the four proposed antenna systems. The proponent submitted their summary reports to the DMO's attention by email on July 20, 2020 and July 21, 2020.

**Title: ReachCast**

**Date: August 6, 2020**

Comments Received

The proponent did advise staff that prior to filing the applications for public consultation that they had already initiated their own public consultation processes in each of the local communities where the proposed four antenna systems would be located. Specifically, the following feedback has been described in the summary reports that the proponent submitted at the time of filing their formal public consultation applications with the City:

1. 6490 Tilton Lake Road, Sudbury

The proponent commenced site selection in this particular area in October 2019 and individually approached residents living in the area with respect to hosting the proposed antenna system, as well as asking said residents if they would like to be notified of the progress made with respect to the site selection and construction of the proposed antenna system. The proponent has noted that some residents requested notification once the improved services were available. The proponent reports that they have experienced an increase in demand beginning in March 2020 due to the emergence of the global pandemic (i.e. Covid-19) as more and more residents were beginning to work from home along with their children having online educational needs and demands. The proponent further reports that they continue to receive positive messages on a weekly basis from nearby residents;

2. 1485 Hanna Lake Road, Sudbury

The proponent commenced site selection in this particular area on April 2, 2020, after a local resident was referred to ReachCast regarding poor rural internet service levels. The proponent held an outdoor and socially distanced information session at the subject lands shortly after this date. The information session was well attended by nearby residents and the proponent has advised that questions were asked and answers provided accordingly. The proponent noted further that the feedback was entirely positive and that many residents have prepared for the improved service by upgrading existing wiring in their homes;

3. 635 Kantola Road, Lively

The proponent commenced site selection in this particular area in February 2019. ReachCast was initially contacted by a local resident who was inquiring about the possibility of improving rural internet service levels in the general area. ReachCast in co-operation with the local resident distributed information to the local community and no negative impact has been received. The majority of feedback has revolved around the need for improved rural internet services area along Kantola Road and nearby residential streets; and,

4. 2417 Melin's Road, Lively

The proponent recently commenced site selection in this particular area following a local resident having private internet service installed by ReachCast on the roof of their residential dwelling. Neighbours then began to contact ReachCast regarding access to better rural internet service levels. The proponent held a conference call by telephone that was attended by approximately 15 local residents and the question and answer format lasted approximately 90 minutes. The proponent reports that all feedback has been positive and recently an increased number of inquiries has been received with respect to timing for construction due to the global pandemic.

**Title: ReachCast**

**Date: August 6, 2020**

### Internal Review

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

### **Land Use Planning Analysis:**

#### Proposed Antenna System

The proposed self-supporting antenna systems each would have a maximum height of 29.26 m (96 ft) and would be accessed via existing driveway entrances. The antenna systems are intended to provide improved high-speed internet access to nearby residents and businesses. Each of the proposed antenna system would also have a small equipment cabinet attached to the towers. The proposed antenna systems will also require minimal removal of vegetation on each of the properties as the proposed antenna system base on each of the properties would measure 114.3 cm (45 inches) at its base tapering to 22.86 cm (9 inches) at its peak.

The proponent has submitted a site plan along with aerial photography and digital renderings which together depict the location and design for each of the four proposed self-supporting antenna systems. The site plans, aerial photography and the digital renderings are attached to this report for reference purposes.

#### Closest Residential Area

The City's protocol defines a Residential Area as, "... the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury." The proponent has indicated in their applications each of the properties selected are within an existing rural residential cluster and therefore the antenna systems would be situated entirely within a Residential Area as defined in the City's Protocol. Staff has reviewed the information submitted by the proponent and would agree that the proposed antenna systems would each be located within an existing Residential Area as defined in the City's Protocol.

This calculation was utilized by the DMO to determine the extent of public consultation necessary for the proposed antenna system installations, but is also important in terms of assessing the proposed antenna systems from a development guidelines perspective as reviewed in the next section of this report.

#### Development Guidelines

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

**Title: ReachCast**

**Date: August 6, 2020**

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

1. Co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within the targeted service area of the proposed four new antenna systems that could accommodate the physical infrastructure required to provide the intended access to wireless internet services. Staff would note and acknowledge that in general service gaps within rural residential clusters presents difficulties around co-location. Staff is therefore satisfied that co-location has been sufficiently explored and have noted that in the future other proponents may be advised to explore locating on the proposed antenna systems in order to avoid additional towers being constructed within these particular rural residential clusters in the future;
2. With respect to locating antenna systems at maximum distance from a residential area, staff acknowledge the targeted service areas for each of the four proposed antenna systems are existing rural residential clusters in Sudbury and Lively and therefore it is not reasonably possible to increase the distances to residences for which the proposed antenna systems are intended to service. Staff are satisfied that the antenna system is not excessive in terms of its design and the grey steel colour that will be utilized will have minimal visual impact on the surrounding area and each antenna system is not expected to draw attention to the antenna system given the amount of mature vegetation that is present in the area; and,
3. Staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the four proposed antenna system. Signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. Staff understands that each of the four proposed antenna systems will not require any aeronautical lighting. The proponent has not indicated any security lighting is required however staff would advise that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

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

#### Position of Concurrence or Non-Concurrence

Staff advises that no areas of concern relating to any of the four proposed antenna systems have been identified with respect to the development guidelines set out in the City' Protocol. The applications were also circulated to relevant agencies and departments and no concerns were identified. It is recommended that the Designated Municipal Officer (DMO) be directed to provide ISEDC with a position of concurrence on each of the four proposed antenna systems.

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

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

**Title: ReachCast**

**Date: August 6, 2020**

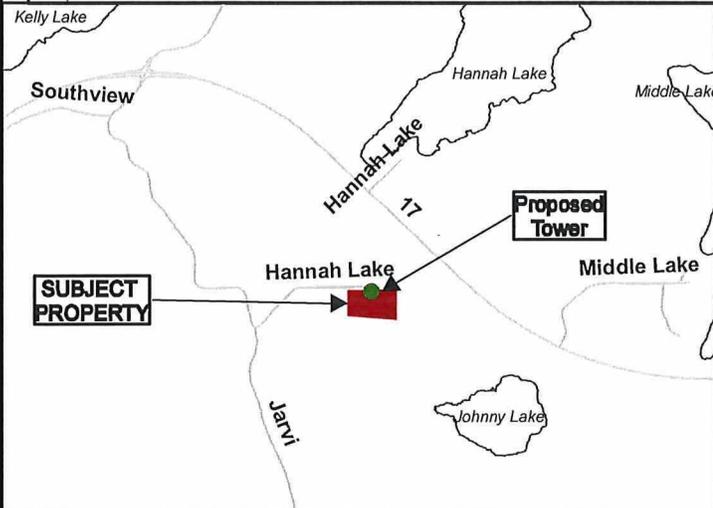
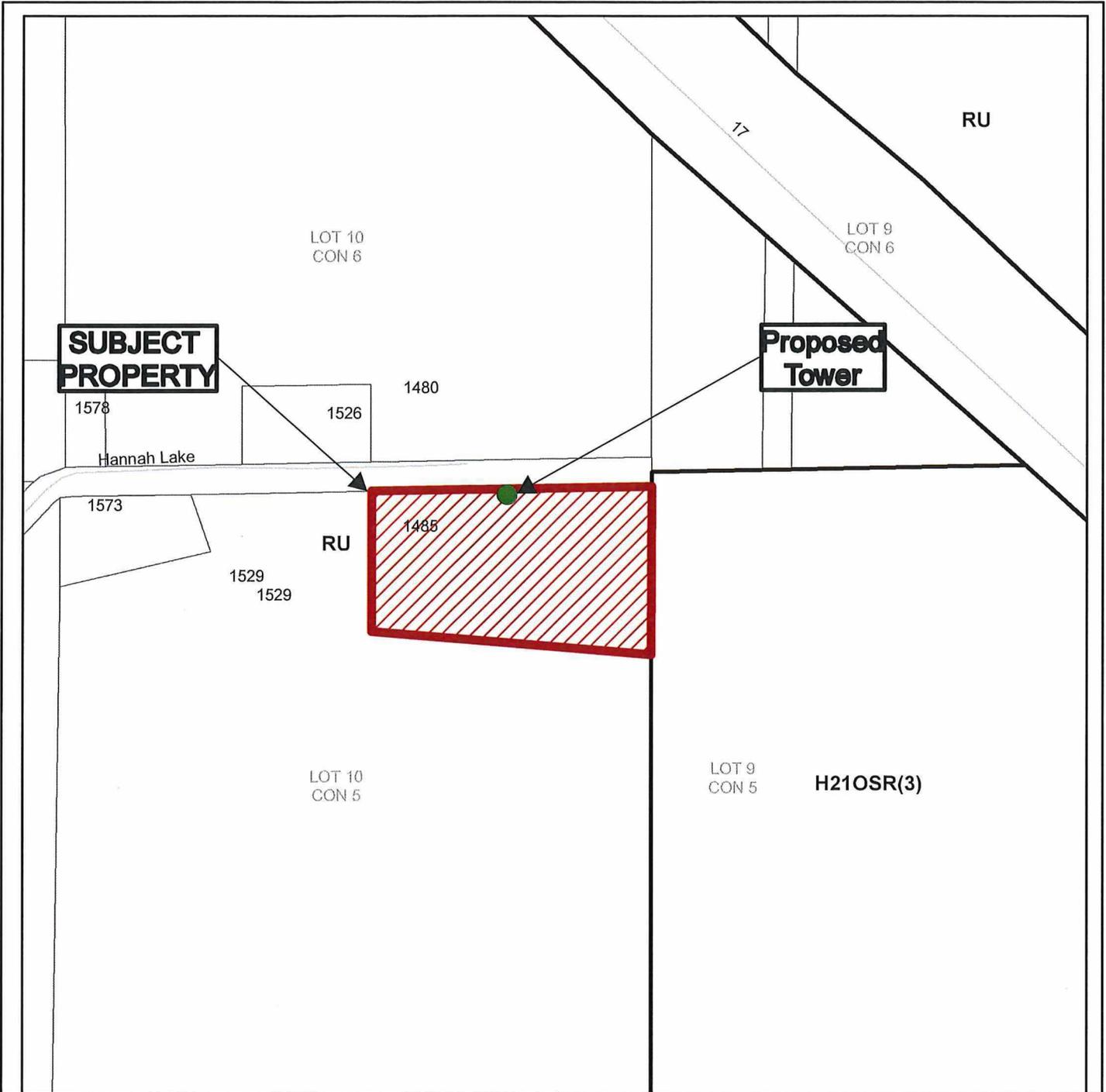
**Summary:**

Staff advises that ReachCast has completed the public consultation requirements as set out in the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol* to the satisfaction of the City's DMO.

This report has noted that the City's DMO did grant an exemption to the proponent from having to hold a Public Information Session on the basis that the emerging nature of the global pandemic has created an unexpected, immediate and urgent need for improving access to radio-communication and broadcasting technologies within existing rural residential clusters where more people were now working from home along with children living in these areas that require access the internet for online educational purposes. The DMO also did not require any mailed notification or any commenting periods on the proposed antenna systems as the proponent had already approached a significant number of local residents in each of the four rural residential clusters prior to filing the subject public consultation applications with the City. The DMO was satisfied with this approach given that the proponent had already commenced public notification in each of the local communities and feedback from nearby landowners in each case has been entirely positive.

Staff has also completed an internal review of the proposed antenna systems from a land use planning perspective and has no concerns. Staff is also satisfied that the proposed antenna systems in each case raises no areas of concern with respect to those development guidelines that are identified in the City's Protocol. Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence from the City as it pertains to the each of the subject lands referenced in this report and specifically the antenna systems that were considered during this particular public consultation process.





N

**Growth and Infrastructure  
Department**

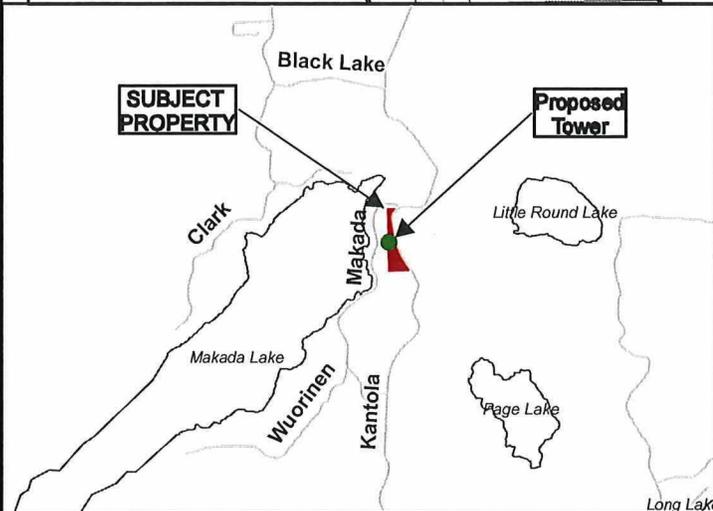
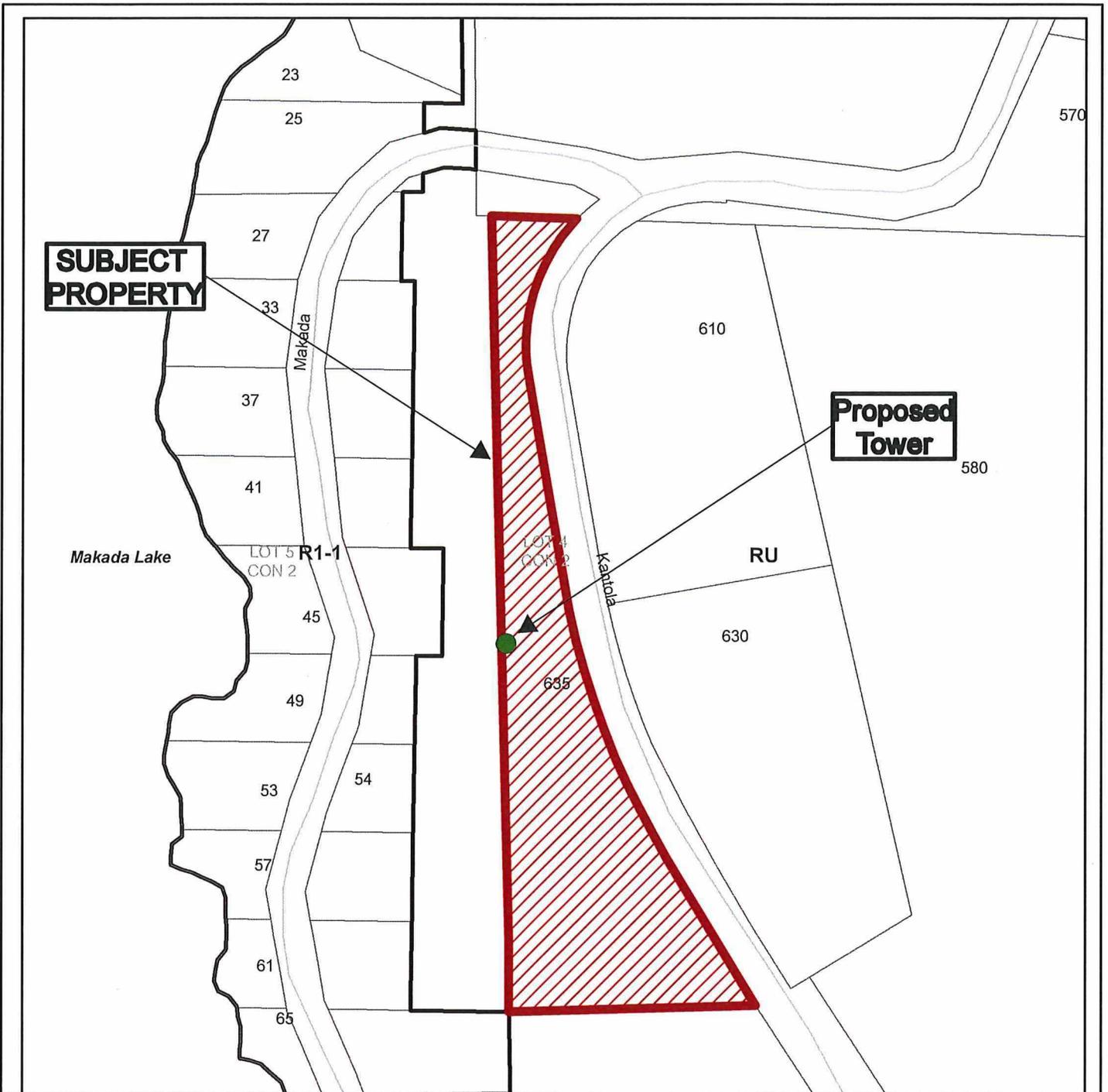
Subject Property being PIN 73474-0030,  
Parcel 43846, Part 1, Plan 53R-7253,  
Lot 10, Concession 5, Township of Broder,  
1485 Hannah Lake Road, Sudbury,  
City of Greater Sudbury

NTS

ReachCast Proposed  
Telecommunications Tower

Sketch 1

Date: 2020 07 30



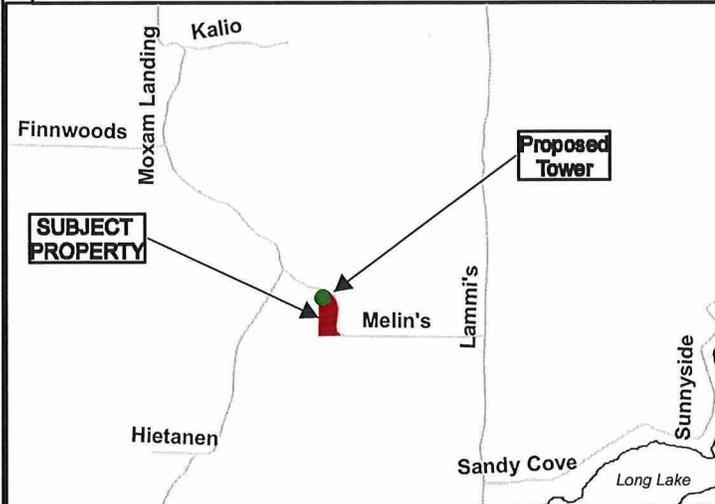
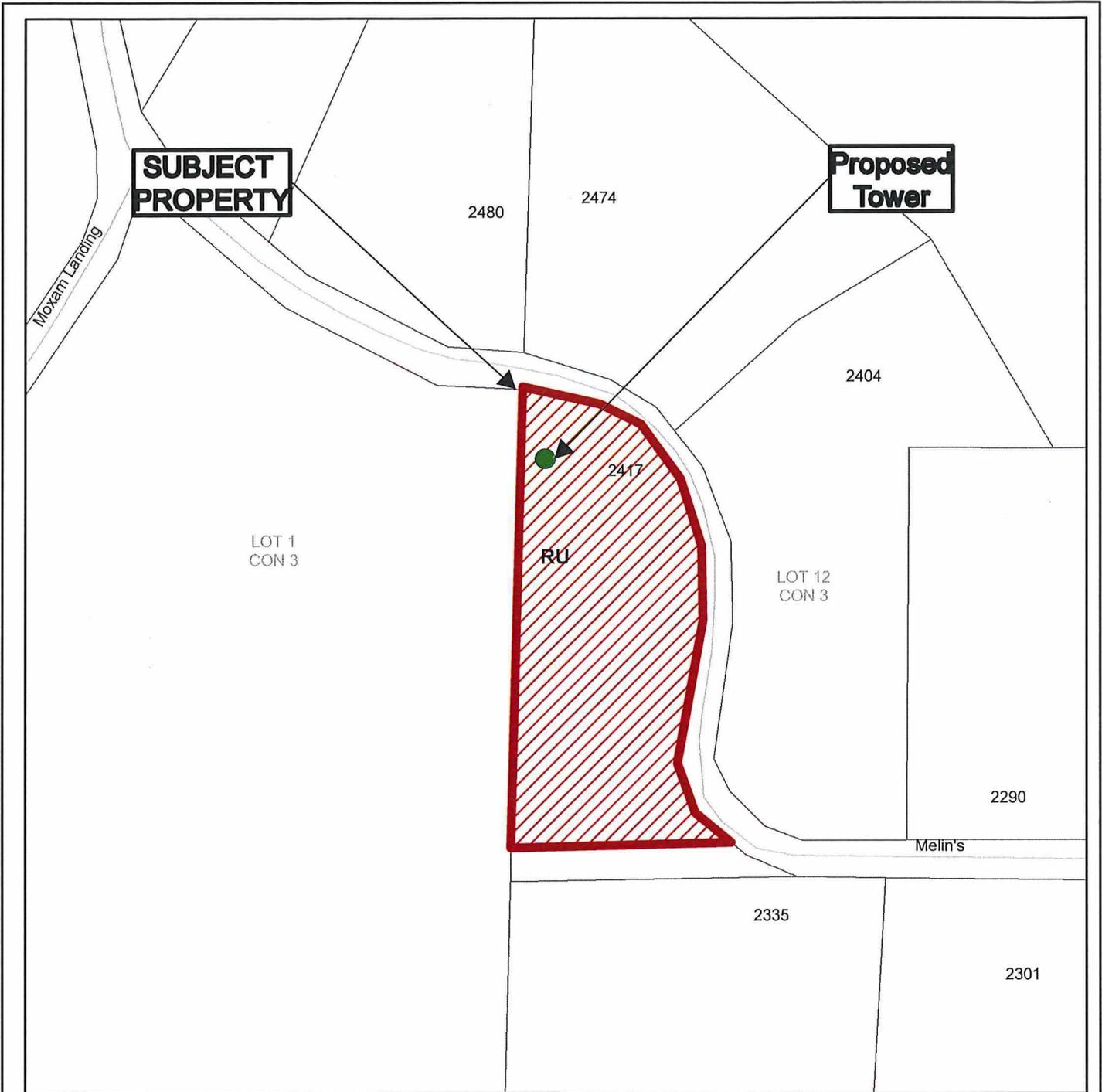
**Growth and Infrastructure Department**



Subject Property being PIN 73374-0078,  
 Parcel 27543, Part 9, Plan 53R-8942,  
 Lot 4, Concession 2, Township of Waters,  
 635 Kantola Road, Lively  
 City of Greater Sudbury

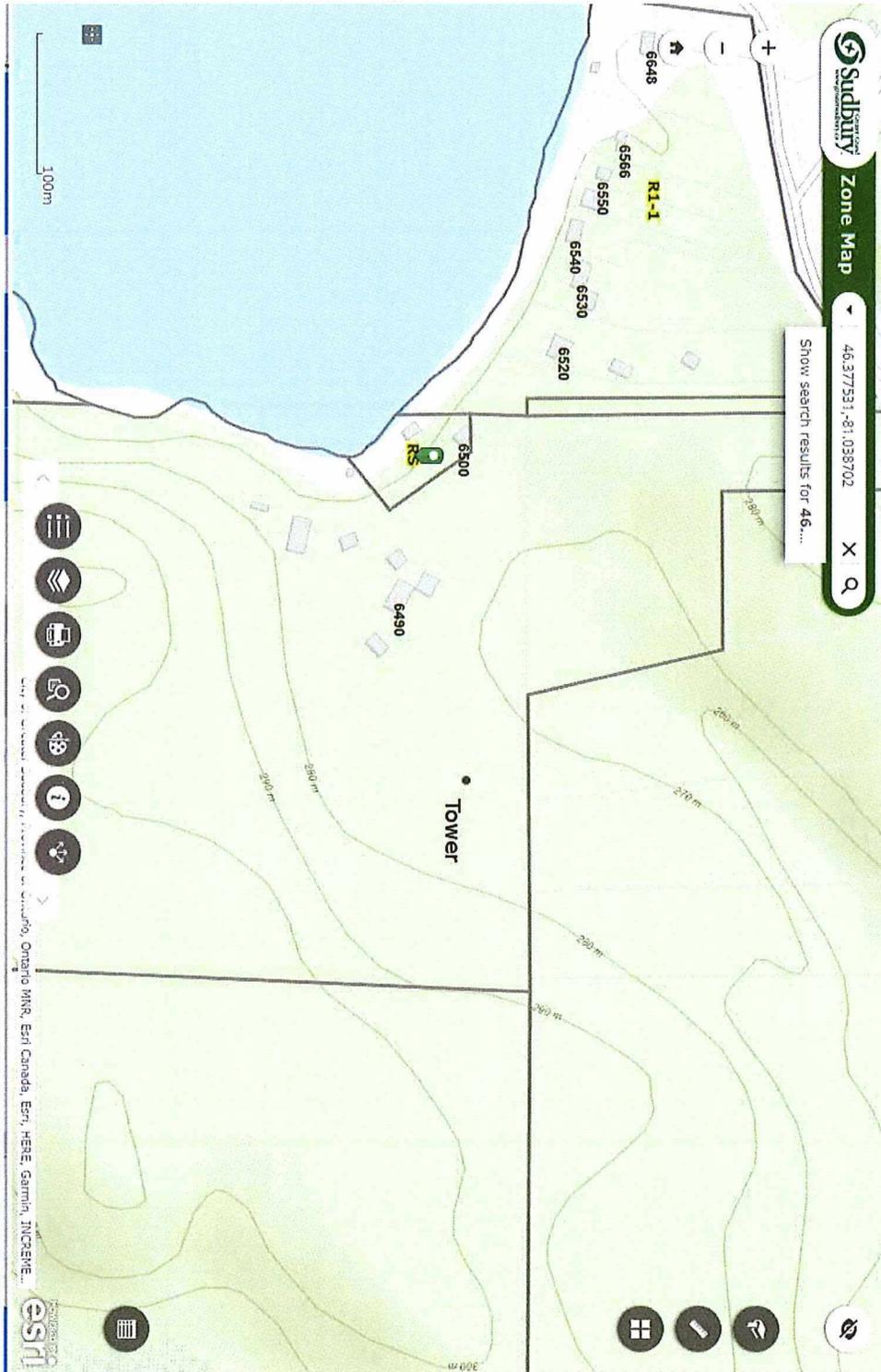
NTS  
 Sketch 1

ReachCast Proposed  
 Telecommunications Tower  
 Date: 2020 07 30  
 88 of 137

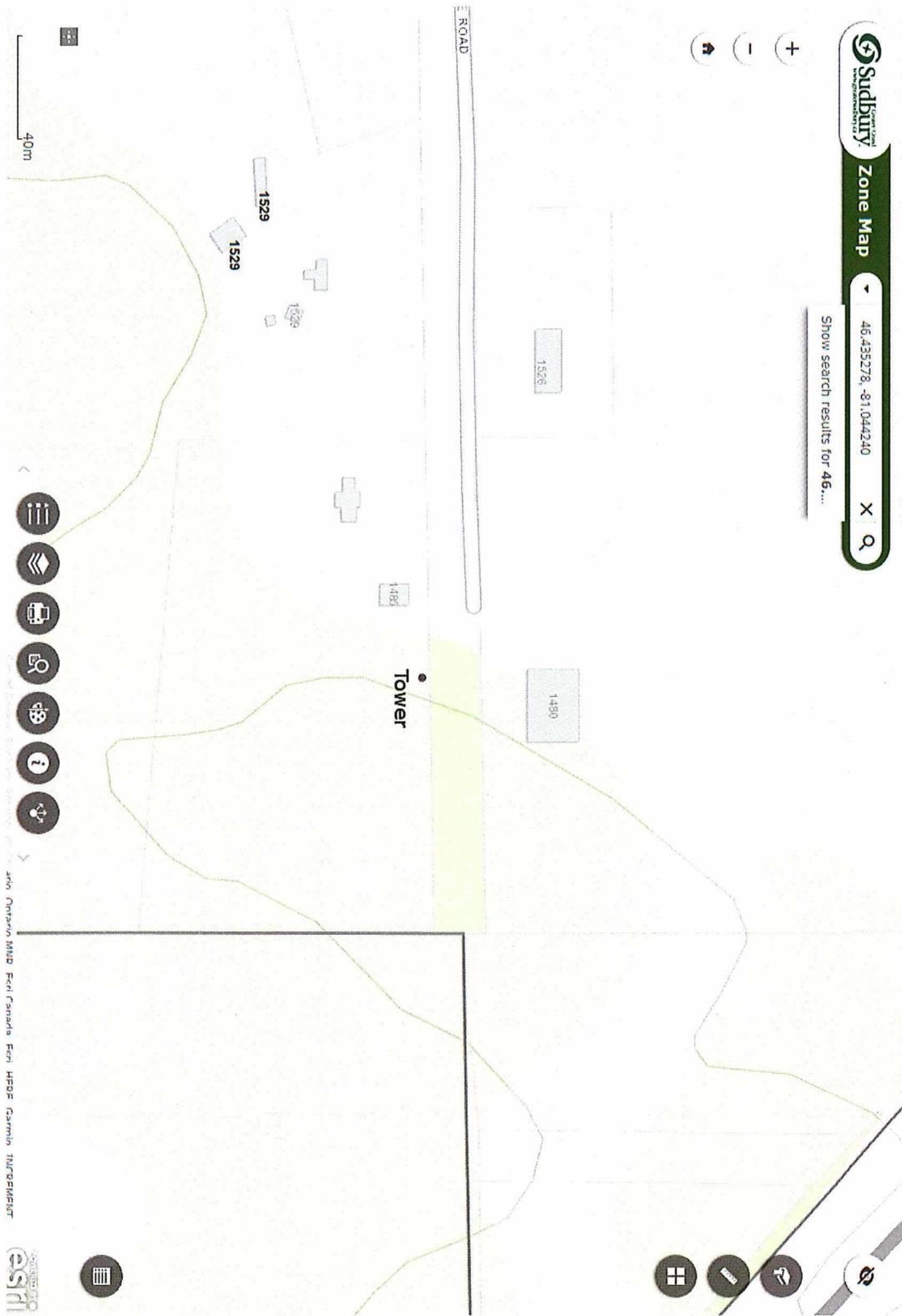


<b>Growth and Infrastructure Department</b>		
<p>Subject Property being PIN 73473-0147, Parcel 23598, Lot 12, Concession 3, Township of Broder, 2417 Melins Road, Lively, City of Greater Sudbury</p>		
<p>NTS Sketch 1</p>	<p>ReachCast Proposed Telecommunications Tower Date: 2020 07 30</p>	

# APPENDIX "A" – SITE PLANS



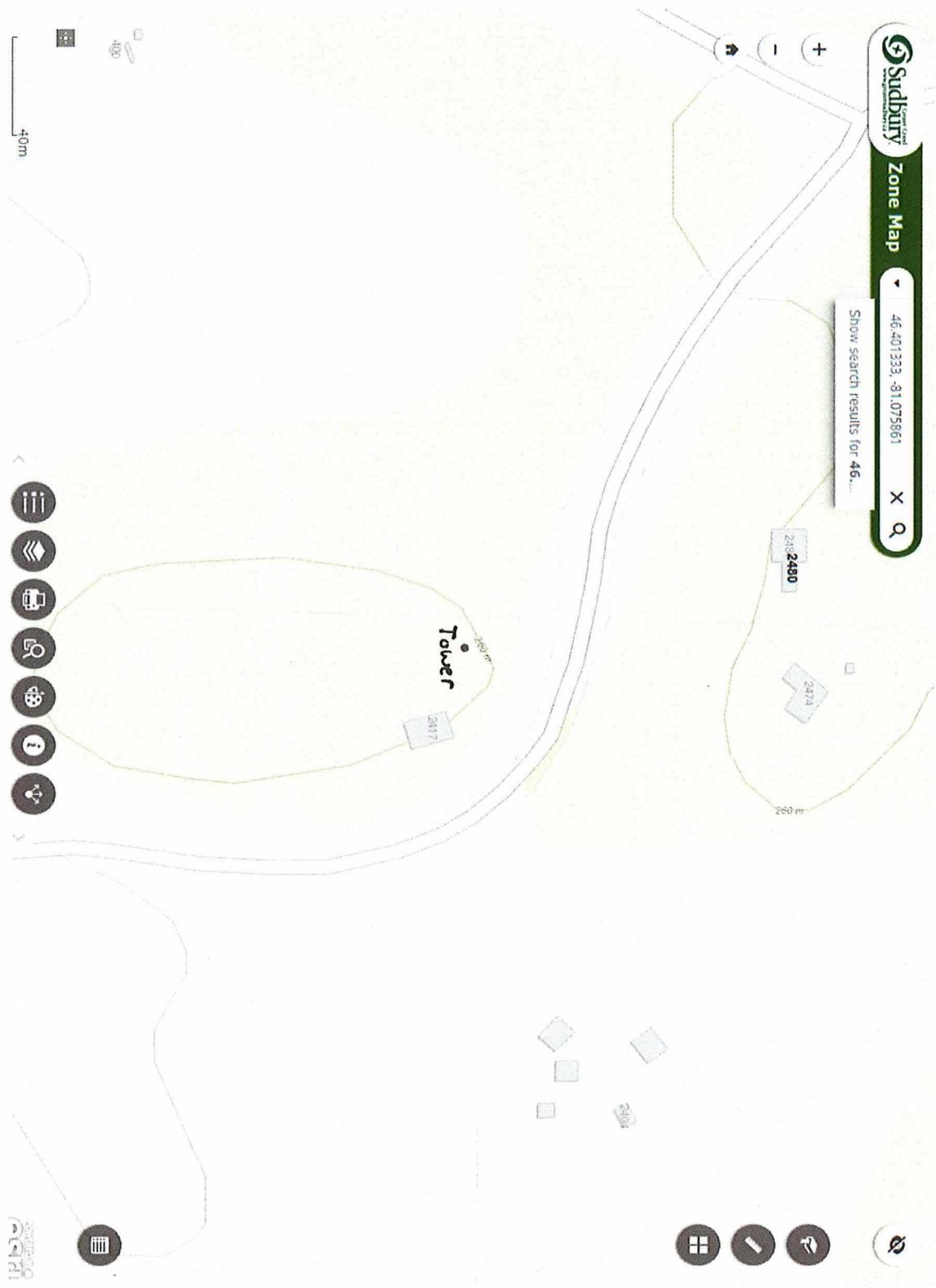
Site Plan #1 – 6490 Tilton Lake Road, Sudbury



Site Plan #2 – 1485 Hanna Lake Road, Sudbury

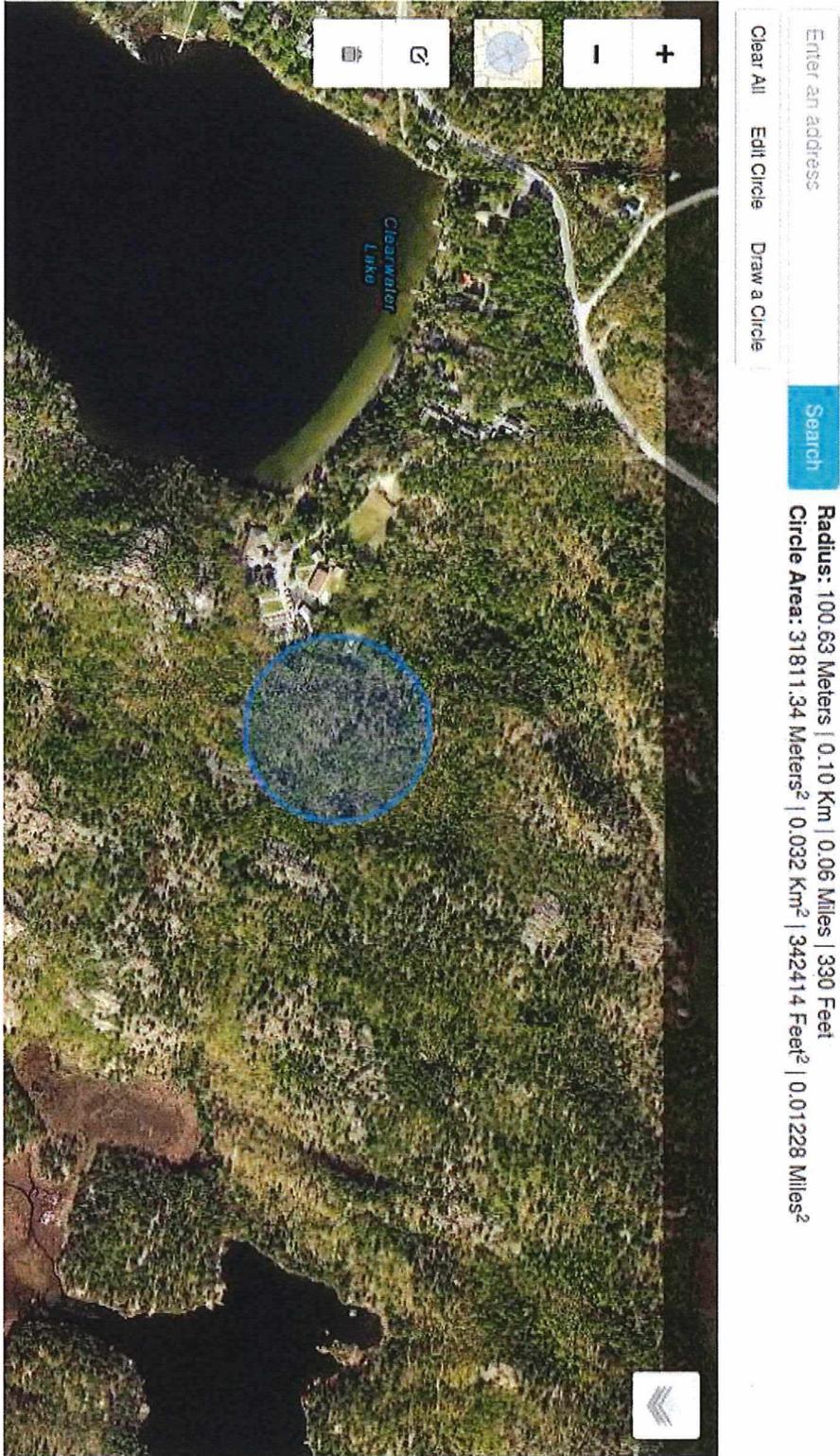


Site Plan #3 – 635 Kantola Road, Lively



Site Plan # 4 – 2417 Melin's Road

APPENDIX "B" – AERIAL PHOTOGRAPHY



Aerial Photo #1 – 6490 Tilton Lake Road, Sudbury

Enter an address Search **Radius:** 101.17 Meters | 0.10 Km | 0.06 Miles | 332 Feet  
**Circle Area:** 32155.92 Meters<sup>2</sup> | 0.032 Km<sup>2</sup> | 346123 Feet<sup>2</sup> | 0.01242 Miles<sup>2</sup>

Clear All Edit Circle Draw a Circle

Powered by [Esri](#), [Source, Esri](#), [DigitalGlobe](#), [GeoEye](#), [Landsat](#), [Earthstar](#), [GeoEye/GeoEye](#), [CNES/Airbus DS](#), [USDA](#), [USGS](#), [AEX](#), [DeLorme](#), [Aerotri](#), [IGN](#), [IGP](#), [swisstopo](#), and the [GIS User Community](#)

100 m

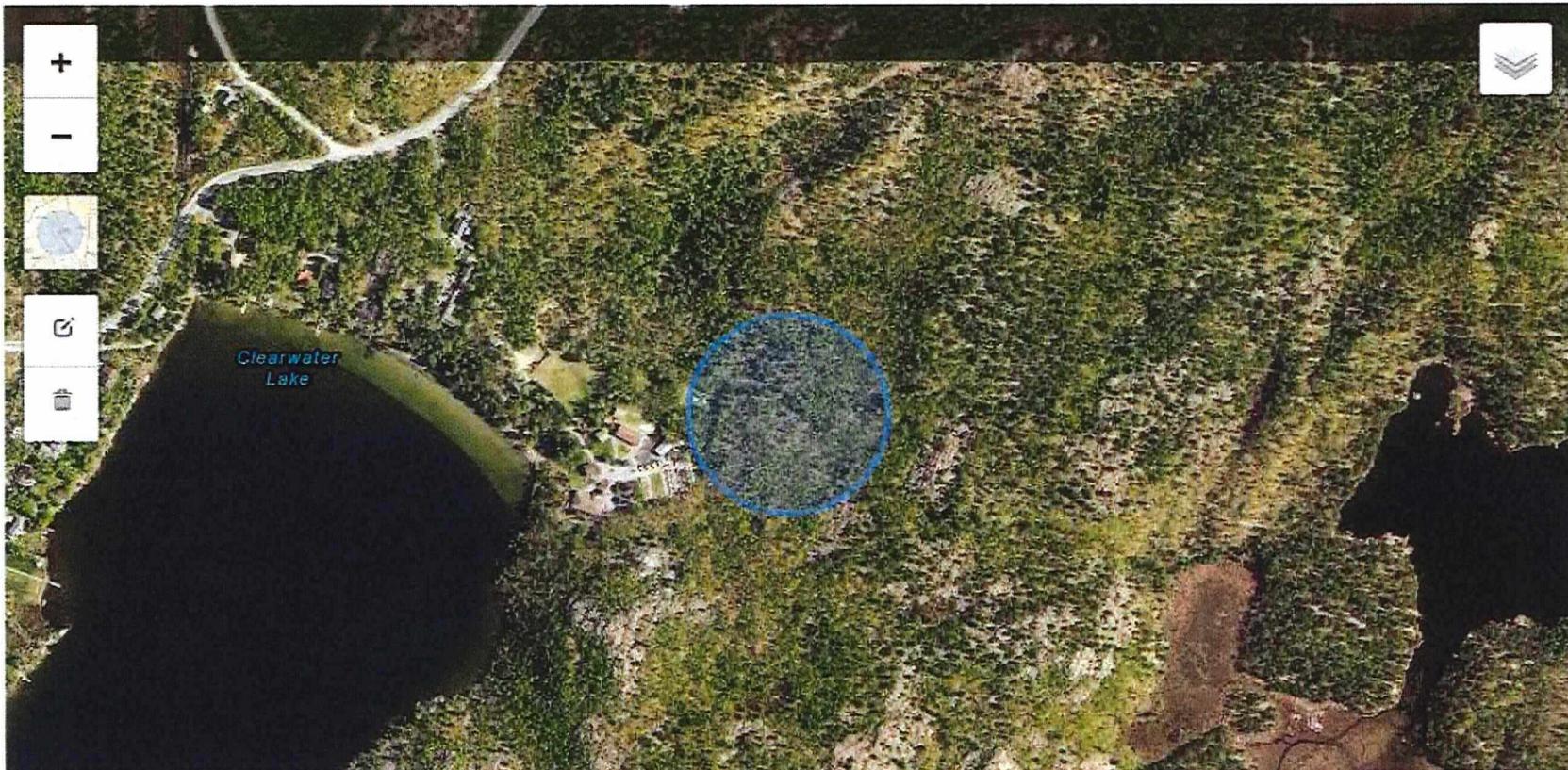
Aerial Photo #2 – 1485 Hanna Lake Road, Sudbury

Enter an address

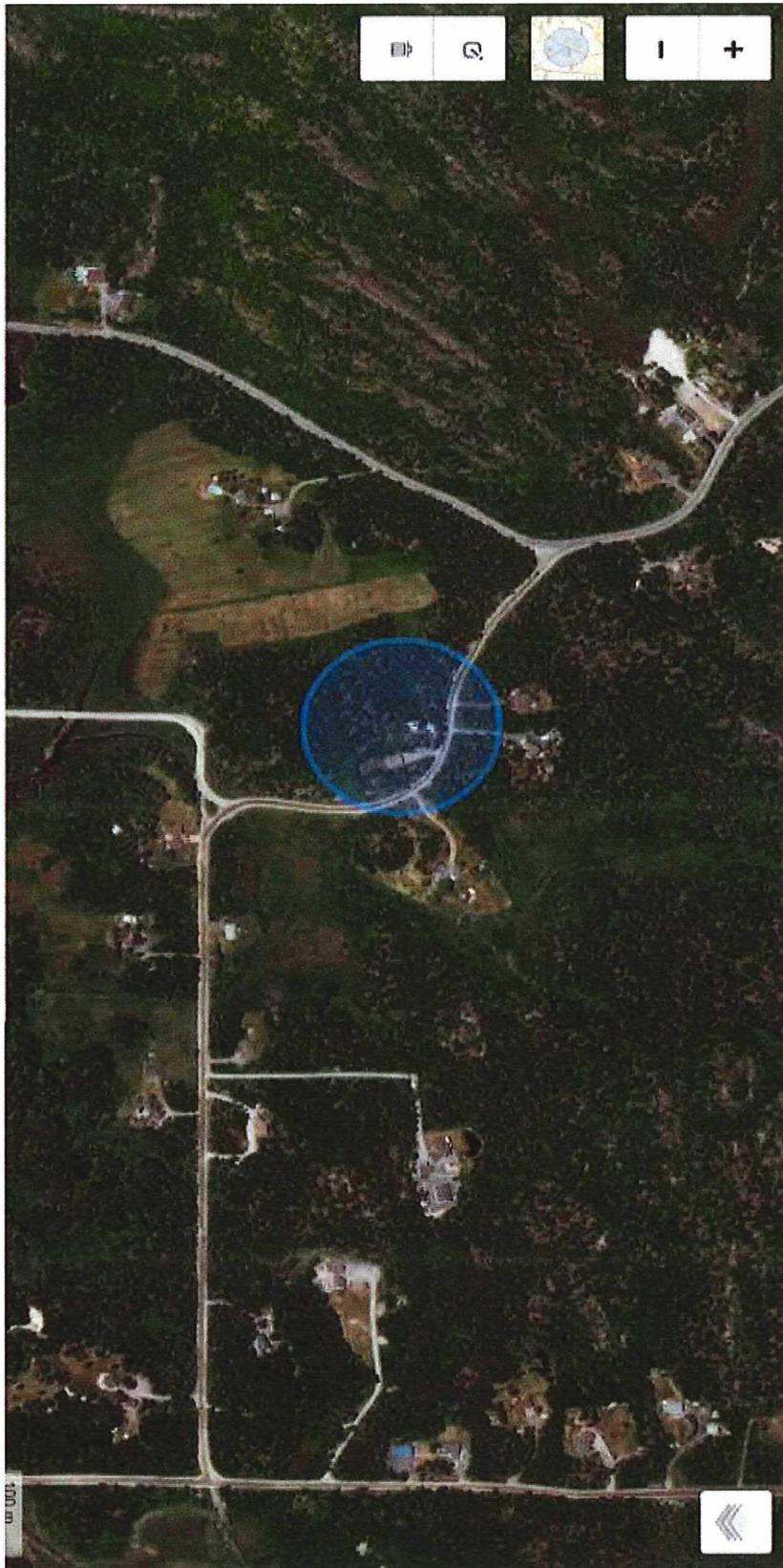
Search

Radius: 100.63 Meters | 0.10 Km | 0.06 Miles | 330 Feet  
Circle Area: 31811.34 Meters<sup>2</sup> | 0.032 Km<sup>2</sup> | 342414 Feet<sup>2</sup> | 0.01228 Miles<sup>2</sup>

Clear All Edit Circle Draw a Circle



Aerial Photo #3 – 635 Kantola Road, Lively



Enter an address  **Search**  
Clear All Edit Circle Draw a Circle  
**Radius:** 101.05 Meters | 0.10 Km | 0.06 Miles | 332 Feet  
**Circle Area:** 32079.66 Meters<sup>2</sup> | 0.032 Km<sup>2</sup> | 345303 Feet<sup>2</sup> | 0.01239 Miles<sup>2</sup>

Aerial Photo #4 – 2417 Melin’s Road, Lively

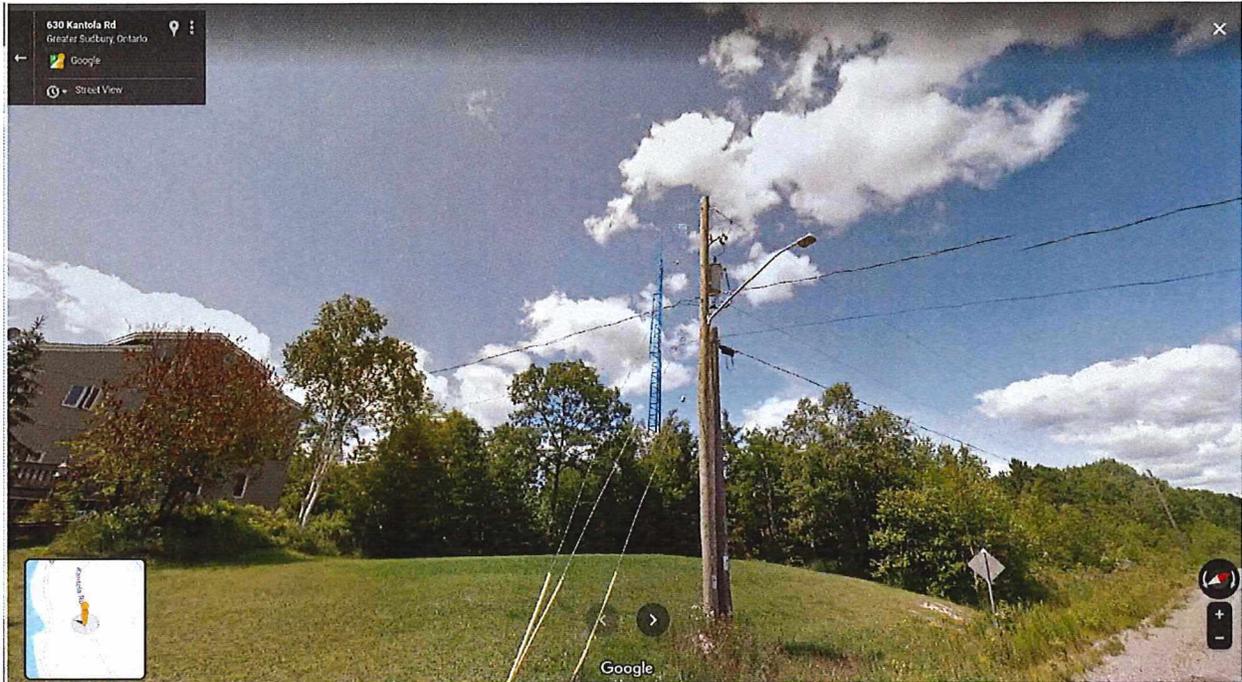
**APPENDIX "C" – VISUAL RENDERINGS**



**Visual Rendering #1 – 6490 Tilton Lake Road, Sudbury (View From Subject Lands)**



**Visual Rendering #2 – 1485 Hannah Lake Road (View From Subject Lands Looking East)**



**Visual Rendering #3 – 635 Kantola Road, Lively (Looking West From Kantola Rd.)**



**Visual Rendering #4 – 2417 Melin's Road, Lively (Looking South-West from Melin's Road)**

## Request for Decision

**Ronald Belanger - Request for extension of conditional approval of rezoning application File 751-5/16-1, 120 Radisson Avenue, Chelmsford**

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Routine Management Reports
File Number:	751-5/16-1

### Resolution

THAT the City of Greater Sudbury approves the application by Ronald Belanger to extend the conditional approval of rezoning application File # 751-5/16-1 on lands described as PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside, for a period of two (2) years to June 14, 2022, as outlined in the report entitled “Ronald Belanger”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020.

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

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

### Report Summary

The owner has requested an extension to the conditional zoning approval of File # 751-5/16-1, 120 Radisson Avenue, Chelmsford for a period of two (2) years to June 14, 2022. Planning staff are recommending approval of the request.

### Financial Implications

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time as the change in land use designation may impact the assessment value

**Signed By**

**Report Prepared By**  
 Wendy Kaufman  
 Senior Planner  
*Digitally Signed Aug 13, 20*

**Manager Review**  
 Alex Singbush  
 Manager of Development Approvals  
*Digitally Signed Aug 13, 20*

**Recommended by the Division**  
 Jason Ferrigan  
 Director of Planning Services  
*Digitally Signed Aug 13, 20*

**Financial Implications**  
 Apryl Lukezic  
 Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

**Recommended by the Department**  
 Tony Cecutti  
 General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

**Recommended by the C.A.O.**  
 Ed Archer  
 Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

**Title: Ronald Belanger**

**Date: August 10, 2020**

## **STAFF REPORT**

### **Applicant:**

Ronald Belanger

### **Location:**

PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside, 120 Radisson Avenue, Chelmsford

### **Application:**

Request to extend conditional zoning approval of 751-5/16-1, 120 Radisson Avenue, Chelmsford for a period of two (2) years to June 14, 2022.

### **Proposal:**

The proponents are requesting a two year extension to complete the outstanding works in conformity with Schedule "A" of the July 28, 2004 site plan control agreement and enter into an amended Site Plan Control Agreement for the expanded site.

Once the conditions of approval have been addressed, these lands will be rezoned to "M2", Light Industrial.

### **Background:**

An application for rezoning was submitted in February 2016 in order to permit a contractor's yard. The application was approved by Planning Committee on May 30, 2016 (Recommendation #2016-98) and ratified by Council on June 14, 2016. The conditional approval has previously been extended for two years effective September 25, 2018.

Conditional approval was granted to change the zoning classification from M1", Mixed Light Industrial/Business Commercial to "M2", Light Industrial in order to permit a contractor's yard.

The majority of the lands subject to this application for rezoning are subject to an existing site plan control agreement entered into on August 10, 2004. Items included in the 2004 site plan that have not been completed include, but are not limited to, the following: the provision of landscape strips with trees, opaque fencing to screen the outdoor storage areas, asphalt paved parking areas and garbage enclosures. The proposal also includes additional lands beyond those governed by the current site plan.

The applicant has requested additional time to address the conditions of approval. An application to amend the site plan has not been submitted the Planning Services at the time of writing of this report.

### **Summary:**

The application for a two-year extension is the second request since initial approval was granted in June 2016. Planning Services Division recommends that the request for a two year extension to June 14, 2022 be granted.

## Request for Decision

**Ronald Belanger - Application for rezoning in order to change the zoning classification from M1, Mixed Light Industrial/Business Commercial to M2(S), Light Industrial Special in order to permit a contractor's yard, 120 Radisson Avenue, Chelmsford**

Presented To: Planning Committee  
Presented: Monday, May 30, 2016  
Report Date: Wednesday, May 11, 2016  
Type: Public Hearings  
File Number: 751-5/16-1

### Resolution

THAT the City of Greater Sudbury approves the application by Ronald Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification of lands described as PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside from "M1", Mixed Light Industrial/Business Commercial to "M2(S)", Light Industrial Special subject to the following conditions:

- a) That no exceptions shall be provided to the M2 Zone standards.
- b) That prior to the enactment of the amending by-law the owner shall:
  - i) Complete the outstanding works in conformity with Schedule "A" of the July 28, 2004 site plan control agreement to the satisfaction of the Director of Planning Services, and;
  - ii) Enter into an amended Site Plan Control Agreement with the City, which amongst other matters, shall include the following:
    1. The addition of the lands comprising Parts 1, 2, 5 & 6, Plan 53R-19705 abutting Municipal Road 15;
    2. The removal of the existing driveway onto Municipal Road 15;
    3. The screening of outdoor storage areas; and,
    4. The provision of required landscaping abutting public roadways.

### STAFF REPORT

#### Signed By

**Report Prepared By**

Alex Singbush  
Senior Planner  
*Digitally Signed May 11, 16*

**Reviewed By**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed May 11, 16*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed May 11, 16*

**Recommended by the Department**

Tony Cecutti  
General Manager of Infrastructure Services  
*Digitally Signed May 11, 16*

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

Kevin Fowke  
Acting Chief Administrative Officer  
*Digitally Signed May 17, 16*

**Applicant:**

Ronald Belanger

**Location:**

PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside, 120 Radisson Avenue, Chelmsford

**Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M2(S)", Light Industrial Special in order to permit the existing Contractor's Yard and to permit the location of the existing buildings.

**Proposal:**

The applicant is proposing to rezone the lands to permit a contractor's yard and to permit the location of the existing buildings.

**Official Plan Conformity:**Background

The application indicates that the current use as a contractor's yard was established in 1973, prior to the adoption of By-law 76-327 which was the first zoning by-law in effect for Rayside-Balfour. On September 9, 1976, Belanger Construction Limited entered into a Site Plan Agreement with the Regional Municipality of Sudbury for the development of Lot 7 on Plan M-956 and as such the current land use on that parcel appears to be legal non-conforming.

With respect to this application, staff notes that the applicant has not requested approval to expand a non-conforming use in accordance with Section 20.5.5 of the Official Plan which contains policies with respect to non-conforming land uses; the Official Plan provides guidance in Section 20.5.5.4. for evaluating requests for expansion, extension or change on non-conforming uses. This application, an application for rezoning to the "M2", Light Industrial zone which permits the existing contractor's yard use has therefore not been evaluated against the criteria of Section 20.5.5.4. of the Official Plan.

General Industrial

The subject property is designated "General Industrial" in the Official Plan for the City of Greater Sudbury. Section 4.5 Industrial Area Designations, states:

General Industrial allows a range of industrial activities, such as manufacturing and processing facilities. Heavy Industrial permits all industrial uses, including core infrastructure facilities such as water and wastewater treatment plants and landfill sites. Any expansion to these areas will require an amendment to the Zoning By-law.

Policy 4.5.1 indicates that:

1. Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.
2. Complementary uses, such as administrative offices, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.
3. General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.

4. Where development occurs in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted.
5. Heavy industrial uses may also be permitted by rezoning.

As detailed in the Planning Considerations section of this report, the application is considered to conform to the policies in Sections 4.5.1 of the Official Plan.

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

The subject property is located at the north east corner of Municipal Road 15 and Radisson Avenue in Chelmsford. The lands, which have an approximate area of 4.05 ha (10 acres), are comprised of five parcels with road frontage on Radisson Avenue on the south and east sides and Regional Road 15 on the west side (2012 air photo attached). Municipal water and sanitary sewer services exist at this location.

The applicant's sketch indicates that there are three existing buildings on the property, however when visiting the property staff observed additional canopies, fabric covered buildings, shipping and storage containers on-site. The site is also occupied by a collection of equipment and material, some of which appears to have spilled out onto the Radisson Avenue right-of-way.

Lands, located in the "M1", Mixed Light Industrial/Business Commercial Zone, to the east are vacant and to south are occupied by the City of Greater Sudbury's North-West Depot. Also to the south are lands located in the "M1(32)", Mixed Light Industrial/Business Commercial Special Zone, occupied by automobile related businesses. Lands to the west, on the west side of Municipal Road 15 include the Chelmsford Mall, located in the "C5(1)", Shopping Centre Commercial Special zone and vacant lands zoned "C2(7)", General Commercial Special permitting a bingo hall, funeral parlour and a special needs facility. Lands to the north in the M2 and M2(4) zones are occupied, respectively, by industrial land uses and a single detached dwelling.

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

#### Building Services

Building Services has the following comments:

1. Opaque fencing as required by the August 2004 Site Plan Control Agreement and as per CGS Zoning By-law 2010-100Z, Section 4.28.1 shall be provided.
2. Outdoor storage shall only be permitted in a rear or interior side yard and shall not be located any closer than 9.0 metres to any street line as per CGS Zoning By-law 2010-100Z, Section 4.28.1.
3. A 3.0 metre wide landscaped area shall be required abutting all public roads in all zones as per CGS Zoning By-law 2010-100Z, Section 4.15.1.
4. All shipping containers are to be removed from the property as per CGS Zoning By-law 2010-100Z, Section 4.34.
5. A building permit will be required for all buildings constructed without benefit of a permit including the fabric covered building located at the rear of Building 2 prior to the approval of the zoning amendment.
6. An amendment to the Site Plan Control Agreement will be required.
7. All buildings are to be shown on the property sketch.
8. The use of all buildings shall be shown on the property sketch.
9. All parking areas are to be shown on the property sketch.

#### Development Engineering

No objection. This site is presently serviced with municipal water and sanitary sewer.

#### Roads & Traffic and Transportation

In this area, Municipal Road 15 is designated as a Primary Arterial Roadway. In accordance with the policies of the Official Plan, "Access to this type of roadway is to be strictly regulated and kept to a minimum." The Transportation Study for the new Official Plan further indicates that "road access policies and by-laws need to be more stringently enforced in order to uphold the intended function of the specific road segment."

We ask as a condition of approval that the owner be required to close off the driveway onto Municipal Road 15 and we also require that the owner dedicate to the City a 0.3 metre reserve across the entire frontage of Municipal Road 15.

#### Operations and Drainage

No concerns.

#### **Public Consultation:**

A notice of complete application was mailed to property owners and tenants within the surrounding area on February 24, 2016. 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 which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. As of the date of this report one email citing a list of concerns has been attached to this report and two telephone inquiries requesting additional information with respect to the proposal have been received by the Planning Services Division.

#### **Planning Considerations:**

##### Official Plan Conformity

The proposal broadens the range of industrial uses that can be permitted on the lands to permit the existing use of the property as a contractor's yard. The site is currently serviced with sanitary sewer and municipal water. Official Plan policy 4.5.1.3. indicates that uses which may impact surrounding areas and cause nuisance will be appropriately buffered and screened. This application provides the City with the opportunity to implement site plan control on all of the lands currently occupied by this land use, which includes the western portion of the site which is not currently included in the existing site plan control agreement.

##### Zoning By-law Conformity

The application requests relief from the setback standards of the M2 zone with respect to the location of Building 3, a storage structure constructed around three shipping containers, which was erected without the benefit of building permits. The applicant's sketch indicates that Building 3 has been constructed with a 0 m east side setback where a 6.0 m setback is required and has requested relief from the by-law standard in order to allow the building to remain in its current location. Staff does not support the request for setback relief adjacent to an open public roadway and are of the opinion that the structure should be relocated accordingly.

As noted in the comments provided by Building Services Section 4.28.1 of By-law 2010-100Z contains the following standards for Outdoor Storage:

Where accessory *outdoor storage* is permitted in a zone, the following provisions apply unless otherwise permitted by this Bylaw:

- a) *Outdoor storage* shall be permitted only in a rear or interior side yard and shall

not be located any closer than 9.0 metres to any street line;

- b) *Outdoor storage* shall be screened by opaque fencing with a minimum height of 2.2 metres, except that no such barrier shall be required:
  - i) where a permitted *outdoor storage* area abuts a railway right-of-way; and,
  - ii) where a permitted *outdoor storage* area in a M3, M4, M5 or M6 one is located more than 150 metres from a Residential Zone or arterial road;
- c) *Outdoor storage* is not permitted within any yard abutting a residential zone boundary.

The application does not request relief to the by-law standards with respect to the screening and location of outdoor storage. Section 4.15.1. of By-law 2010-100Z also requires that 3.0 m planting strips be provided abutting all public roads. Accordingly, it is appropriate for the landscape strip and screening standards of the by-law to be implemented through a revised site plan control agreement encompassing the lands subject to the current application. Parking for the uses proposed will be required in accordance with zoning by-law standards.

While Building Services comments indicate that the shipping containers and storage trailers are to be removed from the property, Planning Staff note that prior to the adoption of By-law 2010-100Z in September 2010, the use of shipping containers at this location was not addressed by Zoning By-law 83-302. Therefore, the applicant is advised to work with Building Services to determine if any of the shipping containers and storage trailers located on the property have legal non-conforming status.

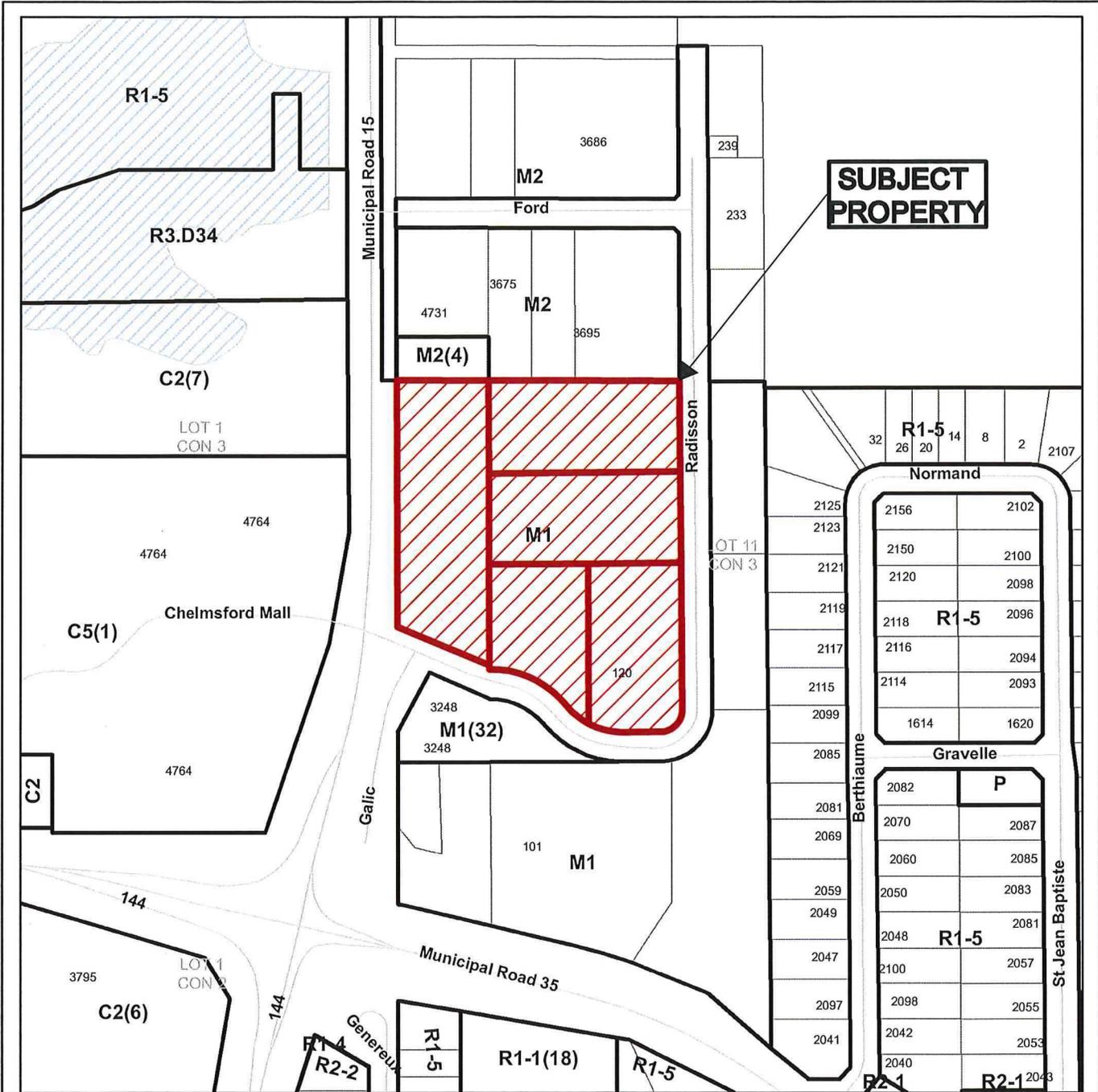
#### Site Plan Control

The majority of the lands subject to this application for rezoning are subject to an existing site plan control agreement for the properties entered into on August 10, 2004; Schedule A to that agreement has been attached to this report for reference purposes. Staff notes that the City is holding a bond for the completion of the required site works in accordance with that agreement and that in correspondence dated November 3, 2015 R. M. Belanger Limited advised that they will be working in the next few months to resolve the uncompleted works. Items included in the 2004 site plan that have not been completed include, but are not limited to, the following: the provision of landscape strips with trees, opaque fencing to screen the outdoor storage areas, asphalt paved parking areas and garbage enclosures.

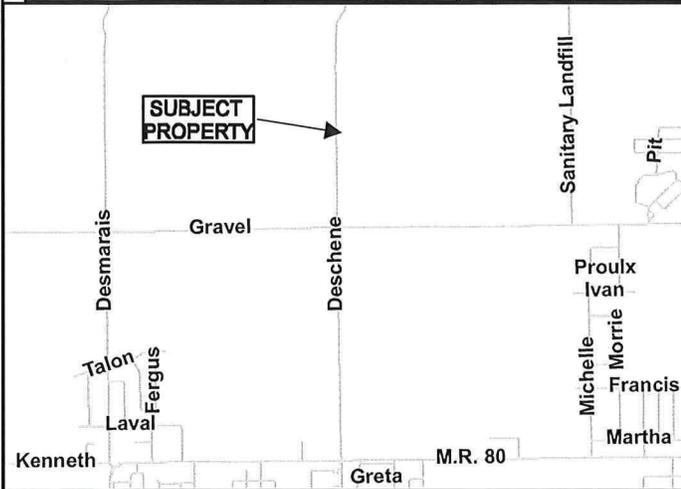
The requests from Roads and Transportation Services for the removal of the existing driveway on Municipal Road 15 and the dedication of a 0.3 m reserve across the Municipal Road 15 frontage can be addressed through a revised site plan control agreement that would add the western most parcel to the current site plan control agreement. It is noted that the existing driveway, which is currently blocked with a concrete barrier, was not on lands subject to the 2004 site plan control agreement and City records indicate that in August 2014 an application for a permit for this driveway entrance was denied.

#### **Summary**

The proposed rezoning conforms to the Official Plan. This application to change the zoning classification from "M1", Mixed Light Industrial/Business Commercial to "M2", Light Industrial in order to permit a contractor's yard is appropriate at this location and the Planning Services Division recommends that the application to amend By-law 2010-100Z be approved subject to the conditions noted.



**SUBJECT PROPERTY**

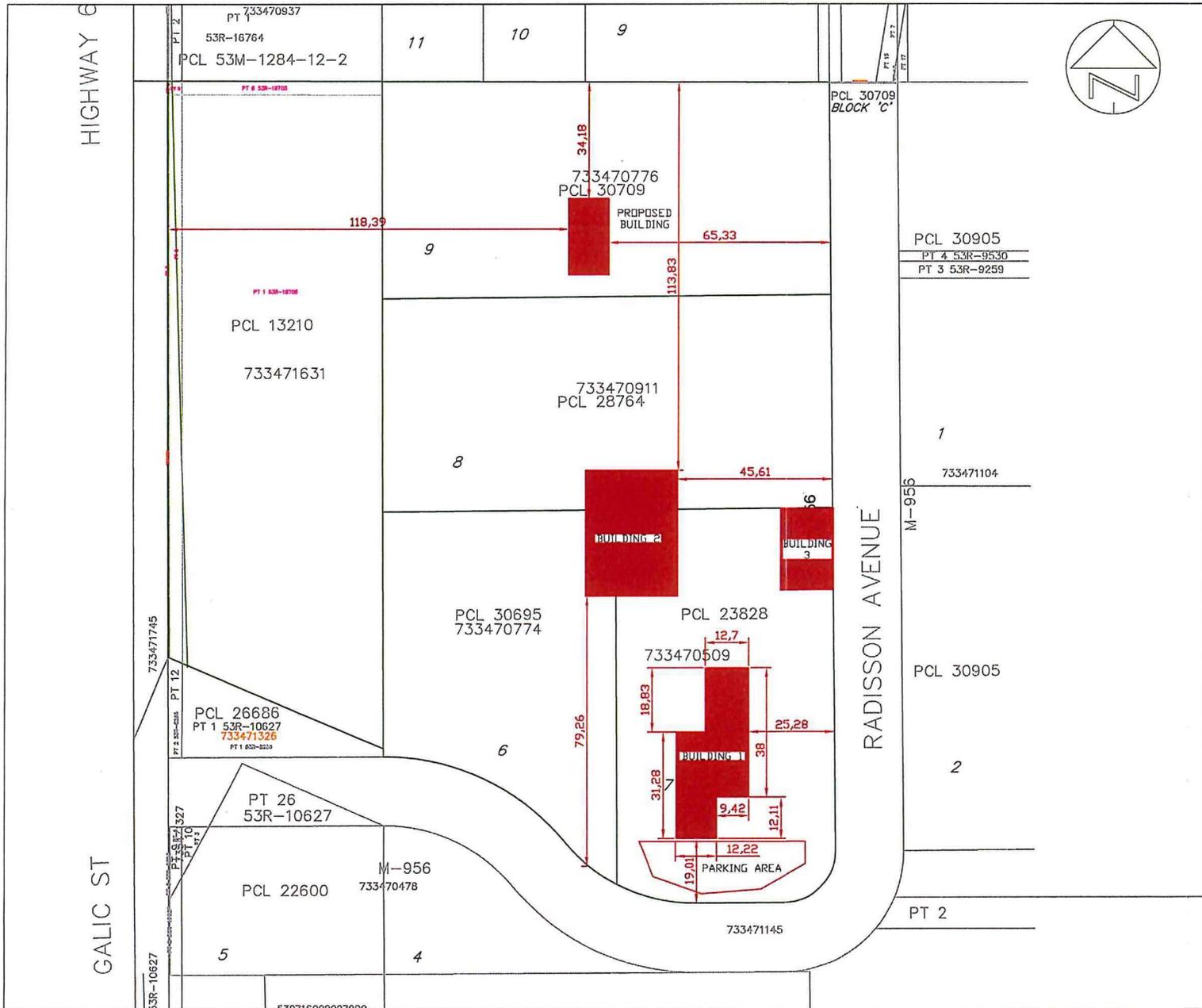


**Growth and Development Department**

N  


Subject Property being PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5 & 6, Plan 53R-19705, Lot 11, Con 3, Twp. of Rayside, 120 Radisson Avenue, Chelmsford, City of Greater Sudbury

NTS 751-5/16-1  
 Sketch 1 Date: 2016 02 11



**BUILDING 1**  
 GROSS FLOOR AREA = 196m<sup>2</sup>  
 NO. OF STOREYS = 1  
 WIDTH= AS SHOWN  
 LENGTH= AS SHOWN  
 HEIGHT= 5.18m

**BUILDING 2**  
 GROSS FLOOR AREA = 1000m<sup>2</sup>  
 NO. OF STOREYS = 1  
 WIDTH= 27.1m  
 LENGTH= 36.9m  
 HEIGHT= 5.18m

**BUILDING 3**  
 GROSS FLOOR AREA = 375m<sup>2</sup>  
 NO. OF STOREYS = 1  
 WIDTH= 15.6m  
 LENGTH= 24.1m  
 HEIGHT= 3.66m

**PROPOSED BUILDING 4**  
 GROSS FLOOR AREA = 269.79m<sup>2</sup>  
 NO. OF STOREYS = 1  
 WIDTH= 12.04m  
 LENGTH= 22.41m  
 HEIGHT= 3.66m

\*  
 APPROXIMATE DIMENSIONS  
 DIMENSIONS IN METERS UNLESS SPECIFIED



100 RADISSON AVENUE, CHELMSFORD, ONTARIO, P0M 1L0  
 Tel: (705) 855-4555 Fax (705) 855-3014

## REZONING APPLICATION

SCALE: NTS  
 DRAWING NO. - 1

100 RADISSON - REZONING

PROPERTY SET-BACKS SKETCH





PHOTO 1 SUBJECT LANDS, 120 RADISSON AVENUE, VIEWED  
LOOKING NORTH EAST FROM THE CORNER OF MUNICIPAL  
ROAD 15 AND RADISSON AVENUE



PHOTO 2 SUBJECT LANDS VIEWED LOOKING NORTH WEST FROM THE  
SOUTH EAST CORNER OF THE SITE FROM RADISSON AVENUE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 3 SUBJECT LANDS VIEWED LOOKING SOUTH WEST FROM THE NORTH WEST CORNER OF THE SITE FROM RADISSON AVENUE



PHOTO 4 3248 RADISSON AVENUE, SOUTH OF THE SUBJECT LANDS, VIEWED LOOKING SOUTH EAST FROM MUNICIPAL ROAD 15 AND RADISSON AVENUE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 5 101 RADISSON AVENUE, SOUTH OF THE SUBJECT LANDS,  
VIEWED LOOKING SOUTH FROM RADISSON AVENUE



PHOTO 6 VACANT LANDS EAST OF THE SUBJECT LANDS,  
VIEWED LOOKING EAST FROM RADISSON AVENUE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 7 3695 FORD DRIVE, NORTH OF THE SUBJECT LANDS,  
VIEWED LOOKING SOUTH FROM FORD DRIVE



PHOTO 8 3675 FORD DRIVE, NORTH OF THE SUBJECT LANDS,  
VIEWED LOOKING SOUTH FROM FORD DRIVE

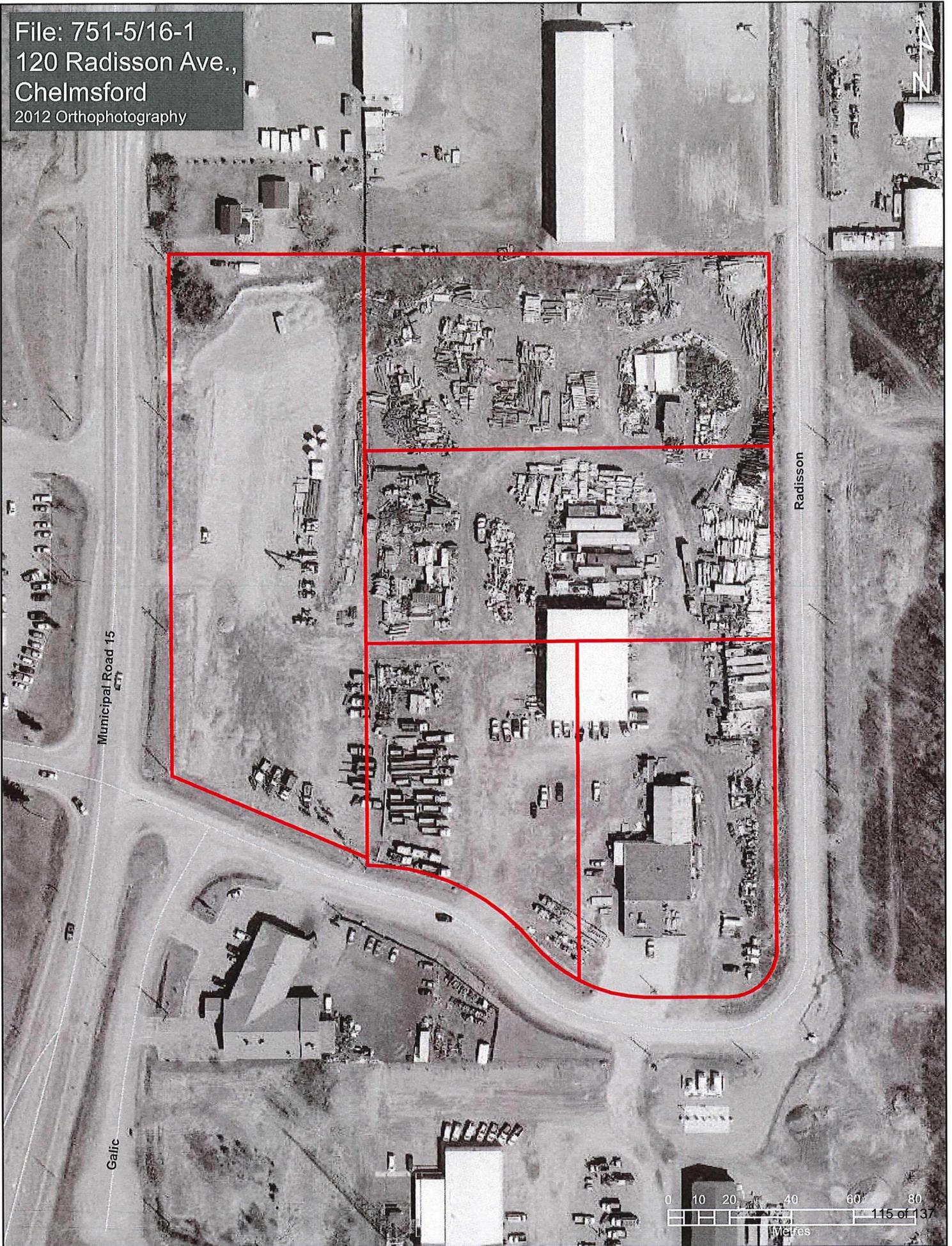
751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 9 4379 MUNICIPAL ROAD 15, NORTH OF THE SUBJECT LANDS, VIEWED LOOKING EAST FROM MUNICIPAL ROAD 15

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016

File: 751-5/16-1  
120 Radisson Ave.,  
Chelmsford  
2012 Orthophotography



Municipal Road 15

Radisson

Galic

0 10 20 40 60 80  
115 of 137  
Meters

**Alex Singbush - In the Matter of an Application under Section 34.**

---

**From:** Marcel Goulet  
**To:** "evelyn.dutrisac@greatersudbury.ca" <evelyn.dutrisac@greatersudbury.ca>,...  
**Date:** 3/2/2016 10:14 PM  
**Subject:** In the Matter of an Application under Section 34.

---

Hi Evelyn:, Eric:

I received another letter from Growth and Development Planning Service about Rezoning Classification from (M1) to(M2(S)

at 120 Radisson St in Chelmsford for Ronald Belanger to extend is yard witch looks like a scrapyard ? This was reject 1 or 2 years ago by Eric Taylor and You and the Counsel plus there was a petition from the subdivision and the reason was

#1 was there any environmental assessment completed.

#2were worried about hydraulic oil and diesel fuel leaking from heavy equipment into the ground and then Contaminating our property.

#3Noise pollution to homes affecting tranquility.

#4If their lot is raised it will affect water drainage.

#5 Concern about this proposal affecting my property value.

#6 Take a ride down Radisson and you will see how it looks like a Junk Yard in the summer time plus they make noise there sometime till 2 A.M.

so just think if they move a building or built one next to R back yard we will never get any sleep.Plus the smell of diesel and welding .

My question will this be accepted because its Ronald Belanger making the Application ??????

## MINUTES – MAY 30, 2016

### RONALD BELANGER – APPLICATION FOR REZONING IN ORDER TO CHANGE THE ZONING CLASSIFICATION FROM M1, MIXED LIGHT INDUSTRIAL/BUSINESS COMMERCIAL TO M2(S), LIGHT INDUSTRIAL SPECIAL IN ORDER TO PERMIT A CONTRACTOR'S YARD 120 RADISSON AVENUE, CHELMSFORD

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

Report dated May 11, 2016 was received from the General Manager of Infrastructure Services regarding Ronald Belanger – Application for rezoning in order to change the zoning classification from M1, Mixed Light Industrial/Business Commercial to M2(S), Light Industrial Special in order to permit a contractor's yard, 120 Radisson Avenue, Chelmsford.

Denis Michel, Michel Vincent Law, agent for the applicant was present.

Alex Singbush, Senior Planner, outlined the application to the Committee.

Eric Taylor, Manager of Development Approvals, stated that as part of the site plan control agreement deposits would have been in place to ensure that the owner completes the work required. Once it is completed and approved the deposits are released. He stated that it is unfortunate that sometimes the deposits are not enough incentive for the owners to complete the work however there is an agreement where the owner has agreed to complete the work required. He advised that changes were made to the subdivision process to encourage developers to complete the infrastructure prior to moving forward which is not the case with this application which is privately owned land and covered under the site plan agreement.

Jason Ferrigan, Director of Planning, stated that the five (5) year strategic business plan will include an overview of the approval processes and will look at strengthening the process, they need to ensure landscape works are complete and also looking at types of deposits and amounts of deposits required to ensure the work is completed.

Alex Singbush, Senior Planner, stated that the site plan control agreement addresses the pavement of parking and transitional paving. There is also a requirement for an opaque fence with a minimum height of 2.2 metres, a planting strip of 3 metres and states that storage containers must be contained and not within 9 meters of the property.

Eric Taylor, Manager of Development Approvals, stated that any of the items in the report, listed under Building Services comments would be matters addressed through rezoning or the site plan control agreement. He stated that any buildings listed on the site plan must be in compliance as part of the review, and this would include any shipping containers.

Mr. Michel stated that this area is an industrial park that existed since 1975 and the applicant would like to bring it up to date with proper zoning and site plan control agreement. He advised that they have closed off the entrance to Municipal Road 15 and

a portion of Radisson Avenue as per the site plan agreement. As well they installed a berm next to the existing house near the property. He stated that there have been delays but the owner would like to rectify this and deal with all the issues and building permits that need to be addressed. He advised that the current business employs in excess of three hundred employees. He stated that there currently is not a timeline in place, however building controls has the opportunity to provide for infractions and he is hoping they can work together to rectify the situation. He stated the previous deposits are currently being held by the City and can be used if the work is not completed.

Jason Ferrigan, Director of Planning Services, stated that the recommendation in the staff report is structured requiring the owner to complete several conditions prior to the enactment of the by-law and that it is structured that way to ensure the owner completes the requirements. He stated that the site plan approval process requires deposits until the owner completes the work to our satisfaction. He advised that the City also has the ability to initiate legal action however this is a last resort and we prefer to work proactively with applicants.

Eric Taylor, Manager of Development Approvals, stated that the conditional approval the committee grants is two (2) years and some applicants come back and seek extensions and if approved have two (2) years to complete site plan approval prior to the enactment of the by-law.

Jason Ferguson, Director of Planning Services, stated that the resolution is structured for conditional approval for two (2) years.

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

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

Rules of Procedure With the concurrence of the members, the reading of the main motion was waived.

The following resolution was presented:

PL2016-98 Landry-Altman/McIntosh: THAT the City of Greater Sudbury approves the application by Ronald Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification of lands described as PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5 & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside from "M1", Mixed Light Industrial/Business Commercial to "M2(S)", Light Industrial Special subject to the following conditions:

- a) That no exceptions shall be provided to the M2 Zone standards.
- b) That prior to the enactment of the amending by-law the owner shall:
  - i. Complete the outstanding works in conformity with Schedule "A" of the July 28, 2004 site plan control agreement to the satisfaction of the Director of Planning Services, and;

- ii. Enter into an amended Site Plan Control Agreement with the City, which amongst other matters, shall include the following:
  - 1. The addition of the lands comprising Parts 1, 2, 5 & 6, Plan 53R-19705 abutting Municipal Road 15;
  - 2. The removal of the existing driveway onto Municipal Road 15;
  - 3. The screening of outdoor storage areas; and,
  - 4. The provision of required landscaping abutting public roadways.

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

**CARRIED**

## Request for Decision

**Carole Voutier - Request for extension of conditional approval of rezoning application File # 751-3/18-2, 66-68 Eva Street, Garson**

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Friday, Aug 14, 2020
Type:	Routine Management Reports
File Number:	751-3/18-2

### Resolution

THAT the City of Greater Sudbury approves the extension of rezoning application File # 751-3/18-2 by Carole Voutier on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled “Carole Voutier”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, for a period of three (3) months to November 12, 2020.

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

The application to extend conditional zoning approval is an operational matter under the Planning Act to which the City is responding. The application is a form of residential intensification and does not conflict with the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan.

### Report Summary

The owner has requested an extension to the conditional zoning approval of File # 751-3/18-2 for a period of three (3) months to November 12, 2020. The rezoning is required in order to recognize an existing triplex dwelling, with site-specific relief granted for parking. Planning Staff are recommending approval of the extension.

### Financial Implications

If approved, staff is unable to estimate the change in assessment value and therefore unable to estimate

#### Signed By

##### Report Prepared By

Mauro Manzon  
Senior Planner  
*Digitally Signed Aug 14, 20*

##### Manager Review

Alex Singbush  
Manager of Development Approvals  
*Digitally Signed Aug 14, 20*

##### Recommended by the Division

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Aug 14, 20*

##### Financial Implications

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Aug 21, 20*

##### Recommended by the Department

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Aug 24, 20*

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

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Aug 24, 20*

any change in property taxes.

This would result in increased development charges of approximately \$10,500 based on the assumption of one multiple dwelling and based on the rates in effect as of the date of this report.

Date: August 13, 2020

## STAFF REPORT

### Applicant:

Carole Voutier

### Location:

PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson (66-68 Eva Street, Garson)

### Application:

To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special.

### Proposal:

An application for rezoning was submitted in May 2018 in order to permit a triplex dwelling by recognizing an existing third unit. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

### Background:

The following recommendation PL2018-143 was passed by Planning Committee and ratified by City Council on August 14, 2018:

THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall submit a building permit application addressing the third dwelling unit to the satisfaction of the Chief Building Official;
- b) That the amending by-law includes the following site-specific provisions:
  - i) A maximum of three (3) dwelling units shall be permitted within the existing main building;
  - ii) A minimum 171 m<sup>2</sup> of lot area per dwelling unit shall be provided;
  - iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.
- c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

To date, the building permit condition remains outstanding and the amending by-law has not been enacted.

**Date: August 13, 2020**

**Planning considerations:**

The initial Planning report and minutes from the meeting on August 14, 2018 are attached for review. Although the owner has submitted a permit application, additional drawings are required by Building Services. The owner advised that there has been difficulty securing a designer, which has delayed the process.

Given the above circumstances, a three-month extension is appropriate and should be sufficient time to finalize the permit application to the satisfaction of Building Services. Planning Services recommends that the rezoning extension be approved.

**SUBJECT  
PROPERTY**

FD

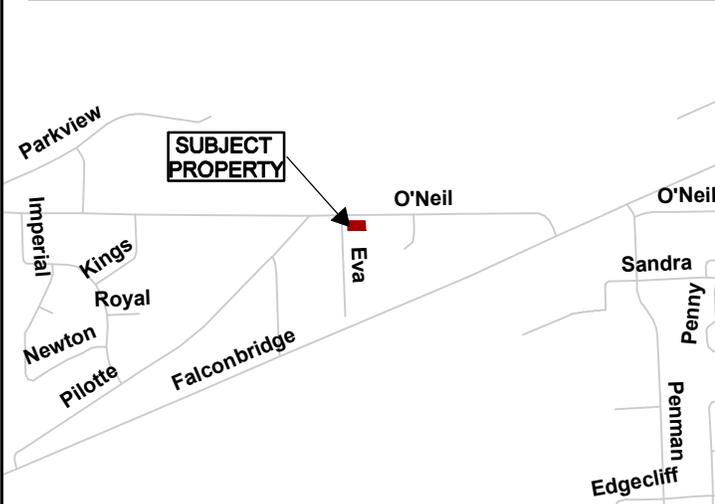
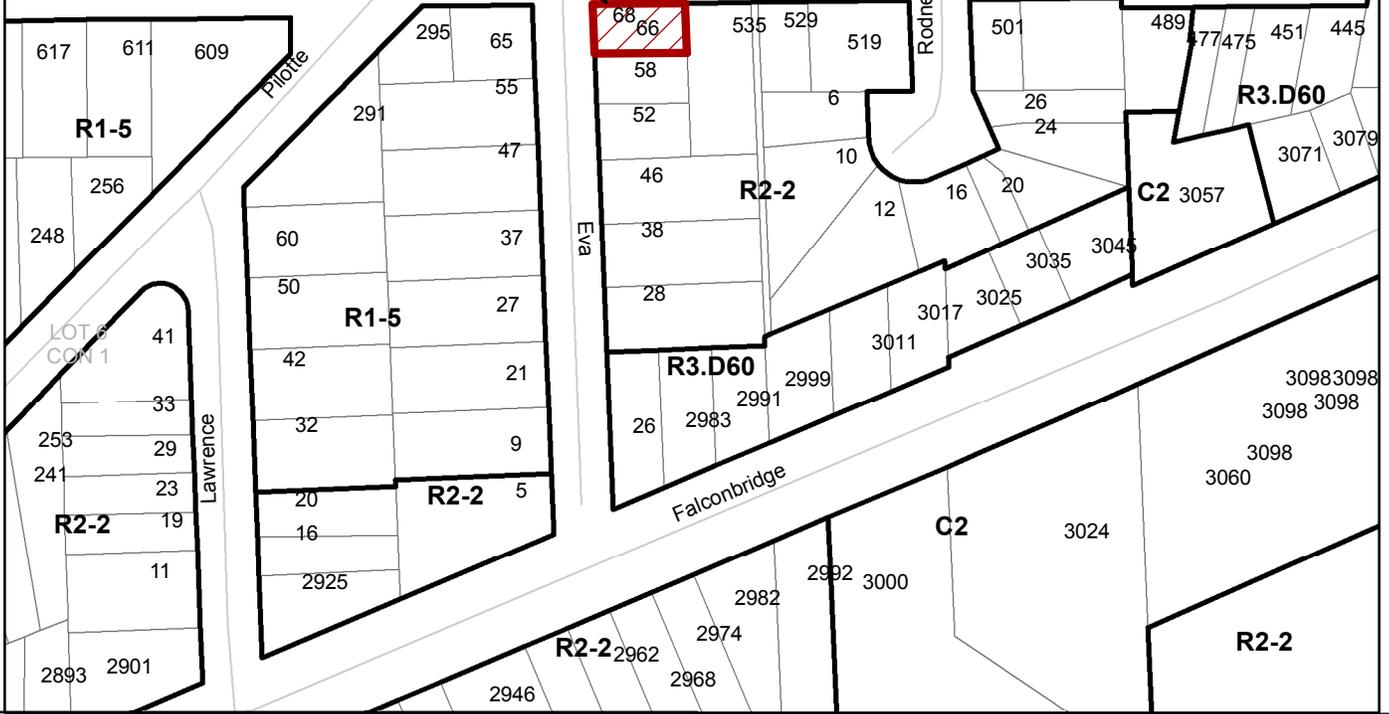
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LOT 6  
CON 2

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O'Neil



**Growth and Infrastructure  
Department**



Subject Property being PIN 73494-0471,  
Pcl. 28950, Pt of Lots 21 & 22, Plan M-195,  
Lot 6, Concession 1, Township of Garson,  
66 - 68 Eva Street, Garson,  
City of Greater Sudbury

NTS  
Sketch 1

751-3/18-2  
Date: 2018 05 31

Presented To:	Planning Committee
Presented:	Tuesday, Aug 14, 2018
Report Date	Friday, Jul 13, 2018
Type:	Public Hearings
File Number:	751-3/18-2

## Request for Decision

**Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson**

### Resolution

THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2 2”, Low Density Residential Two to “R2-2(S)”, Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled “Carole Voutier” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the owner shall submit a building permit application addressing the third dwelling unit to the satisfaction of the Chief Building Official;
- b) That the amending by-law includes the following site-specific provisions:
  - i) A maximum of three (3) dwelling units shall be permitted within the existing main building;
  - ii) A minimum 171 m<sup>2</sup> of lot area per dwelling unit shall be provided;
  - iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.
- c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

**Signed By**

**Report Prepared By**  
 Mauro Manzon  
 Senior Planner  
*Digitally Signed Jul 13, 18*

**Manager Review**  
 Eric Taylor  
 Manager of Development Approvals  
*Digitally Signed Jul 13, 18*

**Recommended by the Division**  
 Jason Ferrigan  
 Director of Planning Services  
*Digitally Signed Jul 13, 18*

**Financial Implications**  
 Jim Lister  
 Manager of Financial Planning and Budgeting  
*Digitally Signed Jul 20, 18*

**Recommended by the Department**  
 Tony Cecutti  
 General Manager of Growth and Infrastructure  
*Digitally Signed Jul 25, 18*

**Recommended by the C.A.O.**  
 Ed Archer  
 Chief Administrative Officer  
*Digitally Signed Jul 26, 18*

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

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

City is responding.

## **Report Summary**

An application for rezoning has been submitted in order to permit a triplex dwelling by recognizing an existing third unit on the property municipally known as 66-68 Eva Street, Garson. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

Planning Services recommends approval based on the following land use considerations:

- The proposal involves an interior renovation only and the dwelling will continue to maintain the same physical presence on the street as before;
- The building is appropriately sited on the corner lot, with landscaping in the front yard and corner side yard and parking at the rear;
- The resultant density is calculated at 59 dwelling units per hectare, which is less than the maximum density of 90 du/ha permitted for medium density residential uses under the Official Plan;
- Parking relief is deemed appropriate in this instance based on the preferred location of the parking area in the rear yard, adequate sight lines, no encroachment into the right-of-way, and the proximity to public transit;
- The proposal is consistent with the 2014 Provincial Policy Statement, as the subject land is located within a fully serviced urban area that offers good proximity to services including public transit; and further, the scale of development is minor and considered appropriate based on the low density character of the area;
- The proposal conforms to the 2011 Growth Plan for Northern Ontario.

As a condition of approval, it is recommended that the owner submit a building permit application prior to the adoption of the amending by-law to address the third dwelling unit to the satisfaction of the Chief Building Official.

## **Financial Implications**

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

This would result in increased development charges of approximately \$10,400 based on the assumption of one multiple dwelling and based on the rates in effect as of the date of this report.

**Title:** Carole Voutier

**Date:** July 12, 2018

## **STAFF REPORT**

### **Applicant:**

Carole Voutier

### **Location:**

PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson (66-68 Eva Street, Garson)

### **Official Plan and Zoning By-law:**

#### Official Plan

##### a. Living Area policies

The subject property is designated as Living Area 1 in the City of Greater Sudbury [Official Plan](#). A range of housing types are permitted subject to the rezoning process.

In reviewing applications for rezoning in Living Areas, the following criteria under Section 3.2.1 of the Official Plan are to be considered:

- suitability of the site to accommodate the proposed density and building form;
- physical compatibility with the surrounding neighbourhood in terms of scale, massing, height, siting and setbacks;
- adequate on-site parking; and,
- traffic impact on local streets.

##### b. Residential intensification

Section 3.3 of the Plan addresses residential intensification in settlement areas.

Opportunities for intensification will be supported on lands:

- a) that are no longer viable for the purpose for which they were intended, such as older industrial areas;
- b) where the present use is maintained but the addition of residential uses can be accomplished in a complementary manner;
- c) that are vacant and/or underutilized within previously developed areas; and,
- d) in fully-serviced Living Areas that could accommodate infill developments.

**Title: Carole Voutier**

**Date: July 12, 2018**

Any changes to the land use structure through intensification will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Priority will be placed on meeting housing targets by means of intensification within existing established urban areas. In particular, intensification will be encouraged on major Arterial Roads in close proximity to Employment Areas and public transit.

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

### Zoning By-law

The subject land is currently zoned "R2-2", Low Density Residential Two, which permits singles, semis and duplexes.

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

The subject property forms the southeast corner lot at the intersection of Eva Street and O'Neil Drive West in Garson. The area is fully serviced by municipal water and sanitary sewer. Eva Street is partially urbanized with curb and gutter but no sidewalk. O'Neil Drive West is designated as a Collector Road and is also partially urbanized with a paved shoulder on the north side of the street. Public transit is available on Municipal Road 86 to the south (Route 303).

Total lot area is 513 m<sup>2</sup>, with 16.8 metres of frontage on Eva Street and 30.6 metres of flankage on O'Neil Drive West. The lot is occupied by a two-storey dwelling with three (3) units. The front and corner side yards are landscaped, with a parking area in the rear yard that can accommodate three (3) vehicles.

Single detached dwellings abut to the south and east. A public park is located on the north side of O'Neil Drive West opposite the subject property (Lorne Brady Park).

### **Application:**

To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "R2-2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special.

### **Proposal:**

Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit. Site-specific relief is required for three (3) parking spaces where five (5) are required for a triplex dwelling.

### **Departmental/Agency Circulation:**

There are no objections from commenting departments and agencies. However, Roads and Transportation Section note that the proposed parking relief may impact adjacent properties.

### **Neighbourhood Consultation:**

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

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

**Title: Carole Voutier**

**Date: July 12, 2018**

The owner advised Planning Services that adjacent property owners and the Ward Councillor were contacted prior to the hearing.

As of the date of this report, no phone calls or written submissions were received concerning this application.

### **Background:**

In June 1992, applications for Official Plan amendment and rezoning were submitted by a previous owner in order to permit a triplex dwelling by recognizing a third dwelling unit that was installed without benefit of a permit (Files 701-3-0/92-19 & 751-3/92-5). As part of the submission, Building Controls required drawings illustrating the details of the construction. The drawings were not provided and the applications did not proceed to a public hearing.

### **Planning Considerations:**

#### Land use compatibility

The surrounding residential area is predominantly comprised of single detached dwellings. There are some exceptions, including semi-detached dwellings on Rodney Street and two (2) multiple dwellings located further to the east at 439 and 441 O'Neil Drive West. Therefore the predominant character is that of a low density residential neighbourhood.

Notwithstanding the above, there is no building addition proposed with this application. The third unit will involve an interior renovation as part of a permit process required as a condition of approval. The dwelling will continue to maintain the same physical presence on the street as exists currently. The building is also appropriately sited on the corner lot, with landscaping in the front and corner side yards and parking at the rear.

It is therefore recommended that the use be limited to a maximum of three (3) dwelling units.

#### Suitability of lot

With the addition of a third unit, the resultant density is calculated at 59 dwelling units per hectare. This is less than the maximum density of 90 du/ha that is permitted for medium density residential uses under the Official Plan.

Under R2-2 zoning, a minimum 230 m<sup>2</sup> of lot area is required per unit for a duplex dwelling. In this case, 171 m<sup>2</sup> of lot area per unit can be provided for the proposed triplex. Staff recommend that site-specific relief for density be provided as part of the special zoning.

#### Parking

The owner is requesting three (3) parking spaces where five (5) are required for a triplex dwelling based on a standard of 1.5 spaces per unit. Parking relief can be supported based on the following observations:

- The parking area is not located in any required exterior yard and there is no encroachment into the right-of-way;
- There is no sidewalk on the south side of O'Neil Drive West and therefore no conflict with pedestrian activity;
- Sight lines are adequate as the building meets the minimum corner side yard setback;
- Transit service is available on MR 86, with the closest transit stop approximately 330 metres from the subject property (approximate 5 minute walking distance).

**Title: Carole Voutier**

**Date: July 12, 2018**

### 2014 Provincial Policy Statement (PPS)

Under Section 1.1 of the PPS, Planning authorities shall provide for an appropriate range and mix of housing in the community. New development shall be directed to fully-serviced settlement areas, which shall be the focus of growth. The location of residential intensification shall be appropriate based on the availability of existing and planned infrastructure and the proximity to community services.

In this case, the subject land is located within a fully serviced urban area that offers good proximity to services including public transit. The scale of development is minor and considered appropriate based on the low density character of the area.

The proposal is consistent with the [2014 Provincial Policy Statement](#).

### 2011 Growth Plan for Northern Ontario (GPNO)

Greater Sudbury is identified as an Economic and Service Hub under the GPNO. Policy 4.3.2 states that these identified municipalities should be designed to accommodate a significant portion of future population and employment growth in Northern Ontario. Accordingly, a diverse range of housing is promoted. The application conforms with the GPNO.

### Summary

Planning Services recommends that the application for rezoning be approved subject to the conditions outlined in the Resolution section of this report. The owner is advised that a building permit application respecting the third unit is required to the satisfaction of the Chief Building Official prior to the adoption of the amending by-law.

# Appendix 1

## Departmental & Agency Comments

File: 751-3/18-2

**RE:** Application for Rezoning – Carole Voutier  
PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6,  
Concession 1, Township of Garson (66-68 Eva Street, Garson)

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### Development Engineering

This property is currently serviced with municipal water and sanitary sewer. We have no objection to changing the zoning classification in order to permit a triplex dwelling by recognizing an existing third unit.

### Roads and Transportation

While we do not object to the reduction in the number of required parking spaces, it is important to note that any overflow parking that may occur from this site will affect the neighboring property owners on Eva Street or other area roadways.

### Building Services

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

1. Prior to the passing of the amending by-law, the owner is to submit a building permit application for the illegal third unit built without benefit of a permit. Drawings prepared by a qualified designer are to be submitted showing, but not limited to, all floor layouts, exits, fire separations, and all fire and life safety requirements to the satisfaction of the Chief Building Official.
2. Living area density is a concern for the subject property and should be addressed for the request of the special use.
3. A revised plot plan is required to show all structures on-site and all structures are to be fully dimensioned. The driveway and each parking space are to be dimensioned.
4. The parking space(s) adjacent to the building is required to be 3.0 m wide as per CGS Zoning By-law 2010-100Z Part 5 - Parking and Loading Provisions, 5.2.3 Dimensions of Parking Spaces.
5. Parking of Travel Trailers, Recreation Vehicles and Campers are prohibited from parking within the required corner side yard as per CGS Zoning By-law 2010-100Z Part 5 - 5.4.7 Parking of Travel Trailers, Recreation Vehicles and Campers (b).

### Nickel District Conservation Authority

No concerns.

**SUBJECT PROPERTY**

FD

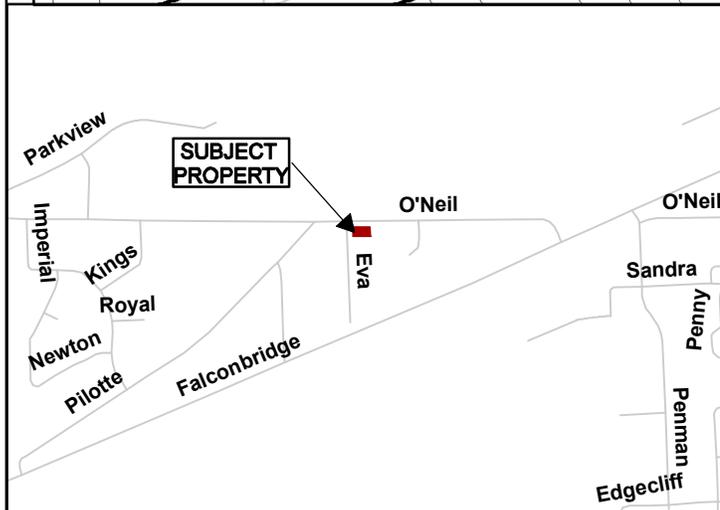
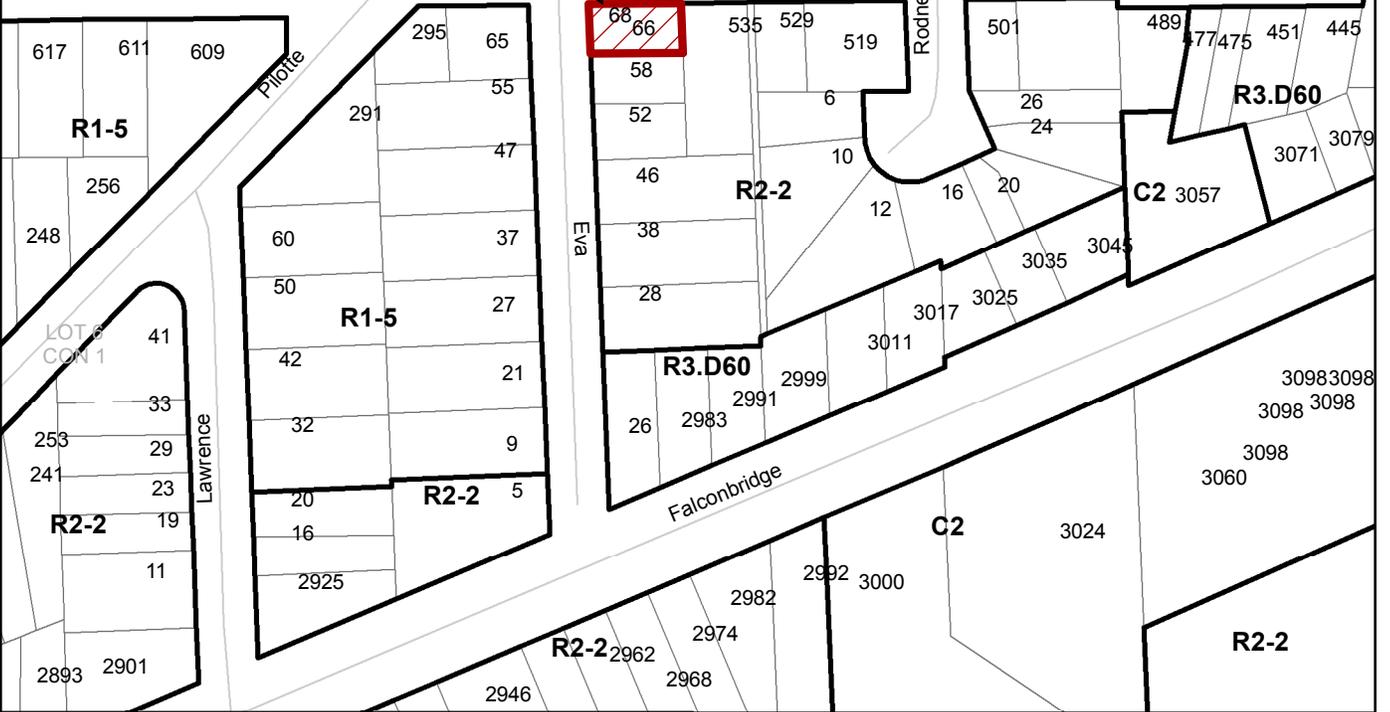
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LOT 6  
CON 2

600

FD

O'Neil



### Growth and Infrastructure Department



Subject Property being PIN 73494-0471, Pcl. 28950, Pt of Lots 21 & 22, Plan M-195, Lot 6, Concession 1, Township of Garson, 66 - 68 Eva Street, Garson, City of Greater Sudbury

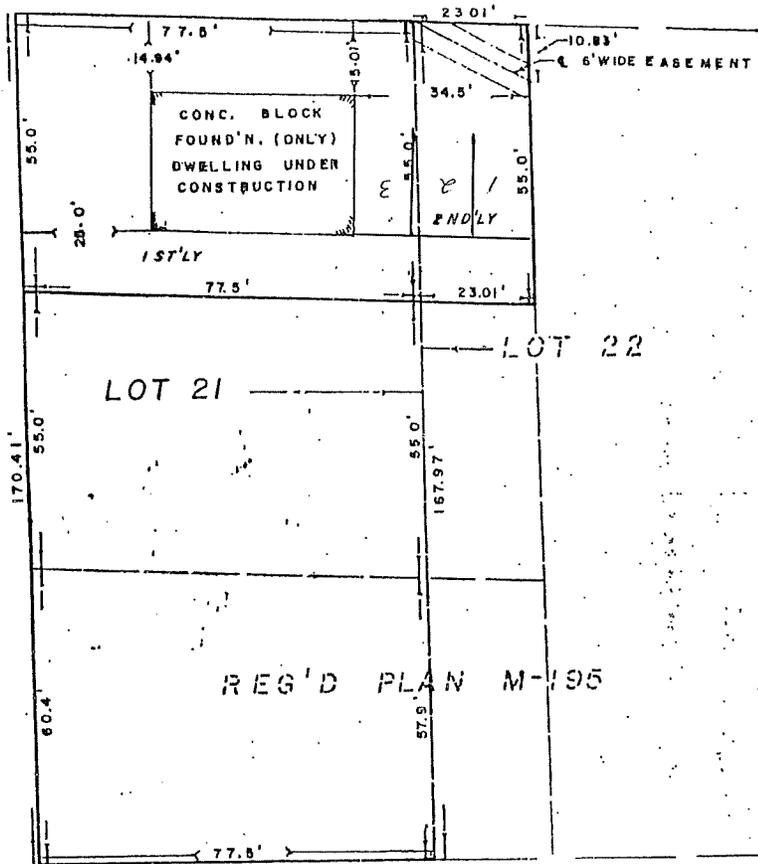
NTS  
Sketch 1

751-3/18-2  
Date: 2018 05 31



O'NEIL DRIVE

EVA STREET



PLAN SHOWING LOCATION OF BUILDING ON

PART OF LOT 21 & 22  
REG'D PLAN M-195

TOWNSHIP OF GARSON  
DISTRICT OF SUDBURY

DATE	SCALE	REF. No.
AUG. 21, 1968	1" = 30'	7-M-195 - GARSON

ENDLEMAN, HOLDER & WALLACE ONTARIO LAND SURVEYORS 174 ELM ST., W. SUDBURY, ONT.	<i>O.L. BUTVEYOR</i> O.L. BUTVEYOR
---	---------------------------------------

T.H.E. 68-379



PHOTO 1 66 – 68 EVA STREET, GARSON – VIEW OF SUBJECT PROPERTY ON CORNER LOT AND ABUTTING SINGLE DETACHED DWELLING TO THE SOUTH



PHOTO 2 66 - 68 EVA STREET, GARSON – REAR YARD PARKING AREA OFF O'NEIL DRIVE WEST

751-3/18-2 PHOTOGRAPHY JUNE 14, 2018



PHOTO 3 EVA STREET, GARSON – LOW DENSITY RESIDENTIAL  
USES ON EVA STREET OPPOSITE SUBJECT PROPERTY



PHOTO 4 O'NEIL DRIVE WEST, GARSON – PUBLIC PARK ON O'NEIL  
DRIVE WEST OPPOSITE SUBJECT PROPERTY

751-3/18-2 PHOTOGRAPHY JUNE 14, 2018

Meeting minutes - August 14, 2018

Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson

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

Report dated July 13, 2018 from the General Manager of Growth and Infrastructure regarding Carole Voutier - Application for rezoning in order to permit a triplex dwelling by recognizing an existing third unit and providing relief for required parking, 66-68 Eva Street, Garson.

Carole Voutier, the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

Mauro Manzon, Senior Planner, stated that there is no documentation for this file that would explain why the property was non-complaint in the 1990's.

Jason Ferrigan, Senior Planner, stated that this application is a historic situation that they are dealing with. Business practices have changed since the 1990's and they now work closely with colleagues in By-law Services to make sure the necessary steps are taken to make sure that each applicant is in compliance.

Ms. Voutier stated that she has owned the property for two (2) years and she is aware that it has been rented for over twenty (20) years prior to that. At this time she would like to correct the issue and bring the unit into compliance.

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

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

The following resolution was presented:

PL2018-143 Landry-Altman/Sizer: THAT the City of Greater Sudbury approves the application by Carole Voutier to amend Zoning By-law 2010-100Z by changing the zoning classification from "R2 2", Low Density Residential Two to "R2-2(S)", Low Density Residential Two Special on lands described as PIN 73494-0471, Parcel 28950 S.E.S., Part of Lots 21 & 22, Plan M-195 in Lot 6, Concession 1, Township of Garson, as outlined in the report entitled "Carole Voutier" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

a) That prior to the adoption of the amending by-law, the owner shall submit a building permit application addressing the third dwelling unit to the satisfaction of the Chief Building Official;

b) That the amending by-law includes the following site-specific provisions:

i) A maximum of three (3) dwelling units shall be permitted within the existing main building;

ii) A minimum 171 m<sup>2</sup> of lot area per dwelling unit shall be provided;

iii) A minimum of one (1) parking space per dwelling unit shall be provided in the rear yard.

c) Conditional approval shall lapse on August 14, 2020 unless Condition a) above has been met or an extension has been granted by Council.

**YEAS:** Councillors Lapierre, Jakubo, Sizer, McIntosh, Landry-Altman  
**CARRIED**

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