



PLANNING COMMITTEE AGENDA

Planning Committee Meeting
Wednesday, May 20, 2020
Tom Davies Square - Committee Room C-11 / Electronic Participation

COUNCILLOR FERN CORMIER, CHAIR

Robert Kirwan, Vice-Chair

12:15 P.M. CLOSED SESSION, COMMITTEE ROOM C-11 / ELECTRONIC PARTICIPATION

1:00 P.M. OPEN SESSION, COMMITTEE ROOM C-11 / ELECTRONIC PARTICIPATION

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ROLL CALL

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

- Purchase of Land - Municipal Road 35, Chelmsford
- Parking Lot Lease - Elgin Street, Sudbury
- Purchase of Property - Mountain Street, Sudbury

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

(RESOLUTION PREPARED)

RECESS

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

PUBLIC HEARINGS

1. Report dated March 12, 2020 from the General Manager of Growth and Infrastructure regarding Terry Noel & Alice Belzile - Application to extend a temporary use by-law in order to continue the use of a mobile home as a garden suite, 111 Dominion Drive, Hanmer. **9 - 17**
(RESOLUTION PREPARED)
 - Mauro Manzon, Senior Planner
2. Report dated March 26, 2020 from the General Manager of Growth and Infrastructure regarding Michael Banks - Application to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling in a Rural zone, 944 Radar Road, Hanmer. **18 - 25**
(RESOLUTION PREPARED)
 - Mauro Manzon, Senior Planner
3. Report dated March 13, 2020 from the General Manager of Growth and Infrastructure regarding Norbury (Sudbury) Limited – Application for Zoning By-Law Amendment, 902 Newgate Avenue, Sudbury. **26 - 50**
(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 ITEM C-1)

ROUTINE MANAGEMENT REPORTS

- C-1. Report dated March 12, 2020 from the General Manager of Growth and Infrastructure regarding Dalron Construction Ltd. – Application to Extend an Exemption from Part Lot Control, Arvo Avenue & Holland Road, Sudbury. **51 - 75**
(RESOLUTION PREPARED)
(This report provides a recommendation regarding the exemption from Part Lot Control at 1305 Holland Road, Sudbury.)

MEMBERS' MOTIONS

CORRESPONDENCE FOR INFORMATION ONLY

- I-1. Report dated March 6, 2020 from the General Manager of Growth and Infrastructure regarding Local Planning Appeal Tribunal Decision – Case PL190418 – Applications for Consent B0023/2019, B0024/2019, and B0025/2019– (0 Highway 69 North, Hanmer). **76 - 85**
(FOR INFORMATION ONLY)
(This report provides information regarding the Local Planning Appeal Tribunal Decision – Case PL190418 – Applications for Consent B0023/2019, B0024/2019, and B0025/2019– 0 Highway 69 North, Hanmer.)

ADDENDUM

CIVIC PETITIONS

QUESTION PERIOD

ADJOURNMENT

COMITÉ DE PLANIFICATION ORDRE DU JOUR

Réunion du Comité de planification

20 mai 2020

Place Tom Davies - Salle de réunion C-11 / participation électronique

CONSEILLER FERN CORMIER, PRÉSIDENT(E)

Robert Kirwan, Vice-président(e)

12H15 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-11 / PARTICIPATION ÉLECTRONIQUE

13H00 SÉANCE À HUIS CLOS, SALLE DE RÉUNION C-11 / PARTICIPATION ÉLECTRONIQUE

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

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

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

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

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

APPEL NOMINAL

Résolution pour tenir une réunion à huis clos afin de traiter de trois (3) acquisitions ou dispositions projetées ou en cours de terrains :

- l'achat d'une terre – route municipale 35, Chelmsford
- la location d'un parc de stationnement – rue Elgin, Sudbury

- l'achat d'une propriété – rue Mountain, Sudbury

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

(RÉSOLUTION PRÉPARÉE)

SUSPENSION DE LA SÉANCE

DÉCLARATION D'INTÉRÊTS PÉCUNIAIRES ET LEUR NATURE GÉNÉRALES

AUDIENCES PUBLIQUES

1. Rapport directeur général, Croissance et Infrastructure , daté du 12 mars 2020 portant sur Terry Noël et Alice Belzile – Demande de prorogation d'un règlement municipal d'utilisation temporaire afin de continuer l'utilisation d'une maison mobile à titre de pavillon-jardin, 111, promenade Dominion, Hanmer. **9 - 17**
(RÉSOLUTION PRÉPARÉE)
 - Mauro Manzoni, planificateur principal
2. Rapport directeur général, Croissance et Infrastructure , daté du 26 mars 2020 portant sur Michael Banks – Demande de prorogation d'un règlement municipal d'utilisation temporaire afin de permettre un pavillon-jardin accessoire à une maison unifamiliale dans une zone rurale, 944, chemin Radar, Hanmer. **18 - 25**
(RÉSOLUTION PRÉPARÉE)
 - Mauro Manzoni, planificateur principal
3. Rapport directeur général, Croissance et Infrastructure , daté du 13 mars 2020 portant sur Norbury (Sudbury) Limited – Demande de modification d'un règlement municipal de zonage, 902, avenue Newgate, Sudbury. **26 - 50**
(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 DE LA RÉSOLUTION C-1)

RAPPORTS DE GESTION COURANTS

- C-1. Rapport directeur général, Croissance et Infrastructure , daté du 12 mars 2020 portant sur Dalron Construction Ltd. – Demande de prorogation d'une exemption à la réglementation relative aux parties de lots de terrain, avenue Arvo et chemin Holland, Sudbury. **51 - 75**
(RÉSOLUTION PRÉPARÉE)
(Dans ce rapport, on formule une recommandation concernant l'exemption à la réglementation relative aux parties de lots de terrain, 1305, chemin Holland, à Sudbury.)

MOTIONS DES MEMBRES

CORRESPONDANCE À TITRE D'INFORMATION

- I-1. Rapport directeur général, Croissance et Infrastructure , daté du 06 mars 2020 portant sur Décision du Tribunal d'appel de l'aménagement local (dossier PL190418) – demandes d'autorisation B0023/2019, B0024/2019 et B0025/2019 (0, Route 69 Nord, Hanmer). **76 - 85**
(A TITRE D'INFORMATION)
(Dans ce rapport, on fournit des renseignements sur la décision du Tribunal d'appel de l'aménagement local (dossier PL190418) – demandes d'autorisation B0023/2019, B0024/2019 et B0025/2019 (0, route 69 Nord, Hanmer.)

ADDENDA

PÉTITIONS CIVIQUES

PÉRIODE DE QUESTIONS

LEVÉE DE LA SÉANCE

Request for Decision

Terry Noel & Alice Belzile - Application to extend a temporary use by-law in order to continue the use of a mobile home as a garden suite, 111 Dominion Drive, Hanmer

Presented To:	Planning Committee
Presented:	Wednesday, May 20, 2020
Report Date	Thursday, Mar 12, 2020
Type:	Public Hearings
File Number:	751-7/20-01

Resolution

THAT the City of Greater Sudbury approves the application by Terry Noel & Alice Belzile to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73503-1286, Parcel 15481 S.E.S., in Lot 1, Concession 1, Township of Hanmer in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled "Terry Noel & Alice Belzile" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 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

An application to extend a temporary use by-law has been submitted in order to permit the continued use of a 109 m² mobile home as a garden suite on the property municipally known as 111 Dominion Drive, Hanmer. The garden suite has been occupied since 2003 and there are no land use concerns related to the application. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

Financial Implications

This report has no financial implications as the garden suite was originally approved and occupied

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Mar 12, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 12, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Mar 13, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 17, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Mar 18, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

since 2003.

Title: Terry Noel & Alice Belzile

Date: March 10, 2020

STAFF REPORT

PROPOSAL:

An application to extend a temporary use by-law for a three-year period has been submitted in order to continue the use of a 109 m² mobile home as a garden suite. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites. There is no limit on the number of extensions.

Existing Zoning: “RU”, Rural

The subject land is zoned “RU”, Rural, which permits a residential use in the form a single detached dwelling or a mobile home.

Requested Zoning: Extension of a temporary use identified as T10 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years effective the date of the passing of the amending by-law.

Location and Site Description:

PIN 73503-1286, Parcel 15481 S.E.S., in Lot 1, Concession 1, Township of Hanmer (111 Dominion Drive, Hanmer)

The subject property is located on the south side of Dominion Drive, west of Notre Dame Avenue. Dwellings in this area are not serviced by municipal sewer and water. There are no servicing connections to the pressurized wastewater main within the right-of-way. Dominion Drive is designated as a Collector Road and is constructed to a rural standard. Public transit is not available other than GOVA Plus for eligible users.

Total area is 7.75 ha, with 101 metres of road frontage and an approximate depth of 772 metres. A two-storey single detached dwelling forms the main use. Various outbuildings are also present, including the garden suite, which is located in the westerly side yard behind the main house. The surrounding area is predominantly rural residential in character.

Related Applications:

The application was initially approved in 2003 (File 751-7/03-12) and extended in 2014 (File 751-7/14-12). The original garden suite was replaced in 2015 with a larger unit (Permit B15-0378).

Public Consultation:

Notice of complete application was circulated to the public and surrounding property owners on January 24, 2020. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on April 30, 2020.

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

POLICY & REGULATORY FRAMEWORK:

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

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

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

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.

Section 1.4 of the PPS encourages a range of housing types in order to address housing needs within the community. Garden suites are an important component of this housing mix and have been supported by Council since the 1980s. The application is consistent with the PPS.

Growth Plan for Northern Ontario:

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

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Services Hubs such as Greater Sudbury. The application conforms to the GPNO.

Official Plan for the City of Greater Sudbury:

Garden suites are permitted in Rural Areas subject to the following criteria under Sections 2.3.5 and 5.2.1:

- a. a single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- b. services will be connected to the service lines of the host dwelling unit to City specifications;
- c. a garden suite can be integrated with the prevailing character of the surrounding area, and will be removed at no expense to the City at the termination of its use; and,
- d. an agreement may be required between the application and the City dealing with such conditions as the installation, location, maintenance, occupancy and removal of the structure.

In Rural Areas, a mobile home may be used as a garden suite if it is built on its own foundation in accordance with the Ontario Building Code.

Zoning By-law 2010-100Z:

The subject land is zoned “RU”, Rural. Residential uses in the form of a single detached dwelling or a mobile home on a permanent foundation are permitted. Garden suites are also permitted and are subject to the setback requirements applied to accessory buildings.

Title: Terry Noel & Alice Belzile

Date: March 10, 2020

Site Plan Control:

A Site Plan Control Agreement is not required.

Department/Agency Review:

Commenting departments and agencies have no concerns related to the extension of the temporary use by-law.

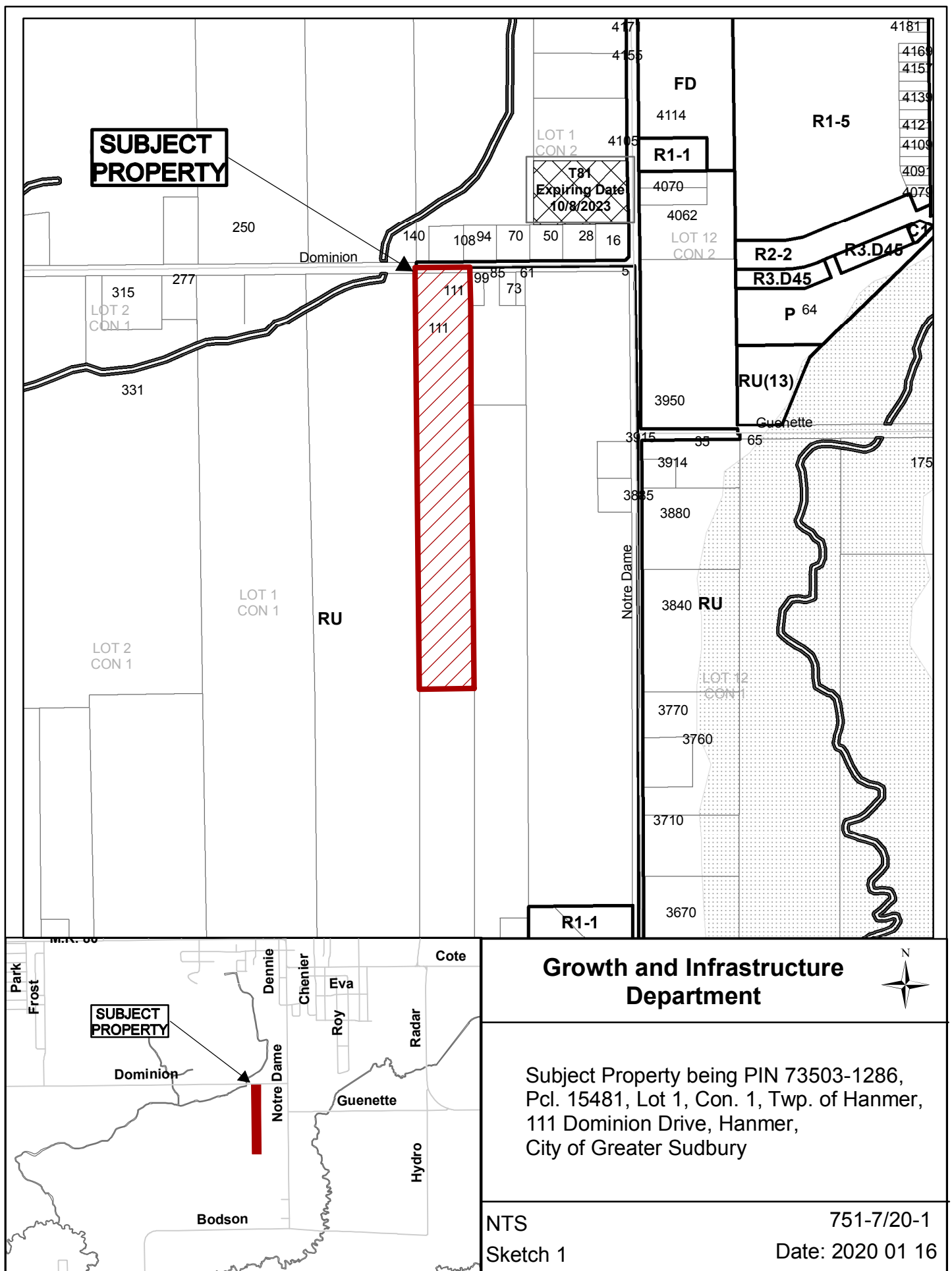
PLANNING ANALYSIS:

There are no land use concerns related to the extension of the garden suite, which was replaced in 2015 with a larger unit. There is ample site area to accommodate a garden suite, which is discretely installed behind the main dwelling. The application demonstrates conformity with Official Plan policies applied to Rural areas, including the permitted housing type.

The agents advised Planning Services that they do not wish to make the garden suite a permanent use under the secondary dwelling unit provisions of the Zoning By-law at this time.

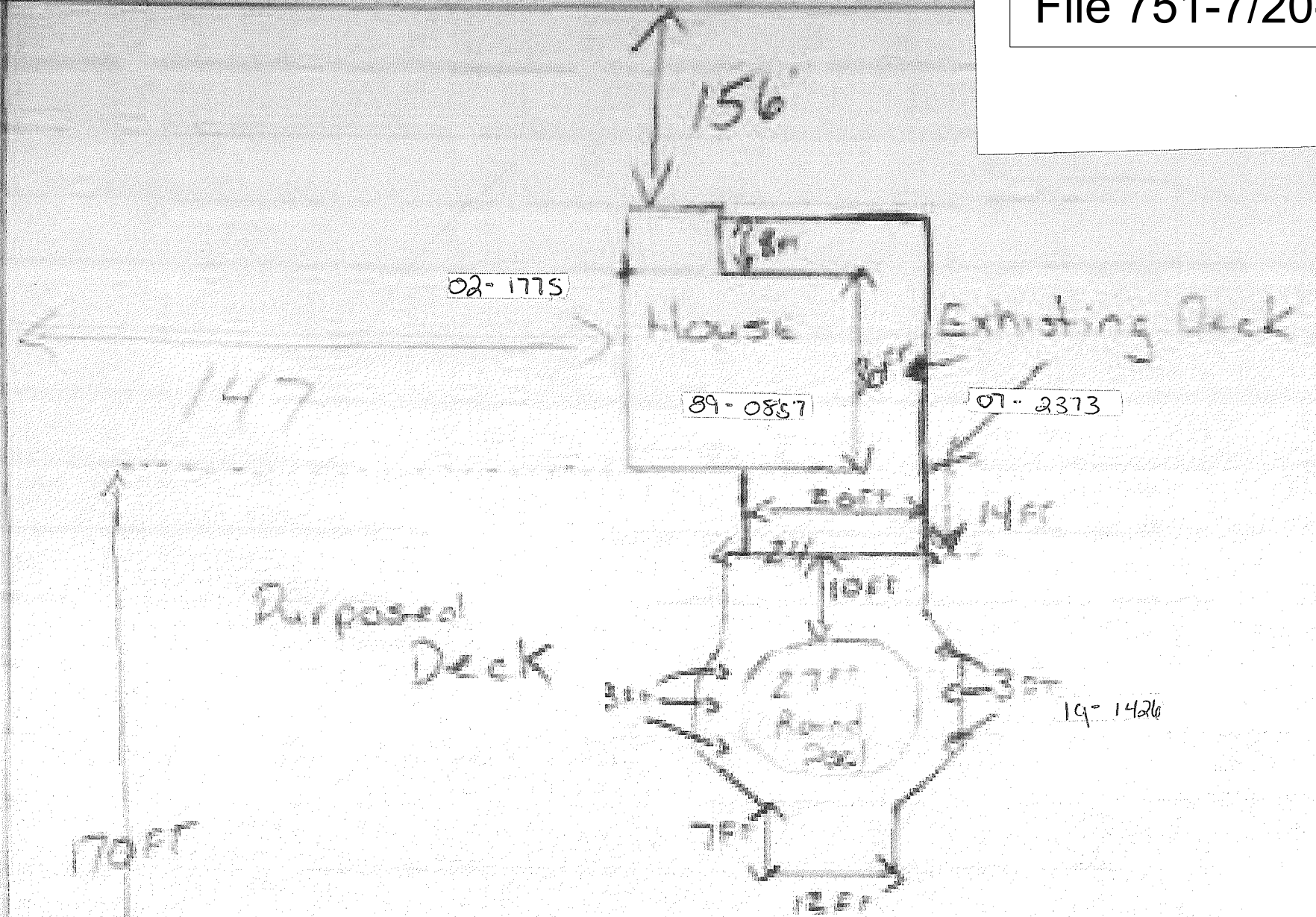
CONCLUSION:

The application to extend the temporary use by-law for another three-year period is recommended for approval. The effective date for the three-year extension will be the adoption date of the amending by-law. The owners are advised to apply for any future extension at least four months prior to the lapsing date.



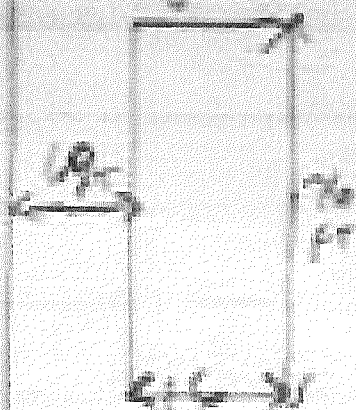
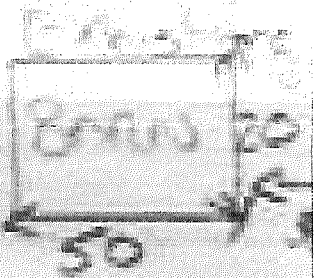
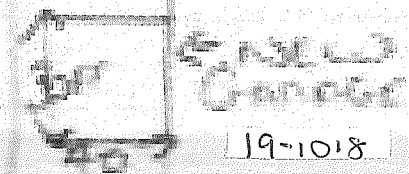
111 Dominion Dr

File 751-7/20-1



Information
19.4 Acre Farm

Frontage 331.92 FT



Garden Suite

03-1742
15-0378

existing garden suite

NOTE: IT IS THE CONSTRUCTOR'S RESPONSIBILITY TO ENSURE THAT ALL CONSTRUCTION CONFORMS TO THE REQUIREMENTS OF THE ONTARIO BUILDING CODE. NOTATIONS MADE ON THESE DRAWINGS ARE FOR YOUR INFORMATION AND ASSISTANCE ONLY AND DO NOT NECESSARILY COMMENT ON ALL AREAS OF THE COMPLEX.

POOL ENCLOSURE INCLUDING GATES TO HAVE SELF-CLOSING, SELF-LATCHING, LOCKABLE DEVICES AS PER BY-LAW 2016-21



Photo 1: 111 Dominion Drive, Hanmer
View of accessory garden suite with detached garage at right
File 751-7/20-1 Photography February 5, 2020



Photo 2: 111 Dominion Drive, Hanmer
View of main dwelling
File 751-7/20-1 Photography February 5, 2020

Request for Decision

Michael Banks - Application to extend a temporary use by-law in order to permit a garden suite accessory to a single detached dwelling in a Rural zone, 944 Radar Road, Hanmer

Presented To:	Planning Committee
Presented:	Wednesday, May 20, 2020
Report Date	Thursday, Mar 26, 2020
Type:	Public Hearings
File Number:	751-7/20-2

Resolution

THAT the City of Greater Sudbury approves the application by Michael Banks to amend Zoning By-law 2010-100Z with respect to lands described as PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol in order to extend the use of a garden suite in accordance with Section 39.1(4) of the Planning Act for a temporary period of three (3) years, as outlined in the report entitled "Michael Banks" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 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

An application to extend a temporary use by-law has been submitted in order to extend the use of an 83 m² mobile home as a garden suite on the property municipally known as 944 Radar Road, Hanmer. The garden suite has been occupied since 1994 and there are no land use concerns related to the application. Planning Services recommends a three-year extension pursuant to Section 39.1(4) of the Planning Act.

Financial Implications

This report has no financial implications as the garden suite was originally approved and occupied since 1994.

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Mar 26, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 26, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Mar 30, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 31, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 1, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

Title: Michael Banks

Date: March 24, 2020

STAFF REPORT

PROPOSAL:

An application to extend a temporary use by-law for a three-year period has been submitted in order to continue the use of a 83 m² mobile home as a garden suite. Under Section 39.1(4) of the *Planning Act*, a maximum three-year extension is permitted for garden suites. There is no limit on the number of extensions.

Existing Zoning: "RU", Rural

The subject land is zoned "RU", Rural, which permits a residential use in the form of a single detached dwelling or a mobile home.

Requested Zoning: Extension of a temporary use identified as T11 in the Zoning By-law

The extension would permit the garden suite to continue for an additional three (3) years to July 13, 2023.

Location and Site Description:

PIN 73508-1091, Parcel 1139 S.E.S., in Lot 9, Concession 2, Township of Capreol (944 Radar Road, Hanmer)

The subject property is located on the north side of Radar Road in the Township of Capreol. The area is not serviced by municipal water and sanitary sewer. Radar Road is designated as a Secondary Arterial Road. The area is serviced as GOVA Zone D (former TransCab) and by GOVA Plus for eligible users.

Total area of the irregular-shaped parcel is 17 ha, with 92.4 metres of frontage and a depth of approximately 864 metres. The property backs onto a Hydro corridor to the north. A 163 m² single detached dwelling forms the main use. There are several accessory buildings, including an 83 m² mobile home that functions as a garden suite. Rural residential uses comprise adjacent properties.

Related Applications:

The garden suite on this property was first approved as a temporary use in 1994. There have been four subsequent extensions. Under Section 39.1(4) of the Planning Act, Council may grant a maximum three (3) year extension for garden suites. There is no limit on the number of extensions. The current temporary use by-law lapses on July 13, 2020.

Public Consultation:

Notice of complete application was circulated to the public and surrounding property owners on February 3, 2020. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 240 metres of the property on April 30, 2020.

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

Title: Michael Banks

Date: March 24, 2020

POLICY & REGULATORY FRAMEWORK:

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

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

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

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.

Section 1.4 of the PPS encourages a range of housing types in order to address housing needs within the community, including persons who need to live within close proximity of family but also desire a measure of independent living. Garden suites have been supported by Council since the 1980s. The application is consistent with the PPS.

Growth Plan for Northern Ontario:

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

Section 4.3.3 of the GPNO encourages an appropriate range and mix of housing types in Economic and Services Hubs such as Greater Sudbury. The application conforms to the GPNO.

Official Plan for the City of Greater Sudbury:

Garden suites are permitted in Rural Areas subject to the following criteria under Sections 2.3.5 and 5.2.1:

- a. a single garden suite is allowed as an accessory unit on a lot with only one existing dwelling unit;
- b. services will be connected to the service lines of the host dwelling unit to City specifications;
- c. a garden suite can be integrated with the prevailing character of the surrounding area, and will be removed at no expense to the City at the termination of its use; and,
- d. an agreement may be required between the applicant and the City dealing with such conditions as the installation, location, maintenance, occupancy and removal of the structure.

In Rural Areas, a mobile home may be used as a garden suite if it is built on its own foundation in accordance with the Ontario Building Code.

Zoning By-law 2010-100Z:

The subject land is zoned “RU”, Rural. Residential uses in the form of a single detached dwelling or a mobile home on a permanent foundation are permitted. Garden suites are also permitted subject to the setback requirements applied to accessory buildings.

Title: Michael Banks

Date: March 24, 2020

Site Plan Control:

A Site Plan Control Agreement is not required.

Department/Agency Review:

Commenting departments and agencies have no concerns related to the extension of the temporary use by-law.

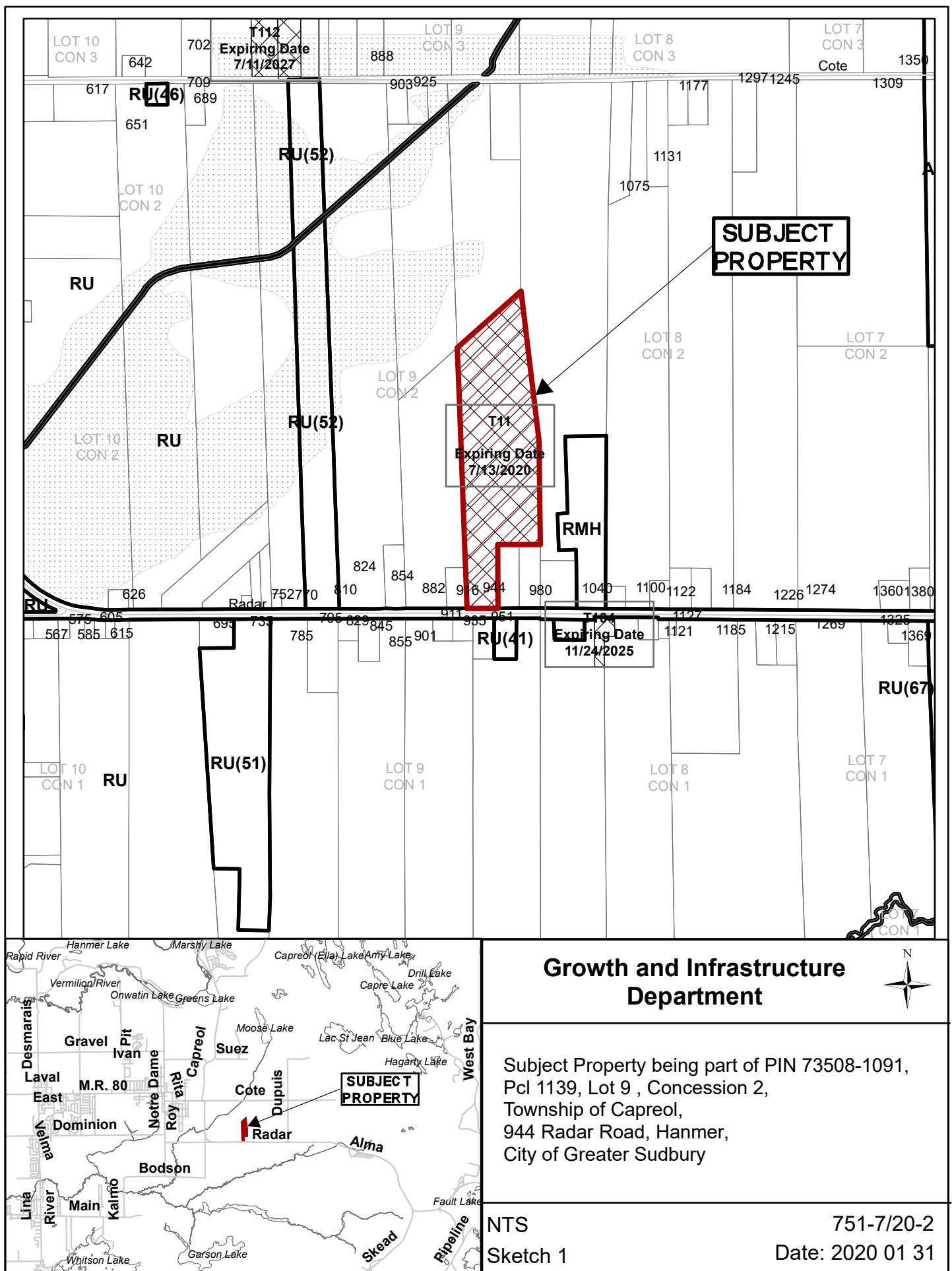
PLANNING ANALYSIS:

The garden suite has been in place since 1994 and does not present any land use concerns, as it is discretely located behind the main dwelling. The unit continues to be maintained and occupied in compliance with the provisions applied to garden suites. The application to extend the temporary use by-law for a three-year period is recommended for approval.

The owner advised Planning Services that he does not want to convert the garden suite to a permanent use under the secondary dwelling unit provisions of the Zoning By-law at this time.

CONCLUSION:

The application to extend the temporary use by-law for another three-year period is recommended for approval.



Growth and Infrastructure Department



Subject Property being part of PIN 73508-1091,
Pcl 1139, Lot 9 , Concession 2,
Township of Capreol,
944 Radar Road, Hanmer,
City of Greater Sudbury

NTS
Sketch 1

751-7/20-2
Date: 2020 01 31

COTE BLVD.

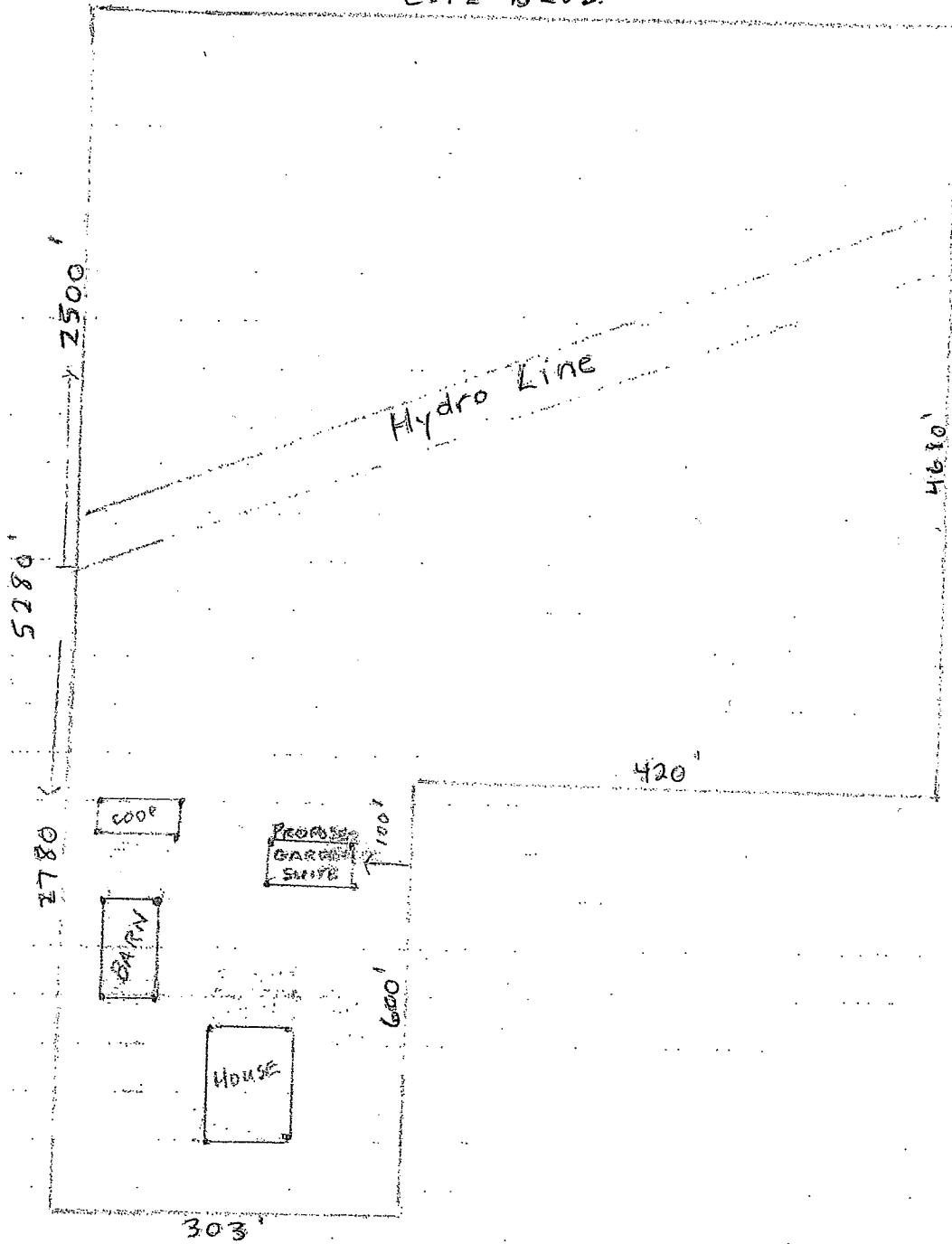




Photo 1: 944 Radar Road, Hanmer
View of accessory garden suite behind main dwelling
File 751-7/20-2 Photography February 5, 2020



Photo 2: 944 Radar Road, Hanmer
View of main dwelling
File 751-7/20-2 Photography February 5, 2020

Request for Decision

Norbury (Sudbury) Limited – Application for Zoning By-Law Amendment, 902 Newgate Avenue, Sudbury

Presented To: Planning Committee

Presented: Wednesday, May 20, 2020

Report Date: Friday, Mar 13, 2020

Type: Public Hearings

File Number: 751-6/20-04

Resolution

THAT the City of Greater Sudbury approves the application by Norbury (Sudbury) Limited to amend Zoning By-law 2010-100Z, as outlined in the report entitled “Norbury (Sudbury) Limited” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 2020, to:

a) Change the zoning classification from “H47M1-1(21)”, Hold – Business Industrial Special to “M1-1(21)”, Business Industrial Special, and “H47OSP(6)”, Hold – Open Space Private to “OSP(6)” Open Space Private Special on those lands described as PIN 02123-0095, Parcel 49975, Parts 1-8, Plan 53R-13785; and Part of PIN 02123-0420, Parcel 573, located between a line connecting the southeast corner of Lot 3, Plan M-1059 and the northeast corner of Lot 4, Plan M-1059, and a line drawn due south between Lots 3 & 4, Plan M-1059 from a point located 30m west of the southwest corner of Part 7, Plan 53R-13785, in Lot 4, Concession 5, Township of McKim; and

b) Change the zoning classification on the subject lands to a revised “M1-1(19)”, Business Industrial Special, and “OSP(6)”, Open Space Private Special on those lands described as PIN 02123-0007, Parcel 46225, Lot 4, Plan M-1059; and Part of PIN 02123-0420, Parcel 573, located between the southwest corner of Lot 3, Plan M-1059 and the northwest corner of Lot 4, Plan M-1059, and a line connecting the southeast corner of Lot 3, Plan M-1059 to the northeast corner of Lot 4, Plan M-1059, in Lot 4, Concession 5, Township of McKim.

1. Prior to the enactment of the amending by-law, the following conditions shall be satisfied: a. That the amending by-law includes the following site-specific provisions:

(i) That the “M1-1(21)”, Business Industrial Special zone provisions be revised by:

Signed By

Report Prepared By

Wendy Kaufman
Senior Planner
Digitally Signed Mar 13, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 13, 20

Reviewed By

Jason Ferrigan
Director of Planning Services
Digitally Signed Mar 13, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 17, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Mar 18, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

- requiring a fence with a reptile barrier on a line 30 m from the boundary of the Ponderosa Provincially Significant Wetland; and
- prohibiting development or the use of land on the east side of the fence.

(ii) That the “OSP(6)”, Open Space Private Special zone provisions be revised by:

- adding recreation vehicle sales and service establishment, vehicle sales or rental establishment, and accessory outdoor display and sales as permitted uses in the OSP(6) zone; and
- requiring a fence with a reptile barrier along the north boundary beginning from the boundary of the Ponderosa Provincially Significant Wetland and extending 30 m west, and along the east boundary.

(iii) That the “M1-1(19)”, Business Industrial Special zone provisions be revised by:

- adding recreation vehicle sales and service establishment, and vehicle sales or rental establishment as permitted uses in the “M1-1(19)” zone; and
- requiring a fence with a reptile barrier along the east boundary.

b. The existing shipping and storage container must be removed to the satisfaction of the Director of Planning Services.

c. The owner shall enter into an amended site plan control agreement with the City.

2. Conditional approval shall lapse on June 9, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan / Health Impact Assessment

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The applications contribute to the 2019-2027 City of Greater Sudbury Strategic Plan goals related to asset management and service excellence, as well as business attraction, development and retention.

Report Summary

An application has been submitted to remove the ‘H(47)’ holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6), until criteria related to the protection of the adjacent Ponderosa Provincially Significant Wetland (PSW) and threatened species are met. The application also proposes to add recreation vehicle sales and service establishment, and vehicle sales or rental establishment, to the list of uses permitted in the OSP(6) and M1-1(19) zone. Accessory outdoor display and sales is also proposed in the OSP(6) zone.

The subject land is designated as Mixed Use Commercial in the Official Plan and zoned H47M1-1(21), H47OSP(6), M1-1(19), OSP(6).

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

Based on the information available, staff is unable to determine the implications for property taxes for the rezoning of this land. Development charges would only apply if new or expanded buildings are constructed on this property, which is unknown at this time.

STAFF REPORT

PROPOSAL

The application proposes to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by removing the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6), until criteria related to the protection of the adjacent Ponderosa PSW and threatened species are met. The application also proposes to add recreation vehicle sales and service establishment, and vehicle sales or rental establishment, to the list of uses permitted in the OSP(6) and M1-1(19) zone. Accessory outdoor display and sales is also proposed in the OSP(6) zone.

The applicant has taken steps to develop the site since a previous rezoning was approved by Council on July 10, 2018. The applicant has installed a stormwater management pond, has worked to address the criteria related to the holding provision, and is completing the process of amending the site plan control agreement with the City.

The application proposes to remove the 'H(47)' holding provision based on the recommendations of an Environmental Impact Study (EIS) and information received from the Ministry of Natural Resources and Forestry.

The application also proposes additional uses to be permitted in certain zones in order to reflect business needs. While automotive sales (which includes utility trailer sales) are already permitted in the M1-1(19) and (21) zone, this application proposes to broaden the permitted vehicle sales and/or service. They are also requesting these same uses be permitted in the OSP(6) zone to enable accessory outdoor display and parking on those lands.

The applicant's site sketches show the location of the H47 holding provision, the proposed rezoning requests, as well as the proposed site layout including outdoor display areas, storage areas, parking, and landscaping.

Existing Zoning: H47M1-1(21), H47OSP(6), M1-1(19), OSP(6)

The M1-1 zone permits a wide range of business industrial uses. At the applicant's request, on July 10, 2018, the M1-1(19) zone was created to also permit a vehicle repair shop. The M1-1(21) zone was created to also permit the outdoor storage of vehicles accessory to a vehicle repair shop in that zone. The OSP(6) zone was created to permit an access driveway in addition to public park uses.

The H47 holding provision applies to all of the M1-1(21) zone and a portion of the OSP(6) zone. It restricts the use of the lands to uses which legally existed on July 10, 2018. The H47 holding provision shall only be removed by Council if following criteria have been satisfied:

1. Approval from the Ministry of Natural Resources and Forestry of a re-delineation of a portion of the Ponderosa Provincially Significant Wetland (PSW) boundary such that lands are located outside of the PSW to the satisfaction of the City's Director of Planning Services; and,
2. The submission of an Environmental Impact Study (EIS) to the satisfaction of the Director of Planning Services that demonstrates that there will be no negative impacts on the Ponderosa PSW or its ecological functions, including habitat for species at risk.

Date: March 9, 2020

Requested Zoning: Removal of the H47 holding provisions, and a revised M1-1(19) and OSP(6) zone.

The proposed removal of the H47 holding provisions would enable development in accordance with the underlying zones, being M1-1(21) and OSP(6).

The application also proposes to add the following to the list of uses permitted in the M1-1(19) zone and OSP(6) zone:

- Recreation Vehicle Sales and Service Establishment; and
- Vehicle Sales or Rental Establishment.

Accessory outdoor display and sales is also proposed in the OSP(6) zone.

Location and Site Description

The subject lands are located on the east side of Newgate Avenue, east of Notre Dame Avenue in Sudbury. The lands have an area of approximately 14,604 m² (3.6 ac) with approximately 95 m (311.7 ft) of frontage on Newgate Avenue. The northerly portion of the property, immediately behind the adjacent fast food restaurant is undeveloped. The lands are occupied by an industrial building with a floor area of approximately 3,384m² (36,426 ft²). There are transit stops located at the site on the west side of Notre Dame Avenue, and within 115 m on the east side of Notre Dame Avenue.

Surrounding Land Uses

The area surrounding the site includes:

North:	Restaurant (McDonald's)
East:	vacant, Ponderosa PSW
South:	Automotive use (Palladino RV)
West:	Notre Dame Avenue, and mix of commercial and business industrial uses

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 there are mix of commercial and business industrial uses along this section of Notre Dame Avenue.

Related Applications

On Monday, April 9, 2018, Planning Committee recommended approval of a rezoning application to add vehicle repair shop to the list of uses permitted in the M1-1(19) zone, permit vehicle access within the OSP(6) zone, and add the outdoor storage of vehicles accessory to a vehicle repair shop in the M1-1(21) zone (File #751-6/17-29). The approval included a holding provision which was passed by Council on July 10, 2018 that restricted development on a portion of the lands until criteria related to the protection the adjacent Ponderosa PSW and threatened species are met. The amending by-law was not appealed and is in full force and effect.

Public Consultation

There have not been comments from the public to date on this application. Notice of complete application of the application was circulated to the public and surrounding property owners on February 6, 2020. Notice of Public Hearing was circulated to the public and surrounding property owners on April 30, 2020. As of the date of this report, no concerns or objections have been received regarding the proposed zone change application.

POLICY & REGULATORY FRAMEWORK

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

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

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

Provincial Policy Statement (PPS)

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

Section 1.1.3 of the PPS directs that settlement areas shall be the focus of growth and development.

Planning authorities shall also identify appropriate locations for redevelopment taking into account existing building stock. The need for the unjustified and/or uneconomical expansion of services shall be avoided.

Section 1.3.1 of the PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses to meet long-term needs, and maintaining a range and choice of suitable sites which take into account the needs of existing and future businesses.

Section 1.7.1 states that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness, and by optimizing the use of land and infrastructure.

Section 2.0 of the PPS, Wise Use and Management of Resources, addresses protecting the Province's natural resources for their economic, environmental and social benefits. Section 2.1.7 states that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Section 2.1.8 of the PPS, requires that no development or site alteration occur on adjacent lands to significant wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Growth Plan for Northern Ontario

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

Official Plan for the City of Greater Sudbury

Section 1.3.2 of the Official Plan acknowledges the link between planning, design and economic development, such as by providing a framework to reinforce the urban structure and achieve efficient urban form and use of infrastructure.

The subject lands are designated as Mixed Use Commercial in the Official Plan. Section 4 of the Official Plan identifies that the Mixed Use Commercial designation is intended to reflect lands where people presently work and lands where employment opportunities will be provided in the future.

Given the function and high visibility of these areas, special attention is to be given to sound urban design principles including supporting active transportation and transit.

All uses except Heavy Industrial may be accommodated in the Mixed Use Commercial designation through the rezoning process, subject to the following criteria listed in section 4.3:

- sewer and water capacities are adequate for the site;
- parking can be adequately provided;
- no new access to Arterial Roads will be permitted where reasonable alternate access is available;
- the traffic carrying capacity of the Arterial Road is not significantly affected;
- traffic improvements, such as turning lanes, where required for a new development, will be provided by the proponent;
- landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and
- the proposal meets the policies of Sections 11.3.2 (transit) and 11.8 (accessibility), and Chapter 14.0, Urban Design.

Section 9.2.2 contains policies pertaining to significant habitat of endangered species and threatened species. Development and site alteration is not permitted in such habitat, nor is it permitted on adjacent lands unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impact on the feature or their ecological functions. Section 9.2.3 contains policies pertaining to provincially significant wetlands. Development and site alteration are not permitted on lands adjacent to a sensitive wetland or a provincial significant wetland unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or ecological functions. Adjacent lands are considered to be within 50 metres of any sensitive wetland, and within at least 120 metres of a provincially significant wetland. This area can be modified if justified by a study.

Section 10.2 of the Official Plan identifies situations where development is not permitted in a floodplain, and the approval role of Conservation Sudbury. Section 20.7.1 contains hazard land policies specific to this section of Notre Dame Avenue (known as 'Area B') and states that development may occur subject to the approval of Conservation Sudbury. New development as well as redevelopment of existing buildings may be permitted up to 95 metres east of Notre Dame Avenue. No development will occur closer than 25 metres to Junction Creek.

Zoning By-law 2010-100Z

The development standards for the M1-1 zone require a maximum height of 12 m. The minimum required front yard is 9.0 m, the minimum required rear yard is 6.0 m, and the minimum required interior side yard is 3.0 m. The maximum lot coverage is 50%, and the minimum landscaped open space is 5%.

The development standards for the OSP zone require a maximum height of 10 m. The minimum requirement for all yards is 10 m, the maximum lot coverage is 5%, and the minimum landscaped open space is 40%.

The general provisions of the zoning by-law permit outdoor display and sales accessory to automotive sales, vehicle sales or rentals, and recreation vehicles sales and service in required yards, outside of required landscaped open space, parking, or loading spaces. A minimum 3 m landscaped area is required adjacent to Newgate Avenue.

Outdoor storage is only permitted in the M1-1(21) zone, and is limited to the storage of vehicles accessory to a vehicle repair shop. The outdoor storage of vehicles is not required to be screened by opaque fencing.

Site Plan Control

The property is currently subject to a site plan control agreement that was registered on August 19, 1987, and amended on October 7, 1992, and only applies to the lands containing the existing structure (Parcel 46225). The expanded use of the property and improvements proposed through the previous rezoning application triggered the existing site plan to be amended, and an amendment process is underway.

Department/Agency Review

The application, together with the applicable reports noted above, 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 from Development Engineering identify matters to be addressed at the site plan stage, including quality control of stormwater, and the need for an easement for a storm main that crosses the lands.

Building Services has advised that the existing shipping and storage containers are not permitted within an M1-1 zone and are required to be removed.

Conservation Sudbury has identified that the subject lands are within the regulatory floodplain and include a small portion of the Ponderosa PSW. Conservation Sudbury has issued a permit for a new driveway, a holding pond for storm water management, and an oil grit separator on site. The permit is still open. When the associated works are complete, the applicant must contact Conservation Sudbury for a final inspection and to close the permit. Any additional work will require a permit pursuant to Section 28 of the *Conservation Authorities Act*. Conservation Sudbury has recommended that the portion of the Ponderosa PSW that is subject to be rezoning be zoned restrictively to prohibit any future development. Conservation Sudbury has also commented that certain uses are not permitted within the floodplain (e.g. hospitals, essential emergency services, uses associated with the hazardous substances).

Environmental Planning Initiatives has commented that the materials submitted with the application are sufficient to meet the requirements for removal of the holding provision. Specifically, the accurate delineation of the Ponderosa PSW, and demonstration that the proposed uses are not anticipated to have significant negative impacts on the Ponderosa PSW or the habitat of species protected under the Endangered Species Act. In order to protect Blanding's Turtle habitat, the upland area 30 metres from the

Ponderosa PSW must be protected by a chain link fence (with reptile barrier). The draft site plan which shows a chain link fence demonstrates that site alterations will be prevented from occurring in Category 2 Blanding's Turtle habitat, and the details of the 'reptile barrier' component of the fence must be included in the final site plan.

As described below, these comments have been addressed to the satisfaction of reviewing departments and agencies.

PLANNING ANALYSIS

Planning staff circulated the development application to internal departments and external agencies in February, 2020. The PPS (2014), 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.

Holding Provisions

Holding provisions were applied to portions of the subject lands restrict development adjacent to the Ponderosa PSW and the habitat of Blanding's Turtle.

In accordance with the policies of Section 9.2.2 of the Official Plan, an EIS was required to ensure that any development or site alteration is restricted to portions of the subject land that will not impact the lands identified as habitat.

At the time of the previous rezoning, preliminary mapping indicated that a portion of the subject lands was included as part of the adjacent Ponderosa PSW. Staff from the Environmental Planning Initiatives Section conducted a site inspection and determined that while the lands should not be classified as part of the Ponderosa PSW itself, they are adjacent and require assessment through an EIS. The applicant has worked with the Ministry of Natural Resources and Forestry to confirm that the boundary of the Ponderosa PSW (correspondence dated April 5, 2019). The majority of the lands are outside the Ponderosa PSW, though a small sliver approximately 2 m² in size is on the site.

An EIS has been submitted which demonstrates that the proposed activities lands are outside the habitat of Blanding's turtle, and there will be no negative impacts on the natural features or ecological functions of the adjacent wetlands. Environmental Planning Initiatives has reviewed the EIS and correspondence received from the Ministry of Natural Resources and Forestry and confirm the materials are satisfactory for the holding provision being lifted. A fence with a reptile barrier is required to be constructed 30 m from the wetland boundary in order to prevent site alteration in Blanding's Turtle Habitat as well as keep Blanding's Turtle from moving into areas where activities that could harm them are occurring. Further to the formal comments provided, Environmental Planning Initiatives staff has also recommended that a fence with a reptile barrier be used to exclude Blanding's Turtles from the pond that has been constructed on the OSP(6) lands and the already-developed M1-1(19) lands. A small portion of the Ponderosa PSW is on the subject lands, and Conservation Sudbury has requested these lands be zoned restrictively. The EIS also recommends protection of existing vegetation adjacent to the Ponderosa PSW to prevent negative impacts. Therefore, to ensure conformity with the official plan and consistency with the PPS, as well as implement agency comments, it is recommended that the site-specific zoning provisions for the subject lands include the requirement for a fence with a reptile barrier as well as prohibit development or use of land on the east side of the barrier where the lands are undisturbed.

Staff have reviewed the request in detail and are satisfied that the criteria have been met and further that it would now be appropriate to lift the holding provision, which would allow the uses permitted in the OSP(6) and M1-1(21) zones. Staff therefore recommend that the application to remove the holding provision be approved, subject to the implementation of the recommended site-specific provisions.

Additional Uses

The application conforms with the general economic policies and guiding land use principles of the Growth Plan for Northern Ontario. The applications are consistent with PPS policies and conform with Official Plan policies that acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide economic opportunities.

The subject lands are within a fully-serviced settlement area. The application aligns with the PPS as well as Official Plan section 1.3.2 regarding directing development to settlement areas to promote long-term economic prosperity by optimizing the use of land and infrastructure.

The proposed use is within a floodplain, and the recommended site-specific zoning provisions described above will prohibit development in the small portion of the Ponderosa PSW that extends onto the subject lands as recommended by Conservation Sudbury. Conservation Sudbury has also commented that certain uses are not permitted within the floodplain (e.g. hospitals, essential emergency services, uses associated with the hazardous substances). These uses would not be permitted as a result of this application. Any future construction of buildings or structures would be subject to Conservation Sudbury permit requirements.

The application meets the specific considerations for a rezoning as listed in policy 4.3 of the Official Plan:

- There are no identified servicing constraints.
- Adequate on-site parking can be provided. The proposed trailer display area would displace 6 parking spaces, with 18 are proposed to be added in the OSP(6) zone, for a net gain of 12 spaces. The site plan demonstrates that 97 spaces can be accommodated on the site. This is expected to be adequate for the uses that are proposed. Detailed calculations will be reviewed as part of the site plan process.
- There is sufficient traffic carrying capacity available to support the development. Traffic improvements, such as turning lanes are not required to support this development.
- Landscaping will be provided along Newgate Avenue, and will be further reviewed as part of the site plan process.
- Policies pertaining to transit and accessibility (e.g. pedestrian connections), as well as urban design, will be further considered as part of the site plan process. Generally, the proposal meets these policies.

In reviewing the application, staff notes the abutting commercial uses, in particular the automotive related businesses to the south. Staff is of the opinion that the request is appropriate at this location and that the added uses of the lands will be compatible with the surrounding land uses.

It is recommended that a condition be implemented requiring the shipping container on the subject lands be removed, given the shipping container is not permitted.

In order to ensure that site works are constructed to the satisfaction of the City it is recommended that a condition be implemented requiring the owner enter into an amended site plan control agreement with the City.

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:

- remove the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6);
- add recreation vehicle sales and service establishment, and vehicle sales or rental establishment, to the list of uses permitted in the OSP(6) and M1-1(19) zone;
- add accessory outdoor display and sales to the list of uses permitted in the OSP(6) zone;
- require a fence with reptile barrier; and
- prohibit development on the east side of the fence where the lands are undisturbed.

The development of the subject lands achieves a number of policy directives, including the efficient use of existing infrastructure, promoting a mix and range of employment uses and a diverse economic base. Staff has 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 is of the opinion that the proposed zoning by-law amendment is appropriate based on the following:

- Development in this location aligns with economic policies and directing development to an area with existing infrastructure.
- The proposal has been evaluated in the context of the surrounding and future land uses and is considered appropriate.
- Site-specific zoning restrictions will prohibit development from occurring in the Ponderosa PSW, protect lands adjacent to the Ponderosa PSW to ensure no negative impacts to the PSW as well as prohibit development in the habitat of a threatened species (Blanding's Turtle).
- There are no identified servicing constraints and the traffic increase can be accommodated. Adequate on-site parking is provided.
- The site design, including landscaping provisions, will be further addressed through the site plan control agreement process.

Staff recommend approval of the application on the basis 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.

Appendix 1

Departmental & Agency Comments

File: 751-6/20-04

RE: Application for Rezoning – Norbury (Sudbury) Limited
PIN 02123-0095, 02123-0007 and 02123-0420, Parcels 46255, 49975 & part of 573, Lot 4, Plan M-1059, Parts 1-8 Plan 53R-13785 in Lot 4, Concession 5, Township of McKim (902 Newgate Avenue, Sudbury)

Development Engineering

Development Engineering has reviewed the above noted application. This site is currently serviced with sanitary and municipal water.

Due to the nature of the proposed business, there is a concern with the quality of stormwater runoff from these lands entering Junction Creek. As such, we request that quality control of the stormwater be provided as part of an amended Site Plan Agreement for this location in compliance with the Junction Creek sub-watershed study. There is a 850mm diameter storm main that traverses the site from Newgate Avenue easterly to Junction Creek. A 5 meter wide easement must be provided for this pipe across the applicant's lands.

We have no objection to removing the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6) and adding Recreation Vehicle Sales and Service Establishment and Vehicle Sales or Rental Establishment to the list of uses permitted in the OSP(6) and M1-1(19) zone.

Infrastructure and Capital Planning Services - Roads, Traffic and Transportation, Active Transportation, Operations

No concerns.

Infrastructure and Capital Planning Services - Drainage Section

Further to Alex Singbush's email dated February 6, 2020, the Infrastructure Capital Planning Services Drainage Section has reviewed the above application and can advise we have no comments.

Building Services

We have reviewed your memo dated February 6 2020, regarding the above noted application requesting to amend *CGS Zoning By-law 2010-100Z* of the subject lands to remove the "H47" holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6), until criteria related to the protection of the adjacent provincially significant wetland are met.

The application also proposes to add the following to the list of uses permitted on the OSP(6) and M1-1(19) zone:

- Recreation Vehicle Sales and Service Establishment; and
- Vehicle Sales or Rental Establishment

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

1. The existing shipping and storage containers are not a permitted use within an M1-1 zone, and are required to be removed.
2. As a condition of this application, the requirements of the Holding Provision "H47" are required to be satisfied.

Conservation Sudbury

Conservation Sudbury staff has reviewed the above-noted application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law, to remove the 'H(47)' holding provision from where it restricts development on lands zoned M1-1(21) and OSP(6) until criteria related to the protection of the adjacent provincially significant wetland are met. The application also proposes to add the following to the list of uses permitted in the OSP(6) and M1-1(19) zone:

- Recreation Vehicle Sales and Service Establishment; and,
- Vehicle Sales or Rental Establishment.

Staff has reviewed the following documents as part of this application:

- Findings of an Environmental Impact Study dated June 8, 2018 (prepared by Pinchin Ltd.); and,
- Letter detailing newly confirmed Provincially Significant Wetland – Ponderosa Wetland, Sudbury District from the Ministry of Natural Resources and Forestry dated April 5, 2019.

The subject parcel is adjacent to the Ponderosa Wetland, a Provincially Significant Wetland (PSW). As such, the entire site is regulated by Ontario Regulation 156/06. A small portion of the PSW falls within the limits of the proposed rezoning.

The subject lands are previously developed, with an existing commercial/industrial multi-tenanted business on the southern parcel and an existing driveway along the central portion. All three parcels are within the regulatory floodplain.

Conservation Sudbury has issued a permit for a new driveway, holding pond for storm water management, and an oil grit separator on site. The permit is still open. When the associated works are complete, the applicant must contact Conservation Sudbury for a final inspection and to close the permit.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2014) and as a regulatory authority under Ontario Regulation 156/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies.

Policy 3.1.1c. of the PPS identifies that *“development shall generally be directed to areas outside of hazardous sites”*. The PPS includes a change in land use requiring approval under the *Planning Act* as part of the definition of ‘development’. The PPS defines hazardous lands as *“property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography)”*.

Policy 20.7.1.2 of the City of Greater Sudbury’s Official Plan allows for the replacement, alteration, or expansion of existing buildings on this site, along with new development within 95 metres east of Notre Dame Avenue, provided that no development occurs closer than 25 metres to Junction Creek. However, policy 3.1.5 of the PPS states that Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

1. An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
2. An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
3. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Conservation Sudbury would not object to the removal of the Holding Provision and the additional uses so long that as:

- The portion of the parcel that is within the Ponderosa PSW be zoned restrictively to prohibit any future development; and,
- The uses of the property do not include any of those uses listed in policy 3.1.5 of the PPS.

Should the applicant propose any additional works a permit pursuant to Section 28 of the *Conservation Authorities Act* will be required. More information regarding Section 28 permits can be found here: <https://conservationsudbury.ca/en/permits-planning.html>.

We respectfully request to receive a copy of the decision and notice of any appeals filed.

Environmental Planning Initiatives

The supporting materials submitted with this application are sufficient to meet the requirements for the removal of the ‘H(47)’ holding provision. Further, these materials satisfactorily demonstrate that the uses associated with the rezoning are not anticipated to have significant, negative environmental impacts on the Ponderosa provincially significant wetland (PSW) or the habitat of species protected under the Endangered Species Act.

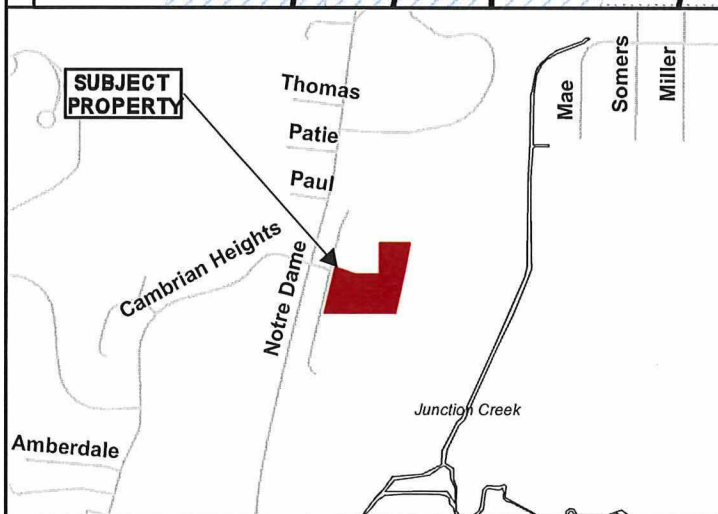
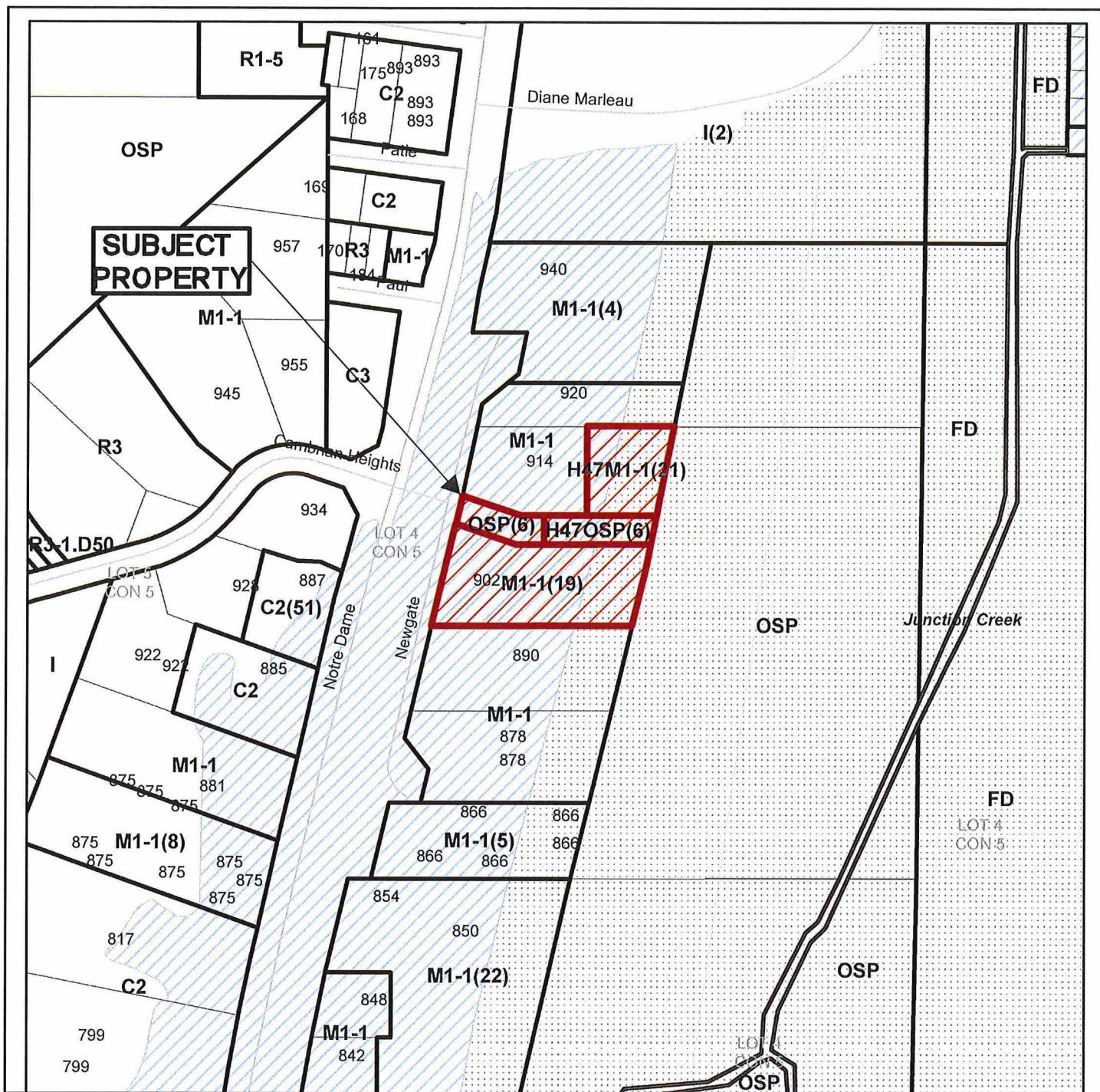
The environmental impact study (EIS) prepared by Pinchin (June 8, 2018), which is based on work undertaken by Northern Bioscience Environmental Consulting (June 3, 2018), has established two key findings:

- 1) The accurate delineation of the boundary of the Ponderosa PSW that is located adjacent to the subject lands. Two City staff that are certified wetland evaluators confirmed the delineated wetland boundary in the field in the summer of 2018.
- 2) The proposed development is not expected to have significant, negative environmental impacts on the PSW.

Based on existing Blanding’s Turtle records, this species is known to inhabit the Ponderosa wetland. The Province of Ontario’s General Habitat Description for the Blanding’s Turtle identifies three categories of habitat: 1, 2, and 3, in order of increasing tolerance to disturbance.

Past practice at the provincial ministry responsible for oversight of matters relating to the Endangered Species Act has been to consider the protection of Category 1 habitat (the nest and its immediate surroundings up to 30 meters away) and Category 2 habitat (the upland area that is within 30 meters of suitable wetland) in most instances. The upland area up to 30 meters from the Ponderosa PSW is considered to be Category 2 Blanding's Turtle habitat.

The draft site plan submitted in support of this application demonstrates that site alterations will be prevented from occurring in Category 2 Blanding's Turtle habitat by a chain link fence (with reptile barrier) constructed 30 meters from the edge of the Ponderosa wetland. This fence must be constructed such that Blanding's turtles are prevented from passing under the fence and, as such, the final site plan must include details relating to the 'reptile barrier' component of the fence.



Growth and Infrastructure Department



Subject Property being PINs 02123-0095, 02123-0007, and part of PIN 02123-0420, Parcels 46225, 49975, & part of Pcl 573. Lot 4, Plan M-1059, Parts 1 - 8, Plan 53R-13785, Lot 4, Concession 5, Township of McKim, 902 Newgate Avenue, Sudbury, City of Greater Sudbury

NTS
Sketch 1

751-6/20-04
Date: 2020 02 04





Photo #1: Existing business industrial use on the south portion of the subject lands, looking southeast.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #2: Existing automotive use to the south of the subject lands, looking northeast.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #3: Existing restaurant to the north of the subject lands, looking southeast.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #4: Existing commercial and business industrial uses on the west side of Notre Dame Avenue, west of the subject lands, looking west.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #5: Access driveway extending from Newgate Avenue across the subject lands, looking east. The driveway area around the driveway is proposed to include additional parking and accessory outdoor display.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #6: View to the rear of the subject lands, looking east. The area in the left of the photo is proposed to include additional parking and accessory outdoor display.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020



Photo #7: Area beyond the fence to be used for vehicle storage, with the Ponderosa provincially significant wetland on the right, looking north.

File 751-6/20-4, 902 Newgate Avenue, Sudbury, February 12, 2020

Request for Decision

Dalron Construction Ltd. – Application to Extend an Exemption from Part Lot Control, Arvo Avenue & Holland Road, Sudbury

Presented To:	Planning Committee
Presented:	Wednesday, May 20, 2020
Report Date	Thursday, Mar 12, 2020
Type:	Routine Management Reports

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to pass a new by-law under Section 50(7) of the Planning Act thereby extending and exempting those lands described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim, from part lot control for a maximum period of two years, as outlined in the report entitled “Dalron Construction Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 2020 subject to the following condition:

1. That prior to the passing of a by-law to exempt the above noted lands from part lot control the owner shall provide a complete updated legal description including a registered survey of those lands which have not been conveyed to the satisfaction of the City Solicitor and the Director of Planning Services.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend and exempt the subject lands from part lot control is an operational matter under the Planning Act to which the City is responding.

Report Summary

This application reviews an application to extend and exempt certain lands within a registered plan of subdivision from the part lot control provisions of the Planning Act for an additional maximum period of two years. Staff has noted in the report that in practice a new by-law is recommended to be enacted by Council which describes only those lands that remain as un-conveyed parcels located within Registered Plan of Subdivision M-353. The owner will need to provide and updated legal description for the un-conveyed

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Mar 12, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 12, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Mar 13, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 17, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Mar 18, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

parcels of land prior to the passage of a new by-law facilitating further lifting of part of control on the lands. At the time of writing the report, it is the understanding of staff that six new urban residential lots have been created since the initial by-law lifting part lot control on the lands was enacted by Council. The Planning Services Division is recommending that the application be approved and that a new by-law be passed by Council to lift part lot control from the lands for the specified time period of two years.

Financial Implications

If approved, staff estimates approximately \$65,000 in taxation revenue, based on the assumption of the remaining 10 single family dwelling units at an estimated assessed value of \$500,000 per dwelling unit at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$177,000 based on the assumption of 10 single family dwelling units based on the rates in effect as of this report.

Title: Dalron Construction Ltd.

Date: March 10, 2020

STAFF REPORT

PROPOSAL:

The owner is requesting to extend and continue to exempt those lands now described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the [Planning Act](#) for an additional maximum period of two years.

The extended exemption from part lot control would facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. At the time of writing this report, it appears to staff that a total of six new urban residential lots have been created and conveyed through the utilization of the lifting of part lot control.

Existing Zoning: “R2-2”, Low Density Residential Two

The “R2-2” Zone permits a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling.

The owner is not requesting any changes to the applicable zoning on the subject lands.

Location and Site Description:

The lands subject to the request are at present legally described as being PINs PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim (Arvo Avenue & Holland Avenue, Sudbury).

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The remaining un-conveyed lands have a total lot area of approximately 8,344 m² (89,814.07 ft²) with approximately 48 m (157.48 ft) of frontage remaining on Arvo Avenue and 180 m (590.06 ft) of frontage remaining on Holland Road. The lands formerly contained an elementary school which has now since been demolished.

Surrounding Land Uses:

North: Low density urban residential land uses.

East: Low density urban residential land uses.

South: Low density urban residential land uses, commercial land uses and higher density urban residential land uses are located further to the south along the Lasalle Boulevard corridor.

West: Low density urban residential land uses and a public elementary school to the south-west which is accessed from Roy Avenue.

Title: Dalron Construction Ltd.

Date: March 10, 2020

The existing zoning and location map attached to this report indicates the location of the subject lands where the lifting of part lot control would continue to apply for an additional period of two years should the request be approved, as well as the applicable zoning in the immediate area.

Public Consultation:

There are no statutory public notice requirements under Section 50(7) of the Planning Act, R.S.O. 1990, c. P.13 for the lifting of part lot control. There is also no requirement to hold a public hearing before the approval authority when Section 50(7) of the Planning Act is utilized for the purposes of lifting part lot control from certain lands. The same as noted above applies when an application to extend the lifting of part lot control is being requested.

POLICY AND REGULATORY FRAMEWORK:

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

- [Planning Act, R.S.O. 1990, c. P.13](#)
- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

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

Planning Act, R.S.O. 1990, c. P.13:

With respect to statute law, 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. Section 50(7.4) of the Planning Act would allow for an extension to the two year time period. The general accepted practice where an extension is being sought is to allow the existing by-law to expire and replace it with a new by-law referencing those lands that remain un-conveyed, which has the effect of placing part lot control back in place for those lots that have now been created through the previous and now former lifting of part lot control by-law.

2014 Provincial Policy Statement (PPS):

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2014 PPS. Staff has reviewed the 2014 PPS and is satisfied that no matters of provincial interest are impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

Title: Dalron Construction Ltd.

Date: March 10, 2020

Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

Staff has reviewed the City's Official Plan and is satisfied that no issue with respect to conformity with the Official Plan would be negatively impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

Zoning By-law 2010-100Z:

The owner is not requesting any changes at this time to the "R2-2" zoning that is applicable to the subject lands. The extension of the lift of part lot control on the lands legally described in this report would continue to facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision in order to create and develop lots in accordance with the "R2-2" Zone permissions.

Department/Agency Review:

The application including relevant accompanying materials related to the legally described and un-conveyed parcels of land remaining in Registered Plan of Subdivision M-353 has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the request to extend the lifting of part lot control on the subject lands should the application be approved.

During the review of the request to extend the lifting of part lot control, comments provided by circulated agencies and departments included the following:

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

Development Engineering has no concerns with the extension request and have noted that since the initial exemption from part lot control was granted that six urban residential lots have been created and construction drawings were approved for the servicing of the remainder of the lots.

PLANNING ANALYSIS:

The following section provides a planning analysis of the application in respect of the applicable policies and regulatory framework, including issues raised through agency and department circulation.

The lands that are the subject of the extension request are at present legally described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim. Registered Plan of Subdivision M-353 was registered on November 8, 1954.

Date: March 10, 2020

Staff is recommending that a new by-law be passed by Council, which would have the effect of continuing to remove those lands described above from the part lot control provisions of the Planning Act for an additional maximum period of two years. The extension to the lifting of part lot control will allow the owner to continue to complete a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. Staff notes that a refined and proper legal description of the un-conveyed parcels of land will be required and a registered survey plan prepared if necessary prior to passing a new by-law to continue to exempt these lands from part lot control under the Planning Act.

Staff notes in terms of relevant land use planning background that the lands were also the subject of an application for Zoning By-law Amendment (File # 751-6/16-17), which was approved by Planning Committee on November 21, 2016, and ratified by Council on November 22, 2016. The approved rezoning sought to change the zoning classification applicable to the subject lands from "I", Institutional to "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the conditions of the rezoning approval have been satisfied and the amending zoning by-law has been enacted by Council and is in full force and effect. The lands therefore are now zoned "R2-2" under the City's Zoning By-law.

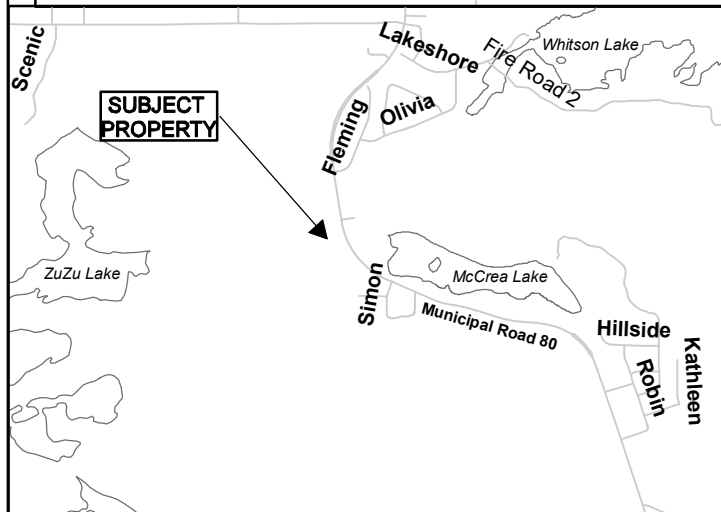
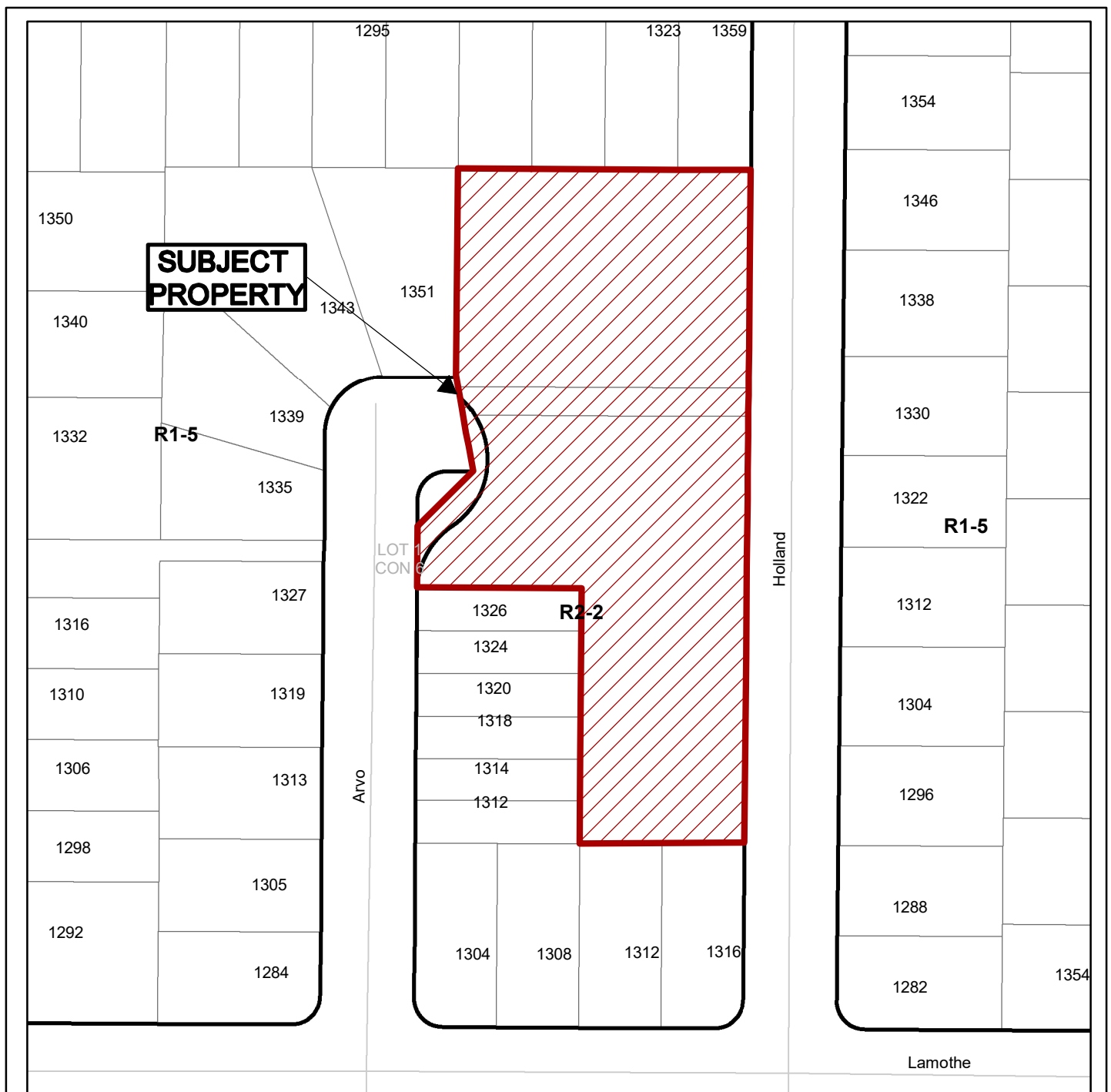
A copy of the first staff report addressing the lifting of part lot control is also attached for reference purposes along with a copy of the as-approved Planning Committee resolution referring to the initial lifting of part lot control.

Staff has also provided an updated and marked up sketch depicting approximately those lands which will continue to have part lot control lifted should the request be approved. An updated zoning map has also been provided for reference purposes.

Staff advises that the proposed further exemption from part lot control would continue to most appropriately implement the development intentions of the approved rezoning in terms of facilitating a series of lot boundary re-alignments resulting in urban residential lots that meet the development standards of the now in full force and effect "R2-2" Zone applicable to the lands.

CONCLUSION:

The Planning Services Division recommends that the application to extend and continue to exempt those lands now described legally as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the Planning Act for an additional maximum period of two years be approved and that a by-law be passed by Council to this effect subject to a condition that prior to the passing of a by-law to exempt the above noted lands from part lot control the owner shall provide a complete updated legal description including a registered survey of those lands which have not been conveyed to the satisfaction of the City Solicitor and the Director of Planning Services.



Growth and Infrastructure Department



Subject Property being PINs 02119-0102 & 02119-0103, and part of PIN 02119-0116, Lot 1, Concession 6, Township of McKim, Holland Road, Sudbury, City of Greater Sudbury

NTS
Sketch 1

PLC 2017-01
Date: 2020 03 11

REMAINING UN-CONVEYED LANDS SEEKING EXTENSION
TO LIFTING OF PART LOT CONTROL

Ronald F. Persian
OWNER

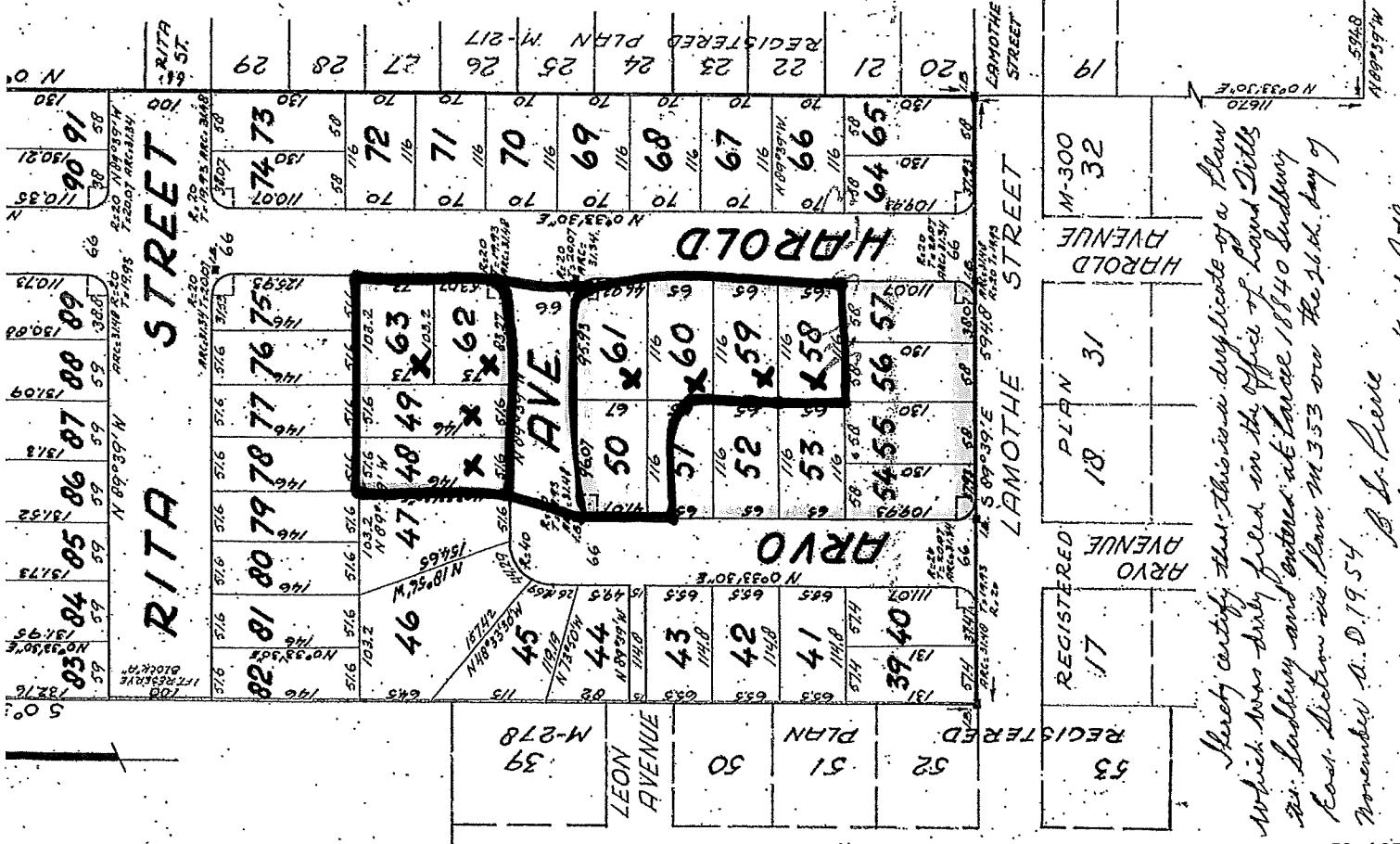
AFFIDAVIT OF WITNESS
I, *Allen Thiele*, Sheriff of the City of Sudbury
in the District of Sudbury do hereby certify that
TO WIT:

1. THAT I AM WELL-ACQUAINTED WITH MOYLE R. SWINN,
OSWALD F. PERSIAN AND ANNIE COOPER, WHO HAVE
SIGNED THIS PLAN AND THAT THE SIGNATURES PURPORTING
TO BE THEIR SIGNATURES ARE IN THEIR HANDWRITING
2. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND
ANNIE COOPER ARE, I VERILY BELIEVE THE OWNERS OF THE
LAND SHOWN HEREIN
3. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND
ANNIE COOPER ARE OF THE FULL AGE OF 21 YEARS AND
OF SOUND MIND.
4. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND
ANNIE COOPER SIGNED THIS PLAN VOLUNTARILY BY THE
CITY OF SUDBURY IN THE DISTRICT OF SUDBURY.
5. THAT I AM A WITNESSING WITNESS TO THE SAID SIGNING.

Allen Thiele
A COMMISSIONER

I certify that this plan is a duplicate copy of a plan
(being a subdivision of PART OF WEST 1/2 OF EAST 1/2
LOT 1 - CON. VI, TR. OF MCKIN) prepared by ME
for ROOPER, M.R. SWINN, & O.F. PERSIAN
dated 18th day of OCTOBER A.D. 1954
Ray T. Lane
O. L. Surveyor

Approved under Section 26 of
THE PLANNING ACT
This day of November 1954
Don H. Wrenn
MINISTER OF PLANNING & DEVELOPMENT



Shery certify that this is a duplicate of a plan
which was duly filed in the Office of Land Titles
at Sudbury and entered at base 18740 Sudbury
Plan. Section is Plan M-353 on the 26th day of
November A.D. 1954
B. L. Picie
Local Master of Titles

Request for Decision PLANNING COMMITTEE



Type of Decision					
Meeting Date	January 8, 2018			Report Date	November 27, 2017
Decision Requested	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Direction Only <input type="checkbox"/>		

Report Title
Dalron Construction Ltd. – Application for Exemption from Part Lot Control, 1305 Holland Road, Sudbury

Section Review	Division Review	Department Review
 Eric Taylor, Manager of Development Approvals	 Jason Ferrigan, Director of Planning Services	Tony Cecutti, General Manager, Growth & Infrastructure

Budget Impact	
<input type="checkbox"/>	This report has been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached
Recommended by the Department	
Report Prepared By:	File #
Glen Ferguson Senior Planner	PLC2017-01

Resolution	
THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to pass a by-law under Section 50(7) of the Planning Act thereby exempting those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim, from part lot control for a maximum period of two years, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018 subject to the following conditions:	
<input checked="" type="checkbox"/>	Resolution Continued
Recommended by the C.A.O.	
Ed Archer Chief Administrative Officer	

Resolution Cont'd

1. That prior to the registration of the part lot control by-law on title for Lots 50, 51, 52, 53, 60, 61 and Arvo Avenue, Plan M-353, the owner:
 - a) Shall have paid the City the required tree fee for the street frontages on Arvo, Lamothe and Holland Streets;
 - b) Shall submit a lot grading plan to the City to the satisfaction of the Director of Planning Services.
2. That prior to the registration of the part lot control by-law on title for Lots 48, 49, 58, 59, 62 and 63, Plan M-353, the owner:
 - a) In addition to 1 a) and 1 b) above, the owner shall have entered into a servicing agreement with the City for the servicing of the lots fronting onto Holland Street to the satisfaction of the General Manager of Growth and Infrastructure.
3. Conditional approval shall lapse on January 23, 2020 unless conditions #1 and #2 above have been met or an extension has been granted by Council.

Relationship to the Strategic Plan/Health Impact Assessment:

The application to exempt the subject lands from part lot control is an operational matter under the Planning Act to which the City is responding.

Report Summary:

This application reviews an application to exempt certain lands within a registered plan of subdivision from the part lot control provisions of the Planning Act for a maximum period of two years. The Planning Services Division is recommending that the application be approved and that a by-law be passed by Council to lift part lot control from the lands for the specified time period.

Title: Dalron Construction Ltd.

Date: November 27, 2017

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim (1305 Holland Road, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The lands have a total lot area of 1.23 ha (3.05 acres) with approximately 70.71 m (232 ft) of frontage on Lamothe Street and 283.16 m (929 ft) of frontage on Holland Road. The lands contain a vacant institutional building that was formerly used as an elementary school.

Surrounding uses are primarily urban residential in nature with the predominant built-form being that of single-detached dwellings. There is a more general mix of land uses to the south including both commercial and higher density urban residential uses along the Lasalle Boulevard corridor. There is also a public elementary school located to the south-west which is accessed from Roy Avenue.

Application:

To exempt those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the Planning Act for a maximum period of two years.

Proposal:

The exemption from part lot control would facilitate a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road.

Departmental/Agency Circulation:

Building Services and Roads and Traffic have each advised that they no concerns from respective areas of interest.

Development Engineering has advised that as part of fulfilling the condition on the related rezoning approval, the owner has entered into an agreement with the City for the servicing of Arvo and Lamothe Streets with water and sewer connections. Prior to the registration of the part lot control by-law on title the owner shall enter into a servicing agreement for the extension of water and sanitary services to the lots on Holland Road and the required road remediation.

The owner shall also make payment to the City the street tree fees based on the User Fee By-law and submit a lot grading plan to the satisfaction of the Director of Planning Services, prior to the registration of the part lot control by-law.

Title: Dalron Construction Ltd.

Date: November 27, 2017

Planning Considerations:

Background

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. Plan M-353, which was registered on November 8, 1954.

Part Lot Control By-law

Staff is recommending that a by-law be passed by Council which removes those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim, from the part lot control provisions of the Planning Act for a maximum period of two years. The lifting of part lot control will allow the owner to complete a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. A copy of both original Plan M-353 and the draft plan depicting the new lotting once part lot control is lifted is attached to this report.

Related Zoning By-law Amendment

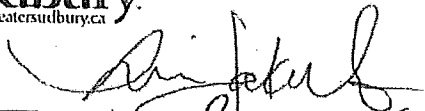
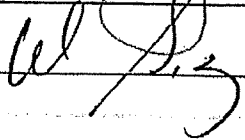
The lands were the subject of a recent application for Zoning By-law Amendment (File # 751-6/16-17), which was approved by Planning Committee on November 21, 2016, and ratified by Council on November 22, 2016.

The approved rezoning would change the zoning classification applicable to the subject lands from "I", Institutional to "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The amending zoning by-law has not yet been enacted as conditions relating to the approval have not yet been satisfied. The conditions of the rezoning approval are as follows:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City lands sufficient for cul-de-sacing Arvo Avenue and a 6m wide walkway block between Holland Road and Arvo Avenue along with any required easements and also agree to enter into a future servicing agreement for the construction of Arvo Avenue cul-de-sac and related services to the satisfaction of the General Manager of Infrastructure Services.

And that the servicing agreement shall provide that the owner construct the Arvo Avenue cul-de-sac at a rural standard and no upgrading of the existing portions of Arvo Avenue and Lamothe Streets abutting the subject lands to an urban standard shall be required.

At the time of finalizing this report, the lands required for the cul-de-sac and walkway in condition 1 above had not been transferred to the City. The owner has entered into a servicing agreement for servicing Arvo Avenue.

Moved By 
Seconded By 

No. PL2016- 184


Date Monday November 21, 2016

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "I", Institutional to "R2-2", Low Density Residential on those lands described as PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim, subject to the following condition:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City lands sufficient for cul-de-sac Arvo Avenue and a 6 m wide walkway block between Holland Road and Arvo Avenue along with any required easements and also agree to enter into a future servicing agreement for the construction of Arvo Avenue cul-de-sac and related services to the satisfaction of the General Manager of Infrastructure Services.

And that the servicing agreement shall provide that the owner construct the Arvo Avenue cul-de-sac at a rural standard and no upgrading of the existing portions of Arvo Avenue and Lamothe Streets abutting the subject lands to an urban standard shall be required.

Yea
Landy Altmann
Sizer
Lapierre
Jakubo
McIntosh

CARRIED
Monday, November 21, 2016

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

Request for Decision

Dalron Construction Ltd. - Application for rezoning in order to create seventeen (17) urban residential lots with single-detached, semi-detached and duplex dwellings as permitted uses, 1305 Holland Road, Sudbury

Presented To: Planning Committee
 Presented: Monday, Nov 21, 2016
 Report Date: Tuesday, Nov 01, 2016
 Type: Public Hearings
 File Number: 751-6/16-17

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "I", Institutional to "R2-2", Low Density Residential Two in order to facilitate the creation of fifteen (15) urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses on those lands described as PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim, subject to the following condition:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City Part 1 on Plan SR-845 being part of Arvo Avenue on Plan M-353 for the purposes of a municipal road and also agree to enter into a future servicing agreement for the construction of Arvo Avenue and related services.

Finance Implications

If approved, staff estimate approximately \$90,000 in taxation revenue based on the assumption of 15 single family dwelling units (and estimated assessed value of \$500,000 per unit) at the 2016 property tax rates.

In addition, this development would result in total development charges of approximately \$225,000 based on assumption of 15 single family dwelling units, as well as building permit fees of approximately \$75,000 based on an estimated construction/assessed value of all units and based on rates in effect as of this report.

STAFF REPORT

Applicant:

Signed By

Report Prepared By

Glen Ferguson
 Senior Planner
Digitally Signed Nov 1, 16

Reviewed By

Eric Taylor
 Manager of Development Approvals
Digitally Signed Nov 1, 16

Recommended by the Division

Jason Ferrigan
 Director of Planning Services
Digitally Signed Nov 1, 16

Recommended by the Department

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

Recommended by the C.A.O.

Ed Archer
 Chief Administrative Officer
Digitally Signed Nov 9, 16

Dalron Construction Ltd.

Location:

PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim (1305 Holland Road, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The lands have a total lot area of 1.23 ha (3.05 acres) with approximately 70.71 m (232 ft) of frontage on Lamothe Street and 283.16 m (929 ft) of frontage on Holland Road. The lands contain a vacant institutional building that was formerly used as an elementary school.

Surrounding uses are primarily urban residential in nature with the predominant built-form being that of single-detached dwellings. There is a more general mix of land uses to the south including both commercial and higher density urban residential uses along the Lasalle Boulevard corridor. There is also a public elementary school located to the south-west which is accessed from Roy Avenue.

Official Plan Conformity & Zoning By-law:

Official Plan

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Areas are primarily intended for housing and related uses that are seen as being compatible with residential neighbourhoods. Low density residential development in the Living Area 1 designation permits single-detached dwellings, semi-detached dwellings and duplexes to a maximum net residential density of 36 units per hectare.

Section 3.2.1(6) of the Official Plan outlines that in considering applications to rezone lands in the Living Area 1 designation, Council is to ensure amongst other matters that:

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

Section 3.3 of the Official Plan encourages residential intensification as an effective means of ensuring the efficient use of land and infrastructure in the City. Opportunities for intensification are to be supported on lands:

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

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.

Section 4.4(5) of the Official Plan also permits the conversion of surplus institutional buildings or vacant institutional lands provided that the following criteria is considered:

1. The need for such lands or building for other public uses, and their long-term value to the community;
2. The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed uses; and,
3. For conversion to residential uses, the appropriateness of the proposed density.

Section 11.7 of the Official Plan addresses active transportation and the provision of sidewalks and access to other transportation linkages including transit stops, encouraging walking and providing safety for pedestrians. The Plan provides that on new and reconstructed roads, when feasible sidewalks are to be provided on at least one side of local roads.

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

Zoning By-law

The subject lands are zoned "I", Institutional under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "I" Zone permits a cemetery, day care centre, institutional use, library, museum, park, private club, recreation and community centre and/or a restaurant and refreshment pavilion accessory to a park. The proposed creation of seventeen urban residential lots comprised of single-detached, semi-detached and duplex dwellings are not permitted uses in the "I" Zone.

Application:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "I", Institutional to "R2-2", Low Density Residential Two.

Proposal:

The application is intended to facilitate the creation of seventeen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses.

Departmental & Agency Circulation:

Building Services, Development Engineering, Drainage and Operations have advised that they have no concerns from their respective areas of interest. Roads, Traffic and Transportation have expressed concern with respect to eliminating the Arvo Avenue connection to Holland Road, as well as noting that Arvo Avenue and Lamothe Street should be urbanized as per the City's cost-sharing policy.

Public Consultation:

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

Staff also understands that the applicant held a resident's meeting with an open house format at the former St. Andrew elementary school building which is located on the subject lands between 6:00 p.m. and 7:30 p.m. on September 14, 2016.

Planning Considerations:

Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that

decisions affecting land use planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The community of Sudbury is an identified settlement area in the City's Official Plan and the addition of urban residential lots in this urban setting and location should be promoted;
2. Municipalities are required to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged. Staff is of the opinion that the proposed rezoning would positively contribute to and allow for additional housing options in the form of single-detached, semi-detached and duplex dwellings in this particular neighbourhood in Sudbury; and,
3. Intensification and redevelopment is generally to be directed to appropriate locations where the wise use and management of infrastructure and other resources can be achieved. Staff notes the subject lands can be fully serviced with municipal infrastructure that is available in the area and further that the lands are currently under utilized as a vacant and former elementary school building. The opportunity for intensification as proposed by the applicant in this particular location is viewed as being appropriate.

Official Plan

With respect to Living Area 1 policies, staff has the following comments:

1. The development proposal for seventeen urban residential lots would result in a residential density of approximately 14 units per hectare, which is in keeping with the policies for low density residential development. If each lot were to contain two residential dwelling units it would result in a residential density of approximately 28 units per hectare which is also in keeping with the low density residential development policies of the Living Area 1 designation. It is noted that later in this report staff is recommending that Arvo Avenue be extended to Holland Road, potentially reducing the number of lots from 17 to 15;
2. Staff is satisfied that the lots as depicted on the submitted sketch are generally suitable for low density residential development in terms of the size and shape of the lots being proposed from a density and built-form perspective;
3. Staff is satisfied that the development proposal is generally compatible with surrounding low density residential neighbourhood that exists along Arvo Avenue, Lamothe Street and Holland Road. The lots as proposed are appropriate in this setting from a scale, massing, height, siting, setbacks and parking and amenity area land use planning perspective;
4. Staff is of the opinion that adequate on-site parking can be provided on each of the lots being proposed. Staff has no concerns with lighting or the ability to provide appropriate landscaping and outdoor amenity areas on the lots should the rezoning be approved; and,
5. Staff does not anticipate any negative impact on surrounding local streets such as Arvo Avenue, Lamothe Street or Holland Road should the rezoning be approved to facilitate additional urban residential lots in this neighbourhood.

With respect to residential intensification policies in the Official Plan, staff is supportive of intensification in this location and has the following comments:

1. The lands are no longer used as an elementary school and are presently vacant and underutilized. There is no demonstrated need for these lands to continue to be used as a school and alternative land uses in this location should be promoted;
2. Staff notes that Development Engineering has indicated that the lands are currently serviced with full municipal water and sewer infrastructure. No extension of municipal infrastructure is proposed; and,
3. Staff is satisfied that the intensification proposed is balanced against the character and needs of the

local area as it would take the form of single-detached, semi-detached and duplex dwellings which are appropriate and compatible built-forms in this particular residential neighbourhood.

With respect to policies addressing the conversion of surplus institutional lands in the Official Plan, staff is supportive of the proposed conversion and has the following comments:

1. Following the Sudbury Catholic District School Board closing St. Andrew's school, the City received a letter from the School Board in June 2015 inquiring as to whether the City was interested in purchasing the property. At the Council meeting of November 24, 2015, Council approved a motion to defer the matter without further debate for one year. The City's rights as a preferred agent with the School Board subsequently expired and the property was sold to a private party.
2. The proposed conversion to urban residential dwelling lots is viewed as being compatible and in keeping with the existing residential character of the surrounding neighbourhood along Arvo Avenue, Lamothe Street and Holland Road. Staff is of the opinion however that Arvo Avenue should be extended as originally planned and shown on Plan M-353, extending to Holland Road. The development proposal is also in keeping with the general intent of the Living Area 1 policies in the Official Plan; and,
3. Staff is of the opinion that the proposed conversion to urban residential lots would yield an appropriate residential density given the context of the area.

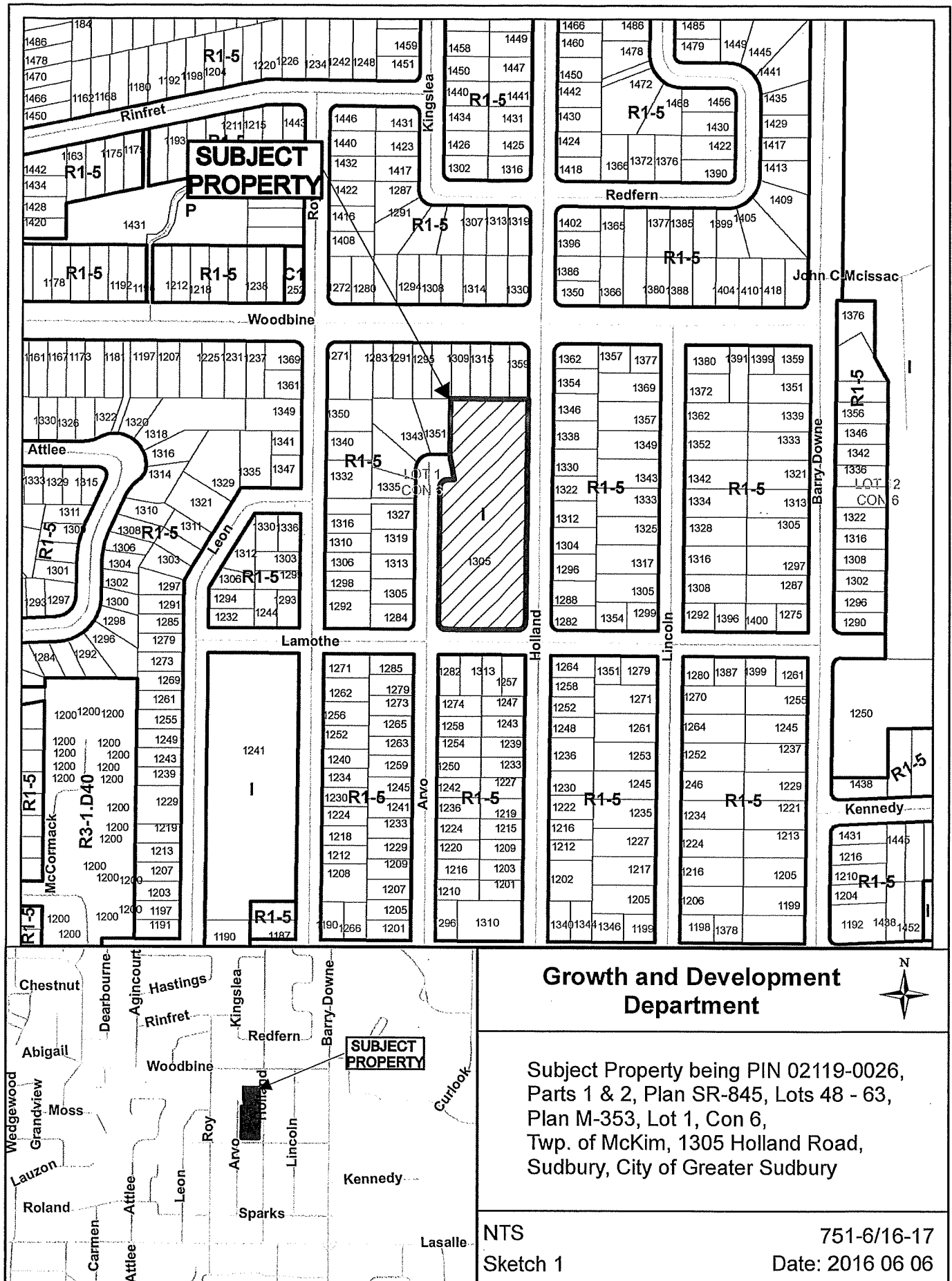
Zoning By-law

The applicant is requesting that the subject lands be rezoned from "I", Institutional to "R2-2", Low Density Residential Two in order to facilitate the creation of seventeen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses. Staff has reviewed the request and has no concerns with the requested zone category, but would advise that the Arvo Avenue connection be made through to Holland Road in order to provide greater connectivity to the surrounding road network consistent with the intended road network in the area. Roads, Traffic and Transportation have also recommended that this connection be made noting concerns with respect to snow removal as well as highlighting that the intended secondary access from Arvo Avenue to Holland Road be maintained. A condition has been included requiring that the owner agree to transfer to the City lands for the extension of Arvo Avenue connecting to Holland Road.

Summary:

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury. The development proposal is also consistent with the land use planning policy directions identified in PPS. The development of fifteen urban residential lots in this location generally represents good land use planning provided that the Arvo Avenue connection is made to Holland Road and offers an opportunity to provide for appropriate residential intensification while at the same time improving the mix of housing options in the area.

The Planning Services Division therefore recommends that the subject lands be rezoned accordingly in order to facilitate the creation of fifteen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses be approved.



SR-845

SR-845

PLAN-SR-845

APPROVED JULY 13TH 1965
DUPLICATE*D. W. Endleman*
ASSOC. EXAMINER OF SURVEYS

REGISTERED UNDER No. _____

RECORDED _____

LOCAL MASTER OF TITLES _____

PART 1 BEING PART OF PCL
PART 2 BEING PART OF PCL 16894 S.E.S. 5-851

NOTE

ALL BEARINGS SHOWN HEREON ARE ASSUMED AND DERIVED FROM THE BEARING OF $N 0^{\circ} 33' 30'' E$ FOR THE WEST LIMIT OF HOLLAND ROAD (FORMERLY HAROLD AVE) AS SHOWN ON REG'D PLAN M-353 OF RECORD IN THE OFFICE OF LAND TITLES AT SUDBURY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY

- 1) THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
- 2) THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN;
- 3) THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY;
- 4) THAT THE SURVEY WAS COMPLETED ON THE 3RD DAY OF JUNE, 1965

JUNE 7, 1965
DATE*D. W. Endleman*
D. W. ENDLEMAN O.L.S.

LEGEND

- S.I.B. DENOTES 1" x 1" x 48" LONG IRON BAR.
- S.S.I.B. DENOTES 1" x 1" x 24" LONG IRON BAR.
- I.B. DENOTES 1/2" x 1/2" x 24" LONG IRON BAR.
- R.B. DENOTES 1" x 1" x 6" LONG IRON BAR IN ROCK.
- W.S. DENOTES 2" x 2" x 24" LONG WOOD STAKE.
- C.M. DENOTES CONCRETE MONUMENT.
- I.P. DENOTES IRON PIPE.
- x C.C. DENOTES CUT CROSS.
- FD. DENOTES MONUMENT FOUND.
- PL. DENOTES MONUMENT PLANTED.
- (P & M) DENOTES PLAN AND MEASURED.

PLAN OF SURVEY OF PART OF

ARVO AVENUE AND PART OF LOT 50
REG'D PLAN M-353CITY OF SUDBURY
DISTRICT OF SUDBURYDATE JUNE 7, 1965 SCALE 1" = 40' REF. No. (5)-M-353-M^{CK}M

D. W. ENDLEMAN
ONTARIO LAND SURVEYOR - PROFESSIONAL ENGINEER
172 ELM ST. W. SUDBURY, ONTARIO

65-198 EAL

WOODBINE AVENUE
(FORMERLY RITA ST.)PART 1
ARVO AVENUE

REG'D PLAN M-353

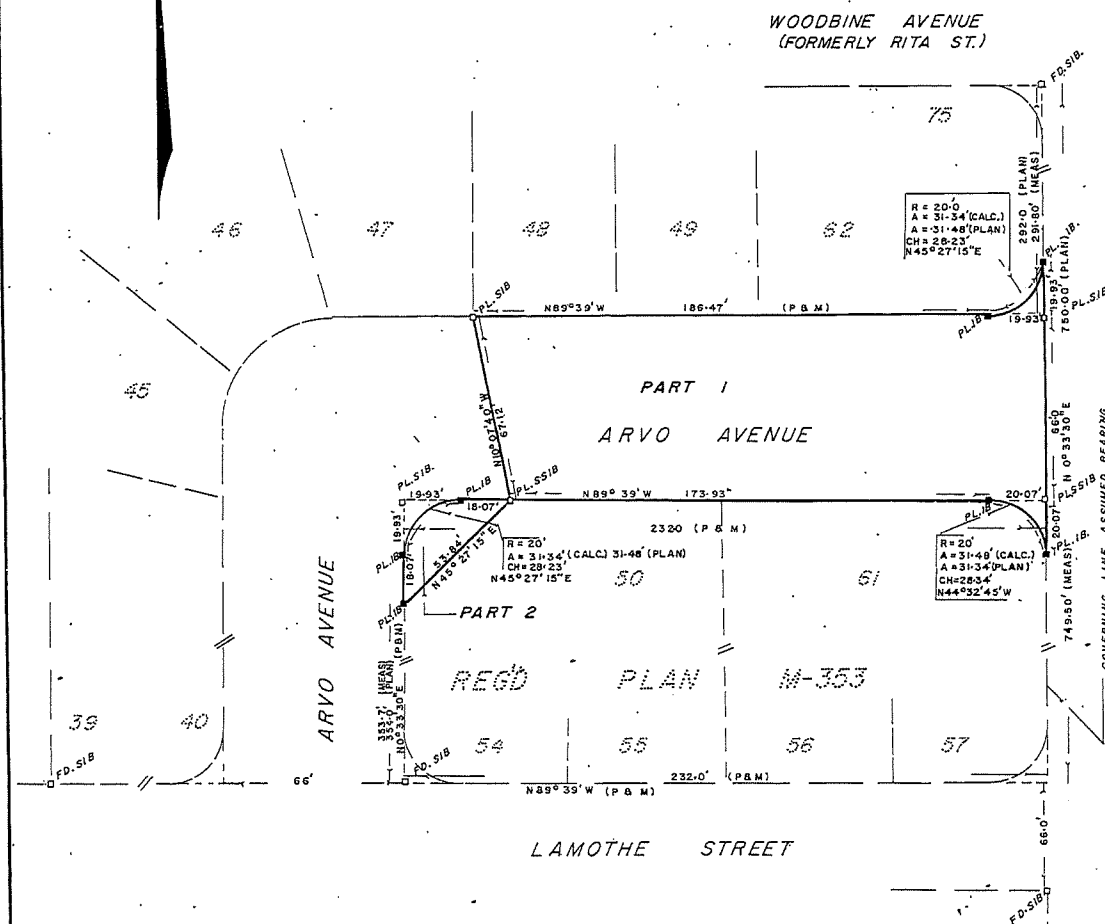
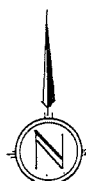
LAMOthe STREET

HOLLAND ROAD
(FORMERLY HAROLD AVE)

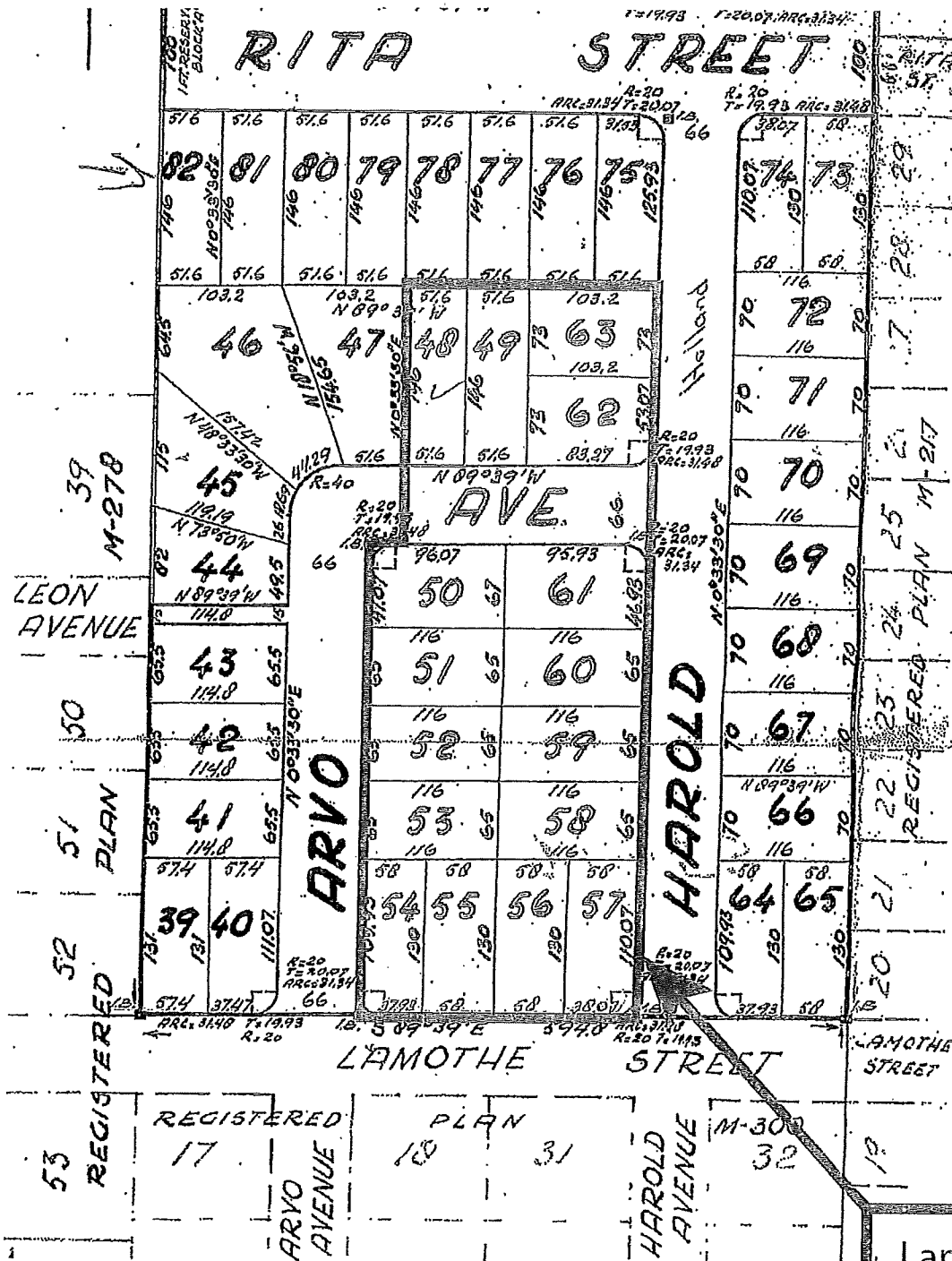
R = 20.0
A = 31.34 (CALC.)
A = 31.48 (PLAN)
CH = 29.23
N 45° 27' 15" E

R = 20.0
A = 31.48 (CALC.)
A = 31.34 (PLAN)
CH = 28.54
N 44° 52' 45" W

R = 20.0
A = 31.34 (CALC.)
A = 31.48 (PLAN)
CH = 28.23
N 45° 27' 15" E



LOTTING PATTERN IN CURRENT
REGISTERED PLAN M-353



I hereby certify that this is a duplicate of a Plan which was duly filed in the Office of Land Titles at Sudbury and entered at Larce 18840 Sudbury East Section as Plan M-353 on the 26th day of April A.D. 1954.

Lands to be
rezoned
R2-2

APPLICANT'S PROPOSED LOTTING CONFIGURATION

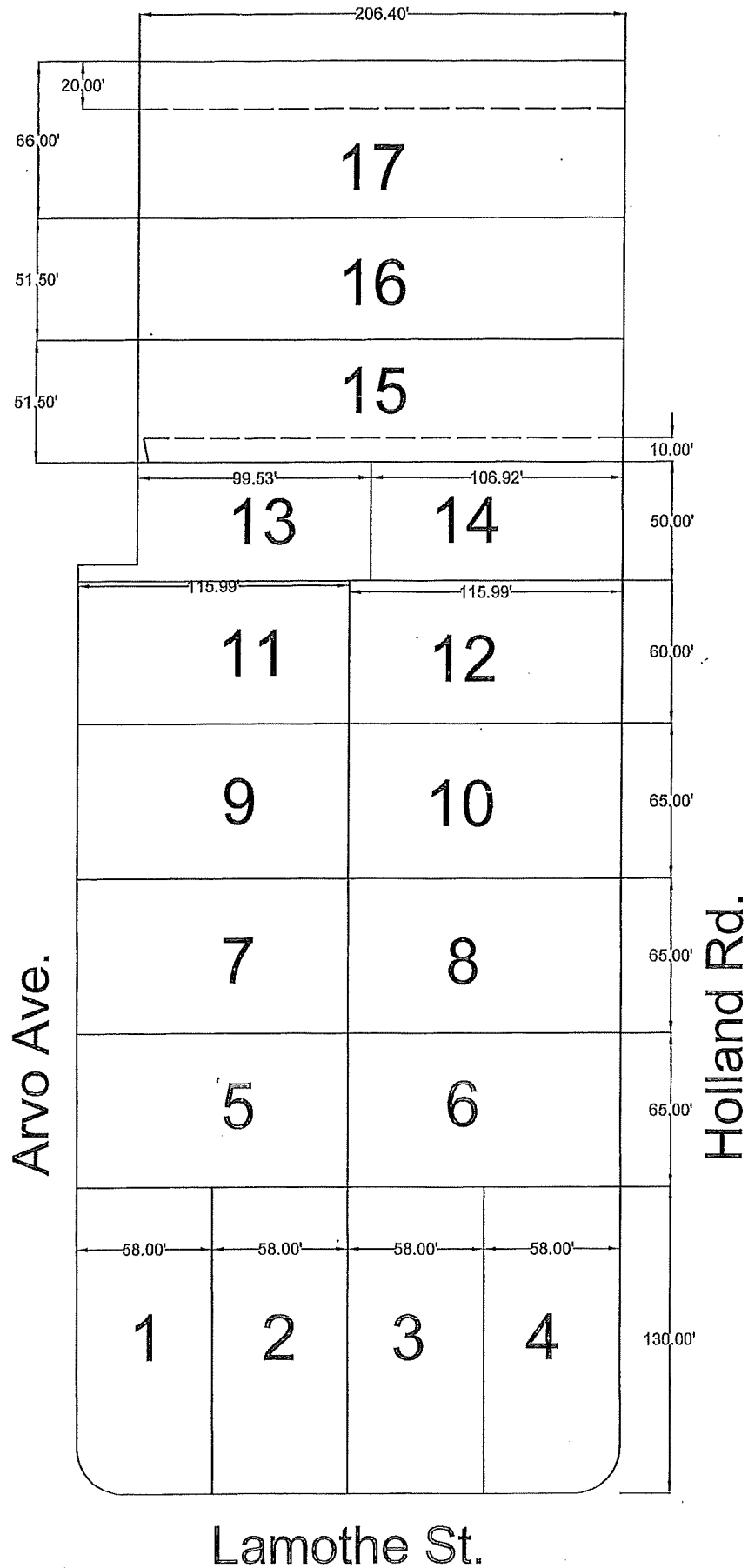




PHOTO 1 SUBJECT LANDS AS VIEWED FROM LAMOTHE STREET
LOOKING NORTH EAST

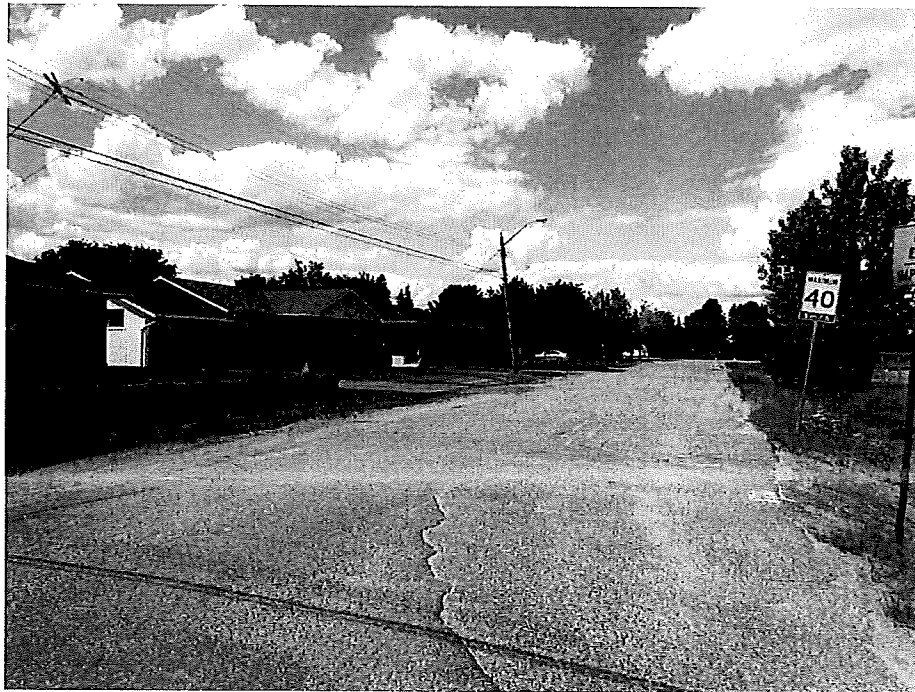


PHOTO 2 EXISTING SINGLE DETACHED DWELLINGS AS VIEWED
FROM ARVO AVENUE LOOKING NORTH

751-6/16-17 PHOTOGRAPHY JUNE 28, 2016



PHOTO 3 EXISTING SINGLE DETACHED DWELLINGS AS VIEWED
FROM HOLLAND AVENUE LOOKING NORTH

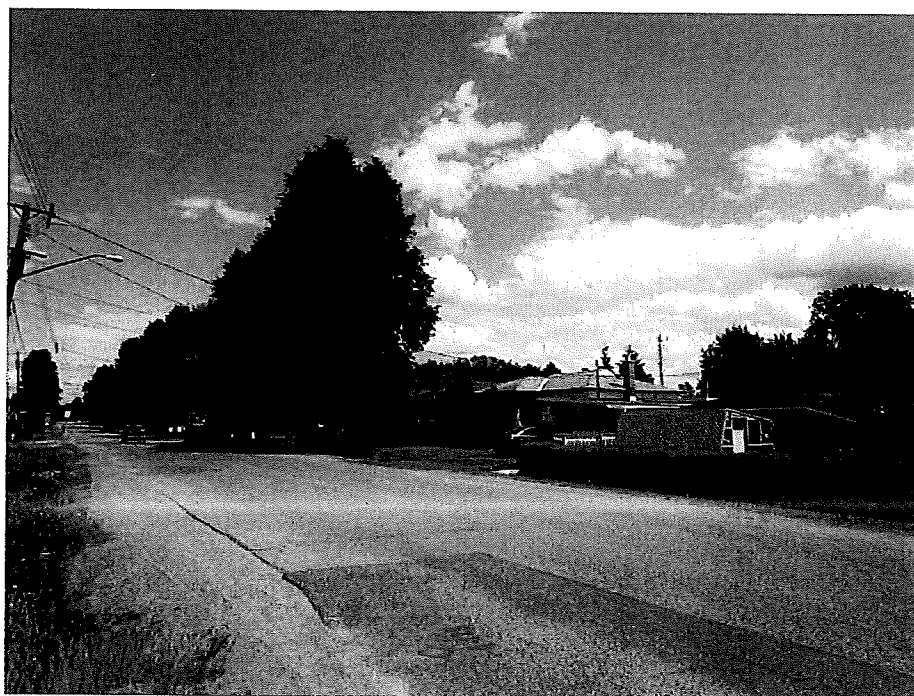


PHOTO 4 EXISTING SINGLE DETACHED DWELLINGS TO THE SOUTH
OF THE SUBJECT LANDS AS VIEWED FROM LAMOTHE STREET

751-6/16-17 PHOTOGRAPHY JUNE 28, 2016

Bill 73 Requirements

Regarding Resolution No. PL2016-184

Date November 21, 2016

Public Hearing No. 1.

Option 1:

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

Option 2:

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

Option 3:

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


a) Letters asked Arvo be enl de socié
and the committee agreed

b) _____

c) _____

d) _____

e) _____



Councillor McIntosh, Chair

For Information Only

Local Planning Appeal Tribunal Decision – Case PL190418 – Applications for Consent B0023/2019, B0024/2019, and B0025/2019– (0 Highway 69 North, Hanmer)

Presented To: Planning Committee

Presented: Wednesday, May 20, 2020

Report Date: Friday, Mar 06, 2020

Type: Correspondence for Information Only

File Number: B0023/2019, B0024/2019 & B0025/2019

Resolution

For Information Only

Relationship to the Strategic Plan / Health Impact Assessment

The applications for Consent are operational matters under the Planning Act to which the City is responding.

Report Summary

This report provides correspondence concerning Local Planning Appeal Tribunal File No. PL180129 – Appeal of Consent Decisions B0023/2019, B0024/2019, and B0025/2019 (0 Highway 90 N, Hanmer) for information. The above noted applications were submitted concurrently and sought to create three new urban residential lots fronting Highway #69 North in Hanmer. The lands are designated Living Area 1 in the Official Plan and zoned “R1-5”, Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The reason for the appeal was the denial of the applications which were deemed by the Consent Official not to be in conformity with the Official Plan and not consistent with the Provincial Policy Statement. The decision to deny the applications was upheld by LPAT.

Financial Implications

There are no financial implications associated with this report

Signed By

Report Prepared By

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 6, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 6, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Mar 9, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 16, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Mar 17, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

Date: February 27, 2020

STAFF REPORT

Background:

This update concerns Consent Files B0023/2019, B0024/2019, and B0025/2019 which were submitted concurrently and sought to create three new urban residential lots fronting Highway #69 North in Hanmer.

The lands are designated Living Area 1 in the Official Plan and zoned “R1-5”, Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. This portion of Highway #69 North is also designated as a Primary Arterial on Schedule 6 – Transportation Network in the City’s Official Plan.

Development Approvals staff advised that the proposed severed and retained lands represent a form of low density residential development that is best directed away from Primary Arterial roads in the City. Further, staff commented that the resulting lot fabric and residential density proposed did not conform to the policies identified in the City’s Official Plan and that the lands are best suited to be developed with minimal driveway entrances onto Highway #69 North and at a higher residential density and built-form.

The City’s Consent Official made a decision to not approve the applications on August 6, 2019.

Appeal:

The decisions of the Consent Official were appealed to the Local Planning Appeal Tribunal on August 28, 2019 by the property owner.

The appellant objected to the denial on the basis that the property had special circumstances to be taken into consideration and that the proposals were, in their opinion, in conformance with the Official Plan and the Provincial Policy Statement.

A one-day hearing before the Tribunal was conducted on February 11, 2020. The Tribunal member issued an oral decision as follows:

CONCLUSION

[19] Upon the findings made, the uncontested expert planning evidence of Mr. Ferguson and expert engineering evidence regarding roads of Mr. Shelsted, and the whole of the evidence inclusive of the documentary record, the Tribunal finds that the proposed consent does not have appropriate regard for the criteria set out in s. 51(24) of the Act, does not conform to the policies of the City’s OP and does not represent good planning in the public interest.

ORDER

[20] The Tribunal orders that the appeal is dismissed and the provisional consent is not to be given.”

Summary:

A copy of the Tribunal order is attached for review.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 21, 2020

CASE NO(S):

PL190418

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	749459 Ontario Ltd. o/a Katmic Construction
Subject:	Consent
Property Address/Description:	0 Highway 69 North
Municipality:	City of Greater Sudbury
Municipal File No.:	B0023/2019
LPAT Case No.:	PL190418
LPAT File No.:	PL190418
LPAT Case Name:	749459 Ontario Ltd v. Greater Sudbury (City)

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	749459 Ontario Ltd. o/a Katmic Construction
Subject:	Consent
Property Address/Description:	0 Highway 69 North
Municipality:	City of Greater Sudbury
Municipal File No.:	B0024/2019
LPAT Case No.:	PL190418
LPAT File No.:	PL190419

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	749459 Ontario Ltd. o/a Katmic Construction
Subject:	Consent
Property Address/Description:	0 Highway 69 North
Municipality:	City of Greater Sudbury
Municipal File No.:	B0025/2019
LPAT Case No.:	PL190418
LPAT File No.:	PL190420

Heard: February 11, 2020 in Sudbury, Ontario

APPEARANCES:

Parties

Counsel*/Representative

749459 Ontario Ltd.
o/a Katmic Construction

Matthew Brulé

City of Greater Sudbury

Kelly Gravelle*

**MEMORANDUM OF ORAL DECISION DELIVERED BY JOHN DOUGLAS ON
FEBRUARY 11, 2020 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This was a hearing of an appeal to the Local Planning Appeal Tribunal (the “Tribunal”) pursuant to s. 53(19) of the *Planning Act* (the “Act”) by 749459 Ontario Ltd. o/a Katmic Construction (the “Applicant/Appellant”) of the decision of the City of Greater Sudbury’s (the “City”) Consent Official to deny an application for consent to create three new lots in addition to the retained lot for lands known municipally as 0 Highway 69 North, in the community of Hanmer (the “subject property”). Locally Highway 69 is known as, and was referred to during the hearing as, Municipal Road 80 (“MR 80”).

[2] The subject property is a vacant parcel of land with approximately 69 metres (“m”) of frontage on MR 80, and is approximately 61 m in depth. There are two existing curbs cuts/driveways from the subject property to MR 80, one with a width of approximately 6 m and the second with a width of approximately 12 m.

[3] The lands abutting the subject property to the west have been developed as commercial, the lands abutting the south lot line are low density residential, the lands abutting the subject land to the east are residential, and the lands across MR 80 from the subject property have been developed as medium density residential.

[4] The proposal is to sever the west portion of the subject property into three new lots, two with 17.5 m frontage and one with 16 m of frontage and all three new lots plus the retained lot having a depth of 60.9 m. The retained lot would also have 17.5 m of frontage. Access/egress from each of the four lots is proposed to be taken from the two existing driveway entrances on the subject property. Each of the four lots is intended to be improved with a side-by-side duplex together with and subject to mutual rights of way/easements.

[5] The Applicant/Appellant provided lay evidence in support of the proposed consent application.

[6] Ms. Gravelle called two witnesses to provide expert opinion evidence supporting the decision of the City's Consent Official to deny the application for consent:

- Following submissions from the parties, Glen Ferguson, Senior Planner in the City's Development Approvals Section, was qualified by the Tribunal to provide expert opinion evidence in the field of land use planning.
- Following submissions from the parties, David Shelsted, Director of Engineering Services/Director of Road and Transportation Services, was qualified by the Tribunal to provide expert opinion evidence in the field of engineering with respect to roads.

[7] When considering an application for consent under the Act, the Tribunal must ensure, among other things, that its decision has regard for matters of provincial interest including the criteria set out in s. 51(24) of the Act and whether the proposal represents good planning.

[8] The Applicant/Appellant testified that if the proposed lots are approved, he intends to build single storey, single detached dwelling side-by-side with an accessory dwelling unit on each of the lots. He testified that he intends to rent the primary and accessory units to seniors. He opined that there is an insufficient supply of housing

designed for seniors to meet the local demand.

[9] The Applicant/Appellant advised the Tribunal that he had reviewed that City's Official Plan ("OP") and believed that his proposal conformed with the OP. He noted that low density housing, including single detached dwellings, is permitted on the subject property. The City is asking for more density on the subject property but the Applicant/Appellant is of the opinion that there are too many higher density developments in Hanmer. It was his opinion that his proposal for single detached dwellings with accessory units is what the community needs.

[10] The Applicant/Appellant suggested that there would be no impacts from the proposed developments on the surrounding community. He noted that the City has concerns with traffic impacts but argued that the addition of eight units, particularly when rented to seniors, would add very little traffic to MR 80. He further noted that there had been no objections from any neighbours to his proposal. The Applicant/Appellant further noted that the proposal maintains the character of the existing low density housing abutting the subject property to the south.

[11] Mr. Ferguson advised the Tribunal that City staff had recommended that the application be refused. He testified that the subject property is designated Living Area 1 in the City's OP which permits low and medium density housing. He referred the Tribunal to Policy 3.2.1.1 of the OP which states that "low density development permits single detached dwellings, semi-detached dwellings, duplexes and townhouses to a maximum density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the city." Mr. Ferguson opined however, that conformity to the OP is not limited to one policy, but rather must be considered in the context of the OP as a whole.

[12] Mr. Ferguson directed the Tribunal to policy 3.2.1.4 as another key policy which said must be considered in this matter, "Medium and high density housing should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreation services."

[13] Mr. Ferguson testified that MR 80 is a Primary Arterial Road (Major Highway) and directed the Tribunal to Table 2 in section 11 of the OP.

[14] In his testimony Mr. Shelsted confirmed that MR 80 is a primary regional road with a posted speed limit in the vicinity of the subject property of 70 kilometres per hour ("kph"). He noted that the MR 80 is a five lane road, two lanes in each direction with a centre turning lane, and a design speed of 80 to 90 kph. Mr. Shelsted further advised that MR 80 is designed to handle traffic volumes of up to 50,000 vehicles per day and current traffic volumes are below this.

[15] Mr. Shelsted testified that the purpose of a Primary Arterial Road is to move high volumes of people and goods at high speeds. He referred to access points, such as driveways, as contact points, which he described as potential points of conflict. The more contact points, and the closer those contact points are together, the greater the potential for conflict. As a result, the goal is to minimize the number of points of contact. Mr. Shelsted opined that, although they currently exist, the two driveway access/egress points for the subject property are not desirable, and the City would recommend only one contact point to serve the property.

[16] Mr. Ferguson testified that the OP policies support medium density development (up to 90 units per hectare ("uph")) along arterial roads outside the community of Sudbury (high density housing is only permitted within the community of Sudbury). He noted that the proposed consent application would result in a maximum density of 18 uph which is only half the maximum density for low density residential. Mr. Ferguson opined that this density is simply not sufficient for development along an arterial road. He further opined that low density is not consistent with the character of the community. It was his opinion that the subject lands were part of the community on either side of the MR 80 which was evolving to medium density residential development and commercial uses. The low density neighbourhood to the south of the subject property that the Applicant/Appellant referred to in his evidence, is not of similar character given that it is an interior residential neighbourhood not located on an Primary Arterial Road.

[17] Mr. Shelsted agreed with the evidence of Mr. Ferguson. In his opinion it is appropriate to have higher density developments located along Primary Arterial Roads with few and controlled access points.

[18] Mr. Ferguson further testified that the subject lands are located in close proximity to a nearby parks, an arena, and other community services. It was Mr. Ferguson's opinion that the proposal represents underdevelopment of the subject property. Based on the reasons provided in his testimony, Mr. Ferguson summarized his opinion by stating that the proposed development of the subject property is not in the public interest; does not conform to the official plan; is not suitable for the purposes for which it is to be subdivided; does not propose a number, width, and location of access points to MR 80; and, would result in lots with dimensions not appropriate for the subject lands. Mr. Ferguson opined that the proposed consent does not represent good planning.

CONCLUSION

[19] Upon the findings made, the uncontested expert planning evidence of Mr. Ferguson and expert engineering evidence regarding roads of Mr. Shelsted, and the whole of the evidence inclusive of the documentary record, the Tribunal finds that the proposed consent does not have appropriate regard for the criteria set out in s. 51(24) of the Act, does not conform to the policies of the City's OP and does not represent good planning in the public interest.

ORDER

[20] The Tribunal orders that the appeal is dismissed and the provisional consent is not to be given.

"John Douglas"

JOHN DOUGLAS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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