



PLANNING COMMITTEE AGENDA

Monday, April 12, 2021

Tom Davies Square

Councillor Kirwan, Chair

12:15 p.m. Closed Session Committee Room C-12 / Electronic Participation

1:00 p.m. Open Session Council Chamber / Electronic Participation

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1. **Call to Order**
2. **Roll Call**
3. **Closed Session**
Resolution to move to Closed Session to deal with one (1) Proposed or Pending Acquisition or Disposition of Land Matters regarding the sale of vacant land, Fir Lane, Sudbury in accordance with the Municipal Act, 2001, s239(2)(c).
4. **Recess**
5. **Open Session**
6. **Roll Call**
7. **Declarations of Pecuniary Interest and the General Nature Thereof**
8. **Public Hearings**
 - 8.1. **Highway 144, Chelmsford** 5
This report provides a recommendation regarding a rezoning application in order to eliminate the split zoning that results from a lot addition with abutting lands to the west, Highway 144, Chelmsford – Northern Home Builders and Renovators Inc.

This report is presented by Mauro Manzon, Senior Planner.
 - 8.2. **Lasalle Boulevard, Sudbury** 41
This report provides a recommendation regarding an application for rezoning in order to permit the development of an automotive lube shop and restaurant with a drive-through, Lasalle Boulevard, Sudbury – Temelini Family.

This report is presented by Wendy Kaufman, Senior Planner.
 - 8.3. **90 National Street, Garson** 55
This report provides a recommendation regarding an application for draft plan of subdivision in order to subdivide five lots for mixed light industrial/service commercial and heavy industrial purposes, 90 National Street, Garson – 1558782 Ontario Inc.

This report is presented by Glen Ferguson, Senior Planner.
9. **Matters Arising from the Closed Session**
At this point in the meeting, the Chair of the Closed Session, will rise and report. The Committee will then consider any resolution(s) emanating from the Closed Session.

10. 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.

10.1. Routine Management Reports

10.1.1. Part of unopened Beaupre Avenue, Hanmer – Road Closure and Declaration of Surplus Land 77

This report provides a recommendation regarding the closure and declaration of surplus land, part of unopened Beaupre Avenue, Hanmer.

10.1.2. Cavdon Subdivision, Lively 80

This report provides a recommendation regarding approval of an extension to the draft plan of subdivision at Cavdon Subdivision, Lively – Cavdon Developments Ltd.

11. Managers' Reports

11.1. 339 Harrison Drive, Sudbury 99

This report provides a recommendation regarding a request to amend Planning Committee Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18, 339 Harrison Drive, Sudbury – K.S. Flinn Investments Inc.

11.2. Policy Options for Amendments to the Zoning By-law to Permit Temporary Drive-in Theatre, Concert or Performance Events 134

This report provides a recommendation regarding zoning by-law provisions related to drive-in theatre, concert and performance events.

11.3. Residential Parking Standards Review – Draft Zoning By-law 138

This report provides a recommendation regarding a zoning by-law amendment framework to implement the findings and recommendations of the Residential Parking Review, presented at the November 9, 2020 Planning Committee Meeting.

12. Members' Motions

13. Addendum

14. Civic Petitions
15. Question Period
16. Adjournment

Highway 144, Chelmsford

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/21-01

Report Summary

This report provides a recommendation regarding a rezoning application in order to eliminate the split zoning that results from a lot addition with abutting lands to the west, Highway 144, Chelmsford – Northern Home Builders and Renovators Inc.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Northern Home Builders and Renovators Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from “C2”, General Commercial to “R3 Special”, Medium Density Residential Special on lands described as Part of PIN 73349-2135, in Lot 1, Concession 3, Township of Balfour, as outlined in the report entitled “Highway 144, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
2. That the amending by-law includes the site-specific provisions applied to the “R3 Special”, Medium Density Residential Special zoning that received conditional approval under Planning Committee Resolution PL2020-55; and,
3. Conditional approval shall lapse on April 27, 2023 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 application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Financial Implications

If the rezoning is approved, staff estimates approximately \$131,000 in taxation revenue in the supplemental

tax year only, based on the assumption of 60 row dwelling units at an estimated assessed value of \$275,000 respectively per dwelling unit at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$421,000 based on the assumption of 40 row dwelling units based on the rates in effect as of this report.

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

Report Summary

An application for rezoning has been received in order to eliminate the split zoning that results from a proposed 430m² lot addition with abutting lands on Highway 144 in Chelmsford. The application is considered a technical amendment in order to accommodate development of a 40-unit row dwelling complex on abutting lands to the west, which received conditional approval by Council on June 23, 2020.

Staff Report

Proposal:

An application for rezoning has been submitted in order to eliminate the split zoning that results from a proposed 430m² lot addition with lands described as Part of PIN 73349-2060. The application is considered a technical amendment in order to address a minor boundary adjustment related to the development of a 40-unit row dwelling complex on abutting lands to the west.

Existing Zoning: "C2", General Commercial

The existing C2 zoning permits multiple dwellings to a maximum density of 60 dwelling units per hectare and a maximum building height of 15 metres. It does not permit row dwellings.

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

The proposed zoning would allow row dwellings, multiple dwellings and low density housing types. Site-specific relief is required to accommodate the design, including setbacks, privacy yards, the width of planting strips, required courts and building offsets.

Location and Site Description:

Part of PIN 73349-2135, in Lot 1, Concession 3, Township of Balfour (Highway 144, Chelmsford)

The subject property is located on the north side of Highway 144 just east of Edward Avenue in Chelmsford. The area is fully serviced by municipal sewer and water. Highway 144 is a Provincial Highway and falls under the jurisdiction of the Ministry of Transportation. The highway is constructed to an urban standard at this location including sidewalks. Public transit service is available with transit stops located a short distance to the east and west (Route 104).

Total area of the land to be rezoned is approximately 430 m². The benefiting parcel is a partially developed lot abutting to the west, which is the site of a proposed 40-unit row dwelling complex. A retail use in the form of a drug store is located further to the west. Medium density housing is located to the north and south. The

remainder of the corridor contains mixed commercial uses.

Surrounding Land Uses:

The area surrounding the site includes:

North: co-operative housing complex zoned “R3.D11”, Medium Density Residential and undeveloped lands zoned “FD”, Future Development

East: vacant commercial land zoned “C2”, General Commercial

South: ten-unit multiple dwelling

West: benefiting parcel to be rezoned for row dwellings

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on March 1, 2021. 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 120 metres of the property on March 25, 2021.

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

No further public consultation is proposed by the applicant given the minor nature of the application as a boundary adjustment.

As of the date of this report, Planning Services has not received any phone calls or written submissions.

Policy & Regulatory Framework:

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

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

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

Provincial Policy Statement:

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

The Provincial Policy Statement was updated in 2020. Many of the core policies remain intact, including the focus on development within settlement area boundaries. Housing policies under Section 1.4.3 have been enhanced, with special emphasis on addressing both market-based and affordable housing needs. Municipalities shall permit and facilitate all housing options, which cover a broad range of housing types and housing arrangements.

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.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses, including an appropriate range of housing types.

Official Plan for the City of Greater Sudbury:

The subject land is designated as Mixed Use Commercial, which permits a range of uses as outlined under Section 4.3 of the Official Plan.

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

Zoning By-law 2010-100Z:

The site-specific provisions required to accommodate the 40-unit row dwelling complex will also be applied to the subject land as follows:

- i) The minimum front yard setback shall be 14 metres;
- ii) A maximum two (2) metre-high opaque wall or opaque fence shall be permitted within the required front yard;
- iii) The minimum rear yard setback shall be six (6) metres;
- iv) The minimum privacy yard depth shall be six (6) metres;
- v) A minimum 1.8 metre court shall be required between buildings;
- vi) No minimum difference in setbacks shall be required for adjacent groups of row dwellings;
- vii) Planting strips shall be provided subject to the provisions of Section 4.15, with the following exceptions:
 - (a) Where a planting strip along the westerly interior side lot line contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.5 metres;
 - (b) Where a planting strip along the easterly interior side lot line abutting PIN 73349-1207 contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.2 metres.

Site Plan Control:

The proposed development requires a Site Plan Control Agreement prior to the issuance of a building permit.

Department/Agency Review:**Planning Analysis:**

The land use merits of the proposed 40-unit row dwelling complex were reviewed as part of a previous rezoning application in 2020. The Planning report dated May 19, 2020 is attached as background information. The proposed development has now moved forward to the site plan stage. The current application is therefore considered a technical amendment in order to accommodate a minor boundary adjustment.

Land use compatibility

There are no significant issues related to land use compatibility with adjacent uses. Existing medium density residential uses are located to the north and south. In terms of the interface with commercial lands to the east and west, planting strips are required for screening and buffering along the interior side lot lines abutting C2 lands.

In general, the proposed row dwelling development aligns with the mixed-use character of the surrounding area and will enhance the residential component of the arterial corridor. The site benefits from close proximity to services. Retail and office uses including a grocery store are within a comfortable walking distance. The street has been fully urbanized to facilitate pedestrian access.

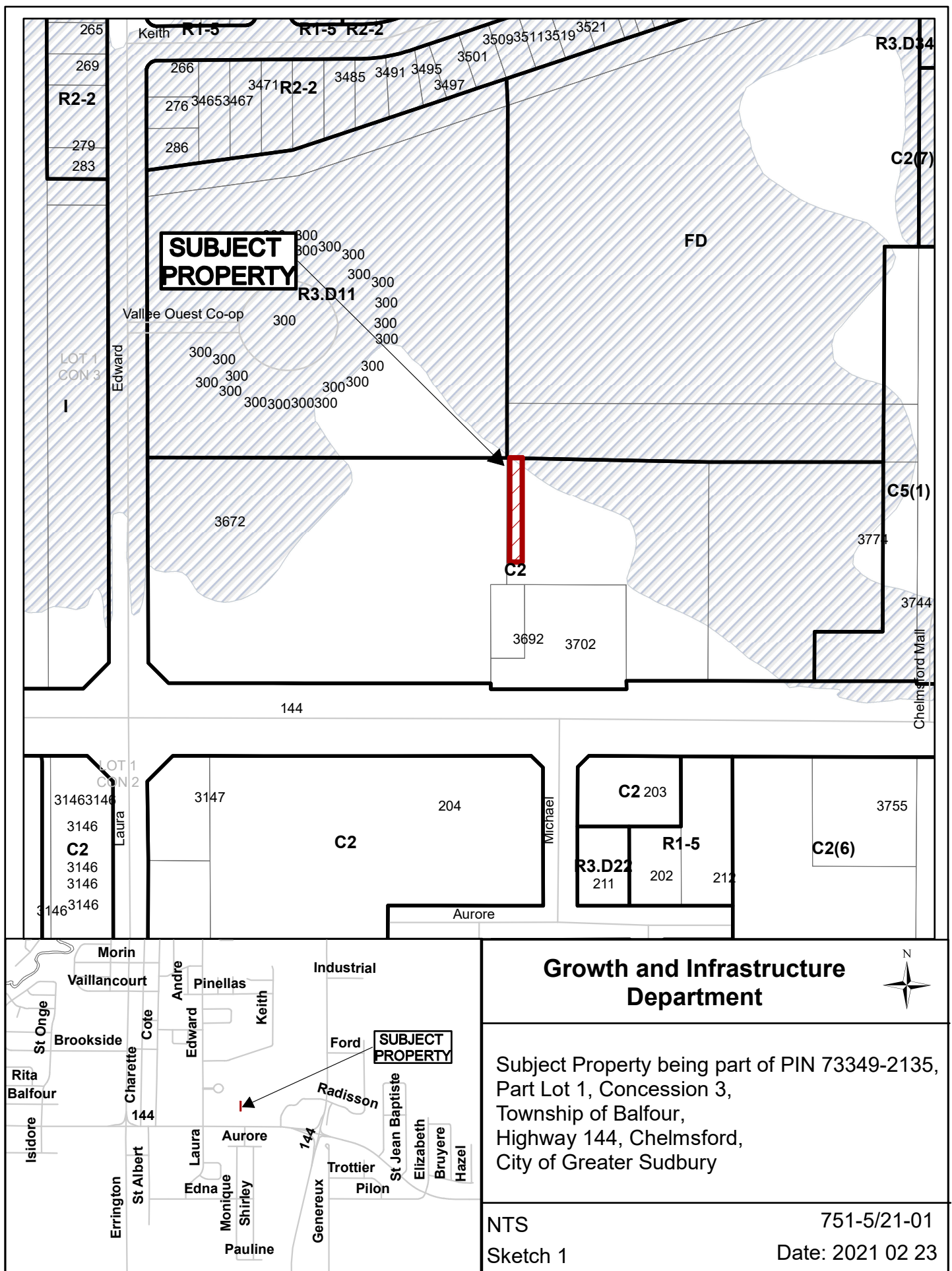
Conformity with Official Plan and Provincial policies

The proposal presents conformity with the Official Plan and consistency with the 2020 Provincial Policy Statement based on the location within a designated growth area, the provision of housing, access to public transit, proximity to community services, and the adequacy of servicing, amongst other matters. The proposal is also a form of residential infill development that will contribute towards intensification targets within the built boundary of Chelmsford.

Conclusion:

The applicant is advised that a final plan of survey is required in order to enact the amending by-law.

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



SKETCH FOR PLANNING ACT APPLICATION
PART OF LOT 1
CONCESSION 3
GEOGRAPHIC TOWNSHIP OF BALFOUR
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY



NOTE

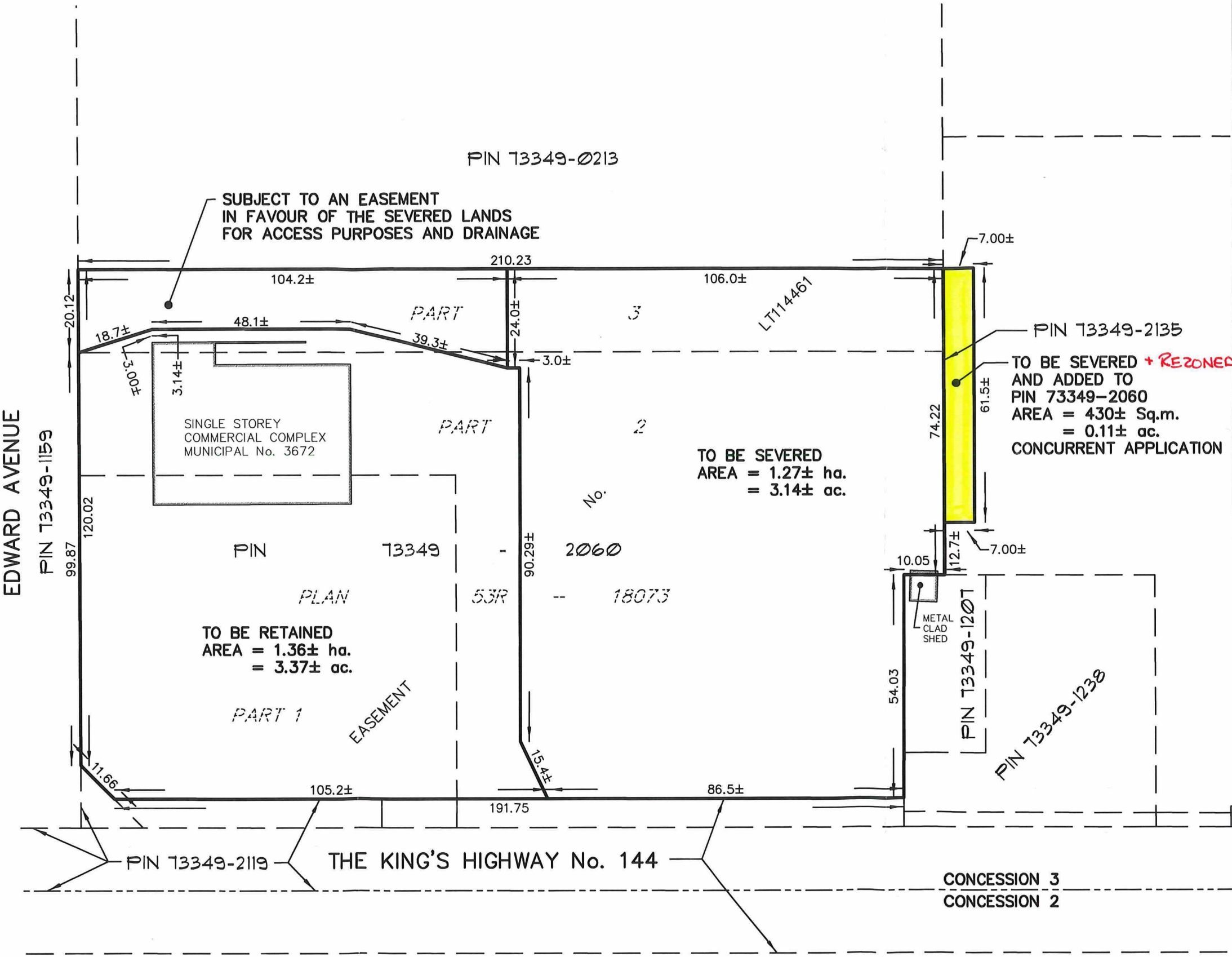
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PREPARED BY : WJM	SCALE : 1:1000 METRIC
CHECKED : ****	CAD FILE : 18168 TOPO.dwg
DATE : JANUARY 26, 2021	P. SPACE TAB : CONSENT SKETCH #2





1: 2,257



114.7 0 57.33 114.7 Meters

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Presented To:	Planning Committee
Presented:	Monday, Jun 08, 2020
Report Date	Tuesday, May 19, 2020
Type:	Public Hearings
File Number:	751-5/20-01

Request for Decision

Chemy Development Inc. - Application for rezoning in order to permit a 40-unit row dwelling complex, 3672 Highway 144, Chelmsford

Resolution

THAT the City of Greater Sudbury approves the application by Chemy Development Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "C2", General Commercial to "R3 Special", Medium Density Residential Special on lands described as Part of PIN 73349-2060, Part of Parts 2 & 3, Plan 53R-18073 in Lot 1, Concession 3, Township of Balfour, as outlined in the report entitled "Chemy Development Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 8, 2020, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
2. That the amending by-law include the following site-specific provisions to be applied to row dwellings:
 - i) The minimum front yard setback shall be 14 metres;
 - ii) A maximum two (2) metre-high opaque wall or opaque fence shall be permitted within the required front yard;
 - iii) The minimum rear yard setback shall be six (6) metres;
 - iv) The minimum privacy yard depth shall be six (6) metres;
 - v) A minimum 1.8 metre court shall be required between buildings;
 - vi) No minimum difference in setbacks shall be required for adjacent groups of row dwellings;
 - vii) Planting strips shall be provided subject to the provisions of Section 4.15, with the following exceptions:
 - (a) Where a planting strip along the westerly interior side lot line contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.5 metres;
 - (b) Where a planting strip along the easterly interior side lot line abutting PIN 73349-1207 contains an

Signed By

Report Prepared By

Mauro Manzoni
Senior Planner
Digitally Signed May 19, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed May 19, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 19, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed May 19, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 21, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 27, 20

opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.2 metres.

3. Conditional approval shall lapse on June 23, 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 application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by diversifying the supply of new housing throughout the City and expanding the range of housing options for residents.

Report Summary

An application for rezoning has been received in order to permit a 40-unit row dwelling development on Highway 144 in Chelmsford. The subject property is designated as Mixed Use Commercial and is located on a site offering close proximity to services including public transit. Site-specific relief is required for a number of R3 zoning standards to accommodate the specific design.

The proposal presents conformity with the Official Plan and consistency with the 2020 Provincial Policy Statement based on the location on a major arterial corridor, the provision of housing for which there is demand, convenient access to public transit and commercial uses, and the adequacy of servicing, amongst other matters. The proposal is also a form of residential infill development that will contribute towards intensification targets within the built boundary of Chelmsford.

Financial Implications

If approved, staff estimate approximately \$124,000 in taxation revenue based on the assumption of 40 row dwelling units (and estimated assessed value of \$275,000 per unit) at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$409,000 based on assumption of 40 row dwelling units based on rates in effect as of this report.

Title: Chemy Development Inc.

Date: May 13, 2020

STAFF REPORT

PROPOSAL:

An application for rezoning has been submitted in order to permit a 40-unit row dwelling complex comprised of eight buildings. Each unit would be one-storey in height with an attached garage. A range of site-specific relief is required as outlined on the applicant's rezoning sketch.

Existing Zoning: "C2", General Commercial

The existing C2 zoning permits multiple dwellings to a maximum density of 60 dwelling units per hectare and a maximum building height of 15 metres. It does not permit row dwellings.

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

The proposed zoning would allow row dwellings, multiple dwellings and low density housing types. Site-specific relief is required to accommodate the design, including setbacks, privacy yards, the width of planting strips, required courts and building offsets.

Location and Site Description:

Part of PIN 73349-2060, Part of Parts 2 & 3, Plan 53R-18073 in Lot 1, Concession 3, Township of Balfour (3672 Highway 144, Chelmsford)

The subject property is located on the north side of Highway 144 just east of Edward Avenue in Chelmsford. The area is fully serviced by municipal sewer and water. Highway 144 is a Provincial Highway and falls under the jurisdiction of the Ministry of Transportation. The highway is constructed to an urban standard at this location including sidewalks. Public transit service is available with transit stops located a short distance to the east and west (Route 104).

Total area of the land to be rezoned is approximately 1.28 ha, with 94 metres of road frontage and 128 metres of depth. The westerly portion of the parent parcel is developed and contains a retail use. The land has been cleared of vegetation and is relatively flat. Conservation Sudbury advised that the northwesterly portion of the subject land was removed from the flood plain as part of the development of the retail use on the westerly portion of the parent parcel.

A retail use in the form of drug store is located to the west. Medium density housing is located to the north and to the east. The remainder of the corridor contains mixed commercial uses.

Surrounding Land Uses:

The area surrounding the site includes:

North: co-operative housing complex zoned "R3.D11", Medium Density Residential.

East: vacant commercial land to the north and a ten-unit multiple dwelling to the south

South: automotive sales establishment

West: retail use (drug store)

Title: Chemy Development Inc.

Date: May 13, 2020

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on March 6, 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 120 metres of the property on May 21, 2020.

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

The application indicates that a neighbourhood meeting was to be conducted prior to the public hearing. However the emergency order in effect at this time prevents public gatherings.

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

POLICY & REGULATORY FRAMEWORK:

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

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

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

Provincial Policy Statement:

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

The Provincial Policy Statement was updated in 2020. Many of the core policies remain intact, including the focus on development within settlement area boundaries. Housing policies under Section 1.4.3 have been enhanced, with special emphasis on addressing both market-based and affordable housing needs. Municipalities shall permit and facilitate all housing options, which cover a broad range of housing types and housing arrangements.

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.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses, including an appropriate range of housing types.

Title: Chemy Development Inc.

Date: May 13, 2020

Official Plan for the City of Greater Sudbury:

The subject land is designated as Mixed Use Commercial, which permits a range of uses as outlined under Section 4.3 of the Official Plan.

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

Zoning By-law 2010-100Z:

A range of site-specific relief is required to accommodate the design, including the following:

- Rear yard setback of 6.1 metres for Buildings 1 and 2 where 7.5 metres is required along the northerly limit of the property;
- Privacy yard of 6.1 metres where 7.5 metres is required for Buildings 1 to 6;
- Front yard setback of 14 metres where 15 metres is required along Highway 144;
- Planting strip of 1.5 metres where 1.8 metres is required in conjunction with a fence along the westerly interior side yard abutting a C2 zone in order to accommodate driveway access;
- Planting strip of 1.2 metres for Buildings 6 and 8 where 1.8 metres is required in conjunction with a fence along the easterly interior side yard abutting a C2 zone;
- Required courts of 1.8 metres between all buildings where 3 metres is required;
- No building offset for Buildings 7 and 8 fronting onto the roadway.

Site Plan Control:

The proposed development requires a Site Plan Control Agreement prior to the issuance of a building permit.

Department/Agency Review:

PLANNING ANALYSIS:

The subject property is located in a mixed use area on a major arterial road that is viewed as an appropriate location for residential infill development. The review of this proposal is therefore focused on the suitability of the lot to accommodate the development and the appropriateness of the built form and associated zoning relief.

Land use compatibility

There are no significant issues related to land use compatibility with adjacent uses. Existing medium density residential uses are located to the north and east. Planting strips will be required for screening and buffering along the interior side lot lines abutting C2 lands to the east and west.

In general, the proposed row dwelling development aligns with the mixed use character of the surrounding area and will enhance the residential component of the arterial corridor. The proximity to services makes the site an ideal location for medium density residential development. Retail and office uses including a grocery store are within a comfortable walking distance. The street has been fully urbanized to facilitate pedestrian access.

Suitability of lot

a) Density

The residential density is calculated at 32 dwelling units per hectare, which is less than the maximum density permitted under the existing C2 zoning (60 du/ha) and the proposed R3 zoning (90 du/ha). The application may therefore be appropriately viewed as infill development. The resultant density is tied to the proposed built form, which requires a larger building footprint and a lower building height. This essentially limits the intensity of use on this site. Higher density could be achieved with a multiple dwelling format.

b) Built form

The applicant is proposing 40 row dwelling units in eight (8), one-storey buildings constructed slab-on-grade. Each unit will have an attached garage and a designated privacy yard. No common amenity areas are proposed. The buildings are uniform in design and follow a strict pattern of placement. The one-level units will address demand for a specific type of housing, particularly for persons with mobility issues who desire rental accommodation. A key consideration relates to the interface of Buildings 7 and 8 with the arterial corridor.

Special consideration must be extended to screening and buffering along the roadway in order to mitigate traffic noise and provide privacy for tenants. Landscaping shall also be utilized to enhance the aesthetic appeal of the corridor and the development itself. The actual configuration can be addressed in greater detail as part of the site plan agreement, which shall incorporate the requirements of the Ministry of Transportation. However, in order to allow greater flexibility in design, it is recommended that relief be extended to permit a maximum two (2) metre-high opaque wall or fence in the required front yard where one (1) metre is typically permitted.

c) Servicing

The rezoning sketch indicates a proposed servicing easement along the southerly limit of the property in order to accommodate existing sewer and water connections for the abutting retail store. Such a configuration will require an improper servicing agreement at the site plan stage. The proposed easement would not impede the provision of an adequate privacy yard with appropriate screening along the street line.

d) Parking

Sixty (60) parking spaces are required for a 40-unit row dwelling development where 64 spaces are provided based on the sketch. Each unit will have an attached garage, with additional visitor parking provided along the parking aisles of the proposed development. The applicant has demonstrated that minimum parking requirements can be addressed on-site and has identified preliminary locations to accommodate refuse and snow storage areas.

e) Site-specific relief

There is a range of site-specific relief required in order to accommodate the proposed design. In general, the variances are considered minor in nature and can be incorporated into the special zoning:

- The reduced front yard setback is based on MTO requirements;
- A privacy yard with a minimum depth of 6.1 metres will provide an adequate outdoor amenity area for each unit;
- The rear yard setback of 6.1 metres for Buildings 1 and 2 aligns with the privacy yards for the other buildings;
- The reduced planting strip along the easterly boundary adjacent to Buildings 6 and 8 applies only to a small portion of the property which abuts an existing medium density residential use;
- The planting strip along the westerly boundary is reduced by only 0.3 metre in order to accommodate a sidewalk internal to the development;
- The reduced court will maintain adequate access between buildings; and,
- The building offset along the street line is not strictly required, as the row dwellings will ultimately be screened.

Official Plan

The proposal conforms with Official Plan policies applied to Mixed Use Commercial areas based on the following:

- There are no identified servicing constraints;
- Required parking can be provided on-site;
- No driveway access to Highway 144 is proposed. Vehicular access will be provided via a right-of-way connecting to Edward Avenue;
- The development will not generate significant traffic and there is no impact on the functioning of the arterial road;
- Landscaping requirements will be formalized through the site plan process, including the interface with Highway 144;
- There is direct access to public transit and the proposal enhances the feasibility of transit services;
- The one-level dwelling units will address accessibility considerations for new development; and,
- Lands have been removed from the flood plain as confirmed by Conservation Sudbury.

Title: Chemy Development Inc.

Date: May 13, 2020

2020 Provincial Policy Statement and 2011 Growth Plan for Northern Ontario

The subject site is located in a fully serviced area within settlement area boundaries, consistent with Provincial policies that place an emphasis on residential intensification. The proposal also aligns with housing policies geared to diversification of the supply of new housing to address all housing needs. The northwest portion of the subject land has been removed from the flood plan and there is no conflict with the natural hazards policies of the PPS. The application is consistent with the 2020 Provincial Policy Statement.

The application also conforms to the 2011 Growth Plan based on the increased housing capacity that the project will create.

CONCLUSION:

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

Appendix 1

Departmental & Agency Comments

File: 751-5/20-1

RE: Application for Rezoning – Chemy Development Inc.
Part of PIN 73349-2060, Part of Parts 2 & 3, Plan 53R-18073 in Lot 1, Concession 3,
Township of Balfour (3672 Highway 144, Chelmsford)

Development Engineering

This area is presently serviced with municipal water and sanitary sewer. The review of water supply, sanitary sewer, and stormwater management will be made through the Site Plan Control process.

Infrastructure Capital Planning Services

No comment.

Building Services

Building Services can advise that we have no objections to this application other than the following comments for the applicant's information:

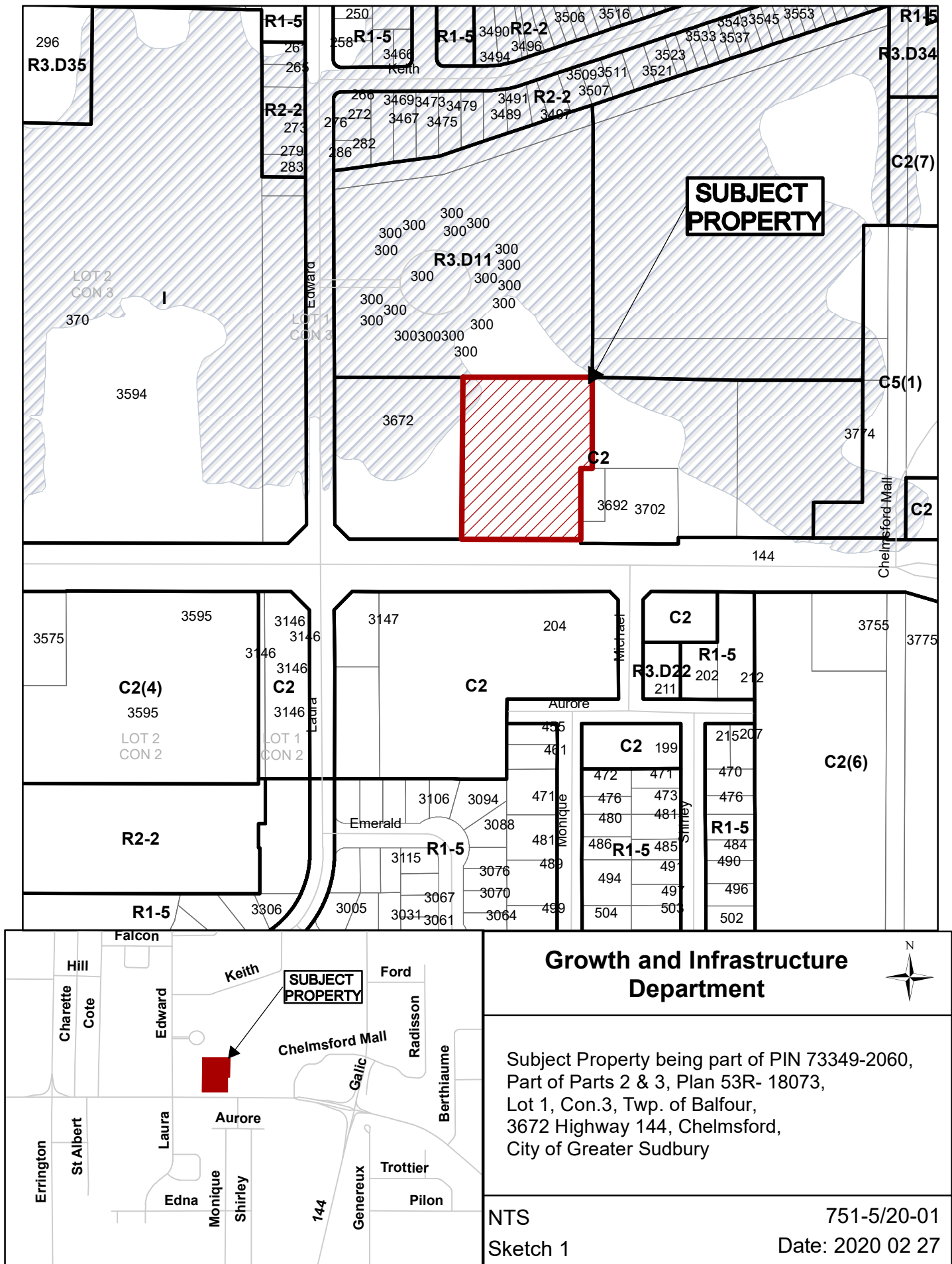
- The site is subject to Site Plan Control Agreement;
- Geotechnical soils report and Record of Site Condition are required at building permit stage.

Conservation Sudbury

The subject property is above the flood elevation of 271.18 metres. Therefore Conservation Sudbury has no objection to the rezoning and site plan. Conservation Sudbury requests to review the Stormwater Management Plan submitted with the Site Plan Control Agreement.

Ministry of Transportation

No comments. (Detailed comments will be provided at the site plan stage.)



EDWARD AVENUE

SITE PLAN DATA

Lot area	12,768.66 m ²
Building area	561.22 m ² per block
Number of blocks	8
Total area of buildings	4489.78 m ²
Coverage	35.16%
Unit count	40 single level units, 2 bedroom units with attached garage
Unit area	112.24 m ²
Parking req'ts	1.5 per unit (60 total)
Parking provided	64
Landscape area	4750.34 m ² (37.20%)

Relief Required Table (refer to plan for location)

- ① rear yard setback, 7.5 m required, 6.101 m provided
privacy yard requirement, 7.5 m required, 6.101 m provided
- ② privacy yard requirement, 15 m required, 12.311 m provided
- ③ front yard requirement, 15 m required, 14 m provided to match MTO requirements
- ④ planting strip west property boundary, 1.8 m required, 1.5 m provided
- ⑤ planting strip east property boundary, 1.8 m required, 1.22 m provided along 2 units in south east corner
- ⑥ required courts between units, 3.0 m required, 1.8 m provided
- ⑦ building offsets, 1.5 m required, 0.0 m provided

① 40 Unit Site Plan
1:300

p o c h b e l a i p
architect • architecte
227 Colchester Ave. Suite 1000
St. John's, NL A1B 4X6
Tel: 709.533.5333
Fax: 709.533.5333

40 Unit Residential Development
Highway 144 Chelmsford

Proposed Site Plan

Date	Dec 2019	Drawn By	rcb	Project No	
Scale	1:300	Checked By	rcb	Drawing #	A1

This drawing is an instrument of service and shall remain the property of the Architect. It shall not be used for additions or alterations to the project or any other project without the Architect's permission in writing.
The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Architect before proceeding with the work.
DRAWINGS NOT TO BE SCALED

REVISION SCHEDULE	
REVISION NUMBER	REVISION DATE



Photo 1: 3672 Highway 144, Chelmsford
View of subject land facing southeast towards highway
File 751-5/20-1 Photography May 10, 2020



Photo 2: 3672 Highway 144, Chelmsford
Highway 144 street line facing east
File 751-5/20-1 Photography May 10, 2020



Photo 3: 3672 Highway 144, Chelmsford
Proposed right-of-way access behind drug store connecting to Edward
Avenue
File 751-5/20-1 Photography May 10, 2020



Photo 4: 3672 Highway 144, Chelmsford
Retail use (drug store) abutting westerly
File 751-5/20-1 Photography May 10, 2020



Photo 5: 3692 Highway 144, Chelmsford
Multiple dwelling abutting easterly
File 751-5/20-1 Photography May 10, 2020



Photo 6: 300 Edward Avenue, Chelmsford
Housing co-op abutting northerly
File 751-5/20-1 Photography May 10, 2020



Photo 7: 3672 Highway 144, Chelmsford
Informal trail along northerly limit of subject land
File 751-5/20-1 Photography May 10, 2020

Smith Avenue



Edward Avenue

Subject Property



Highway 144

Laura Drive

Michael Street

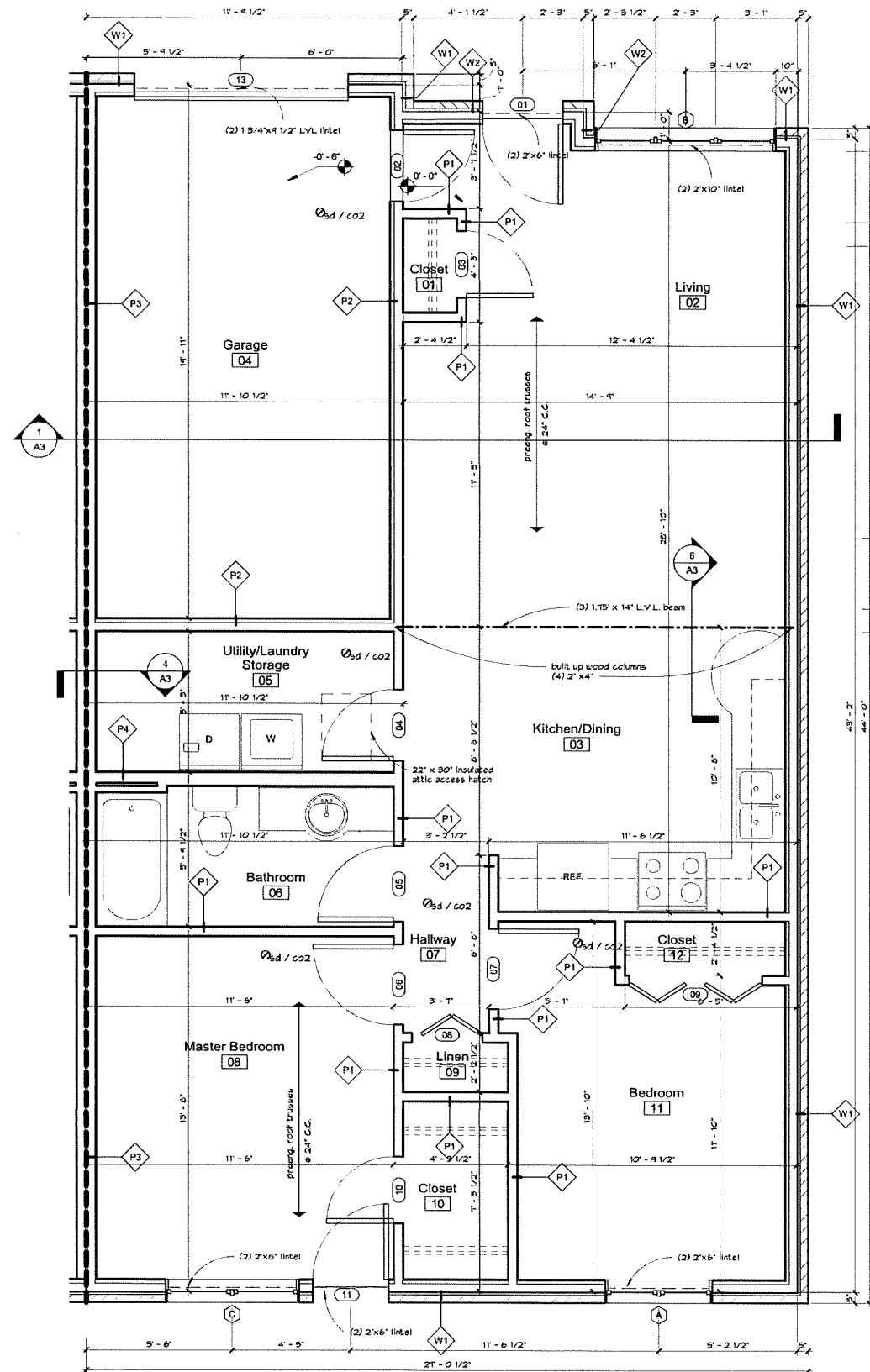
Aurore Street

Monique Street

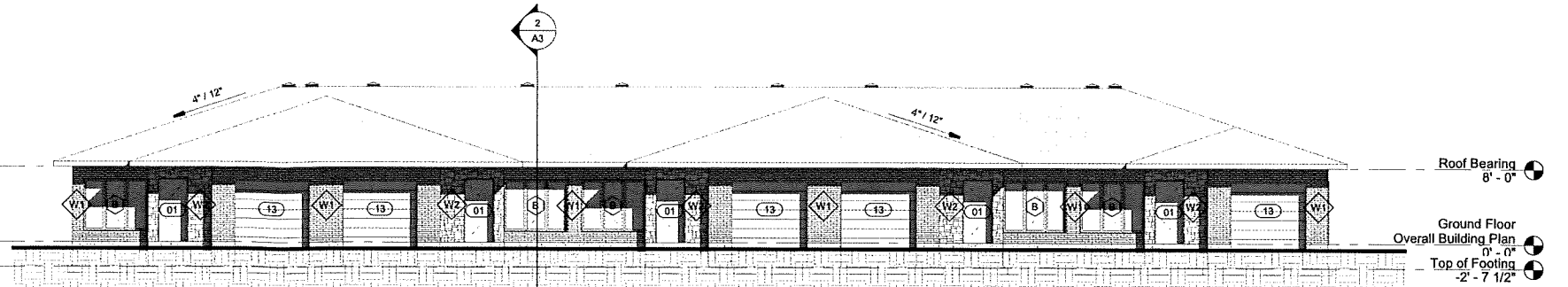
Shirley Street

Mainville Street

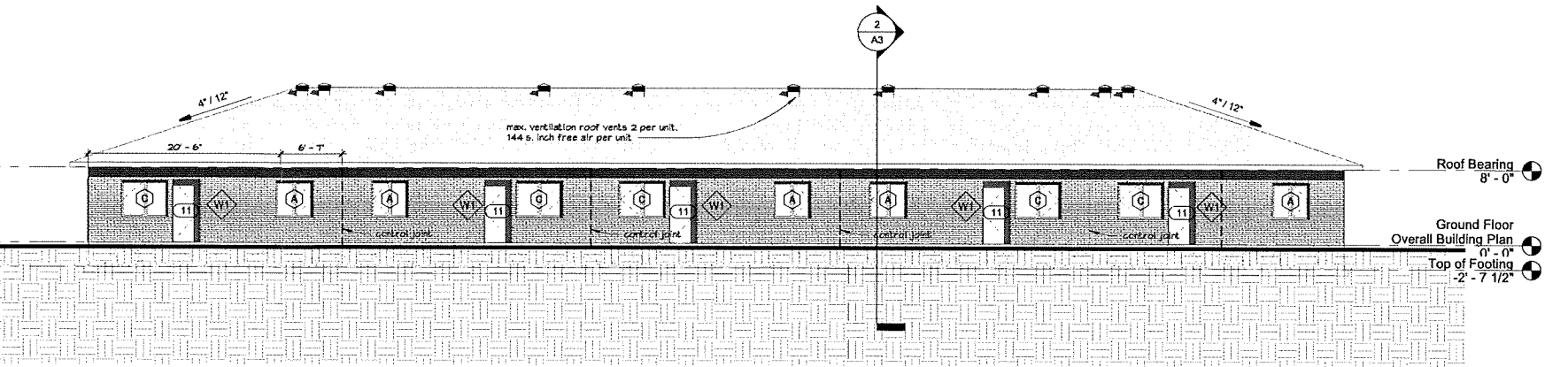
Emerald Crescent



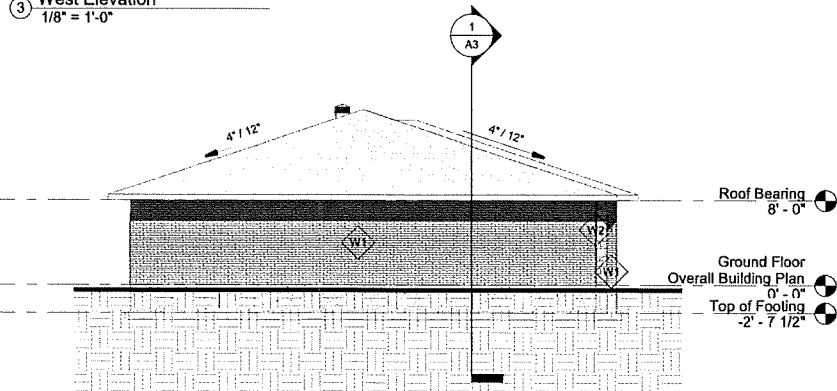
1 Typical Unit Layout
3/8" = 1'-0"



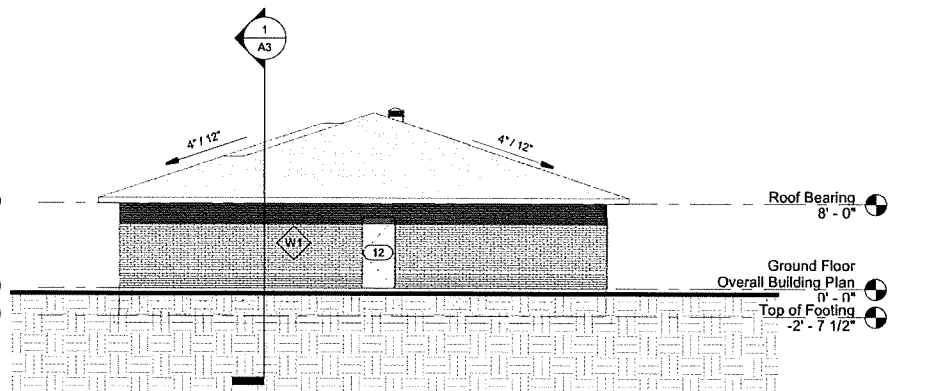
2 East Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 North Elevation
1/8" = 1'-0"



5 South Elevation
1/8" = 1'-0"

Door Schedule					
Tag Label	Width	Height	Qty	Comments	
01	3'-0"	6'-8"	5	ins. prefin. metal door c/w weatherstripping and alum. threshold	
02	2'-8"	6'-8"	5	ins. prefin. metal service door c/w weatherstripping and alum. threshold	
03	2'-8"	6'-8"	5	hollow core slab door	
04	2'-8"	6'-8"	5	hollow core slab door	
05	2'-10"	6'-8"	5	hollow core slab door	
06	3'-0"	6'-8"	5	hollow core slab door	
07	3'-0"	6'-8"	5	hollow core slab door	
08	2'-8"	7'-0"	5	hollow core slab byfold door	
09	5'-0"	6'-8"	5	hollow core slab byfold door	
10	2'-8"	6'-8"	5	hollow core slab door	
11	2'-10"	6'-8"	5	ins. prefin. metal door c/w weatherstripping and alum. threshold	
12	3'-0"	6'-8"	1	ins. prefin. metal service door c/w weatherstripping and alum. threshold	
13	8'-0"	7'-0"	5	ins. prefin. metal garage door c/w weatherstripping and alum. threshold	

Window Schedule					
Tag Label	Width	Height	Head Height	Count	Comments
A	4'-0"	4'-0"	6'-8"	5	pvc window with low e argon filled insulated glass with thermal spacers, refer to elevations for operator locations
B	6'-4"	5'-6"	6'-8"	5	pvc window with low e argon filled insulated glass with thermal spacers, refer to elevations for operator locations
C	5'-0"	4'-0"	6'-8"	5	pvc window with low e argon filled insulated glass with thermal spacers, refer to elevations for operator locations

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DRAWINGS NOT TO BE SCALED

REVISION SCHEDULE	
REVISION NUMBER	REVISION DATE

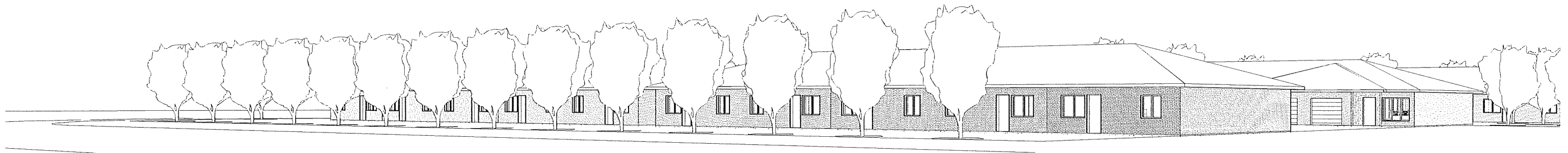
p o c h b e l o i p
architect • architecte

247 Middleboro Turnpike
Middleboro, MA 01948
Tel: 508.451.1234
Fax: 508.451.1235

40 Unit Chelmsford Housing Project
Highway 144 Chelmsford

Typical Unit Layout, Elevations

Date	Apr 08 2019	Drawn By	KaA	Project #	Project No
Scale	As indicated	Checked By	RcB		



Development View Along Highway
144

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The Contractor shall check and verify all existing conditions on site and shall also check and verify all dimensions on the drawings and report any inconsistencies to the Architect before proceeding with the work.

DRAWINGS NOT TO BE SCALED

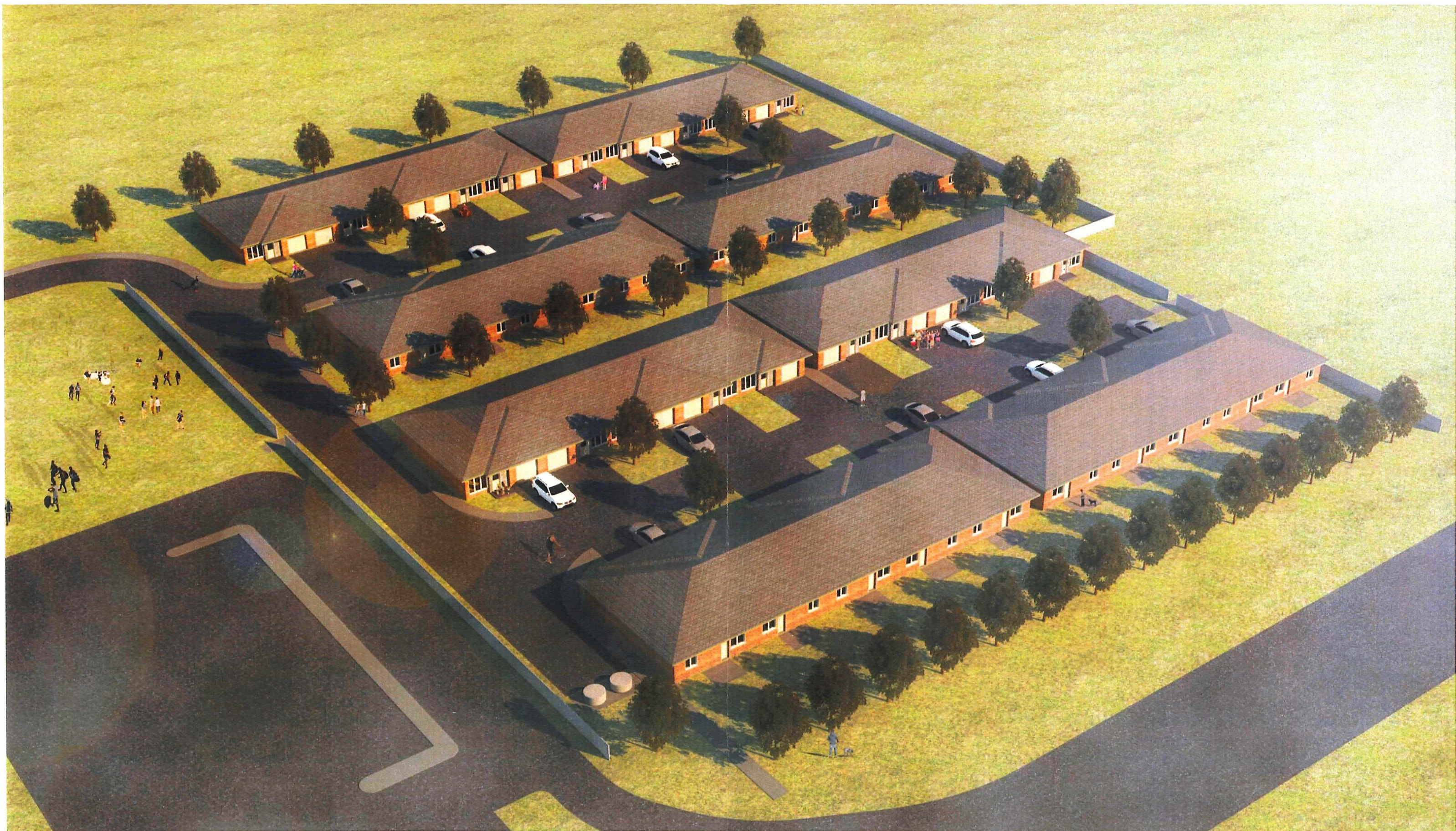
REVISION SCHEDULE	
REVISION NUMBER	REVISION DATE

p o c h b e l a i p
architect • architecte
1247 St-Joseph Ave | 514-833-1100
St-Joseph Ave | 514-833-1100
St-Joseph Ave | 514-833-1100

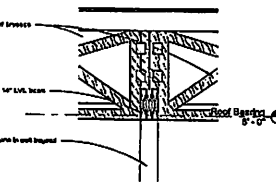
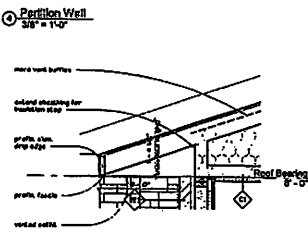
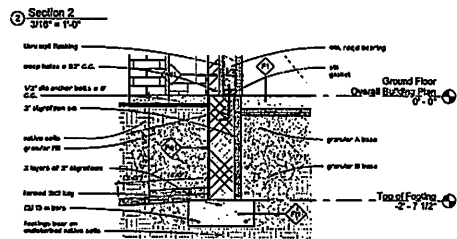
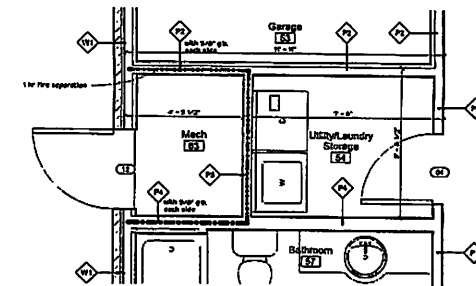
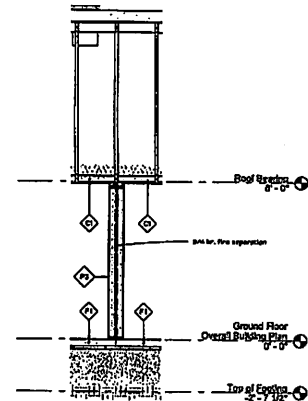
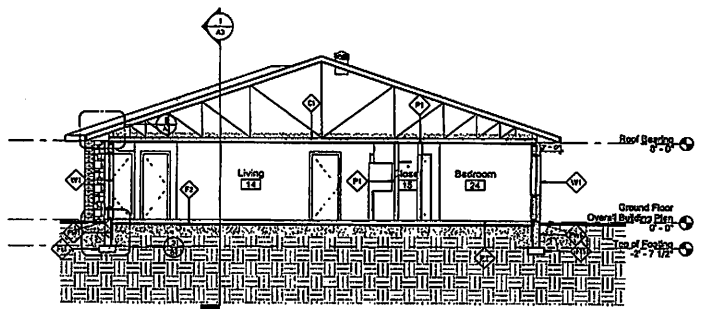
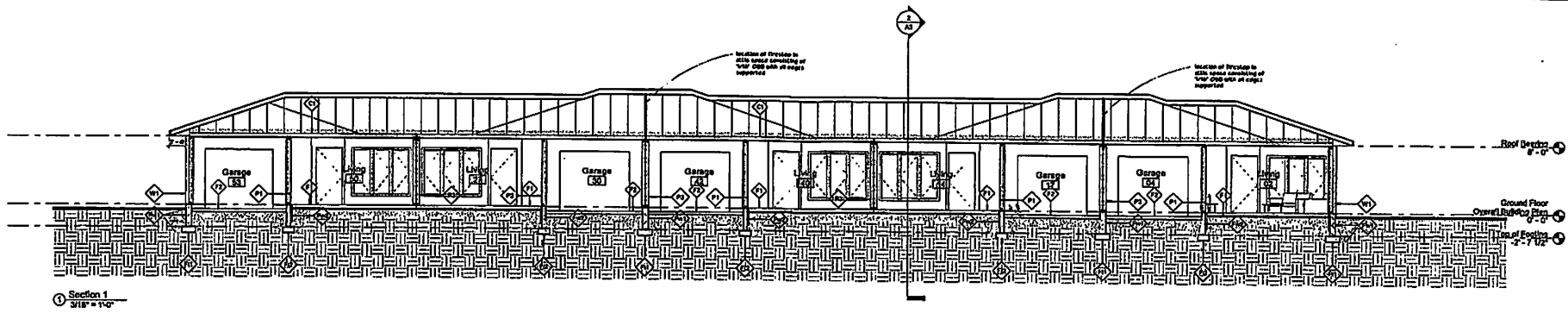
40 Unit Residential Development
Highway 144 Chelmsford

Development View Along
Highway 144

Date	Dec 2019	Drawn By	rcb	Project #	Project No
Scale		Checked By	rcb	Drawing #	







Typical Perimeter Foundation Wall
Detail
3/4" = 1'-0"

Typical Perimeter Roof Detail
3/4" = 1'-0"

LVL Beam Detail
3/4" = 1'-0"

This drawing is an informational drawing and shall not be used for construction purposes. It shall not be used for construction purposes without the approval of the architect. It shall not be used for construction purposes without the approval of the architect. It shall not be used for construction purposes without the approval of the architect.

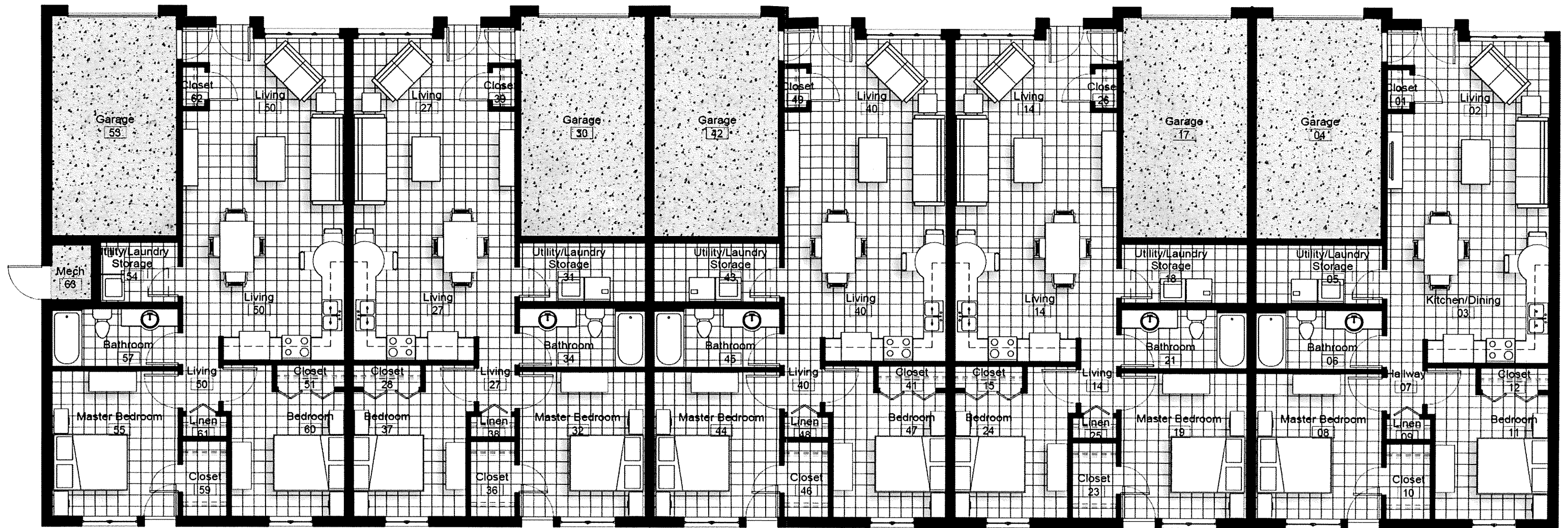
REVISION	REVISION
1	REVISION

poeh belalp
architect + architects
1000 Main Street, Suite 100
Portland, ME 04101
Tel: 603.761.1234
Fax: 603.761.1235

40 Unit Chelmsford Housing Project
Highway 144 Chelmsford

Sections, Details

Apr 08 2019	KaA	Project No.
As Indicated	RcB	A3



Moved By Councillor Sizer No. PL2020- 55

Seconded By Councillor Landry-Altmann Date Monday, June 8, 2020

THAT the City of Greater Sudbury approves the application by Chemy Development Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "C2", General Commercial to "R3 Special", Medium Density Residential Special on lands described as Part of PIN 73349-2060, Part of Parts 2 & 3, Plan 53R-18073 in Lot 1, Concession 3, Township of Balfour, as outlined in the report entitled "Chemy Development Inc.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 8, 2020, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
2. That the amending by-law include the following site-specific provisions to be applied to row dwellings:
 - i) The minimum front yard setback shall be 14 metres;
 - ii) A maximum two (2) metre-high opaque wall or opaque fence shall be permitted within the required front yard;
 - iii) The minimum rear yard setback shall be six (6) metres;
 - iv) The minimum privacy yard depth shall be six (6) metres;
 - v) A minimum 1.8 metre court shall be required between buildings;
 - vi) No minimum difference in setbacks shall be required for adjacent groups of row dwellings;
 - vii) Planting strips shall be provided subject to the provisions of Section 4.15, with the following exceptions:
 - (a) Where a planting strip along the westerly interior side lot line contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.5 metres;

(b) Where a planting strip along the easterly interior side lot line abutting PIN 73349-1207 contains an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the required planting strip may be reduced to 1.2 metres.

3. Conditional approval shall lapse on June 23, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

YEAS:
McClusland
Kirwan
Sizer
Landry-Altman
Cormier

CARRIED
Monday, June 8, 2020

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

2/2

Lasalle Boulevard, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Public Hearing
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/20-18

Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit the development of an automotive lube shop and restaurant with a drive-through, Lasalle Boulevard, Sudbury – Temelini Family.

This report is presented by Wendy Kaufman, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by the Temelini Family, to amend Zoning By-law 2010-100Z by changing the zoning classification from “FD”, Future Development and “C3”, Limited General Commercial, to “C2(S)”, General Commercial Special on those lands described as PIN 02123-0423, Parts 1-7, Plan 53R-18610, Lot 2, Concession 5, Township of McKim, as outlined in the report entitled “Lasalle Boulevard, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021;

AND THAT the amending zoning by-law include the following site-specific provisions:

- i. That the only permitted uses shall be an automotive lube shop and restaurant;
- ii. That the minimum required front yard along Lasalle Boulevard shall be 4.5 m;
- iii. That 60% percent of the front lot line shall be occupied by a building;
- iv. That the minimum required landscaped area along Lasalle shall be 2.3 m; and
- v. That 10 queuing spaces shall be required for a restaurant.

Relationship to the Strategic Plan / Health Impact Assessment

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

Financial Implications

This report relates to rezoning of land to permit the development of an automotive lube shop and restaurant with a drive through.

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges as total square footage of the buildings is not available, and the assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

Report Summary

An application for rezoning has been submitted to change the zoning classification on the subject lands from “C3”, Limited General Commercial and “FD”, Future Development, to “C2(S)”, General Commercial Special in order to permit the development of an automotive lube shop and restaurant with drive-through. The applicant has requested site-specific relief to reduce the minimum required front yard, landscape area along the right-of-way, and number of required queuing spaces for a restaurant. The subject land is designated Secondary Community Node in the Official Plan.

Staff recommends 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 represent good planning.

Staff Report

Proposal:

The application proposes to amend By-law 2010-100Z, being the Zoning By-law for the City of Greater Sudbury, to permit the development of an automotive lube shop and restaurant with a drive through.

The applicant’s site sketch shows the location of the proposed new buildings, parking and queuing areas on the site. The site is currently vacant.

The automotive lube shop building is to be located 11.63 m from the front lot line, and would be located 9.33 m from the front lot line if the City takes lands for road widening. With a lot frontage of 31 m and building length of 21.34 m the proposed building occupies 68% of the front lot line.

A Traffic Impact Study was submitted with the application.

Existing Zoning: “C3”, Limited General Commercial, and “FD” Future Development

The current C3 zone permits a range of uses including a business office, convenience store, day care centre, financial institution, medical office, personal service shop, pharmacy, professional office, restaurant and retail store. Uses in the FD zone are restricted to a single detached dwelling and park.

Requested Zoning:

“C2(S)”, General Commercial Special is proposed to be applied to the entirety of the site in order to permit an automotive lube shop and restaurant with a drive-through. Site-specific relief is also requested to:

- reduce the minimum required landscaped area along Lasalle to 2.3 m;
- reduce the minimum required front yard to 9 m; and,
- reduce the minimum number of queuing spaces for a restaurant to 7 spaces.

The applicant revised their original application to request 7 instead of 10 queuing spaces be provided for a restaurant, where 11 spaces would be required.

Location and Site Description:

The subject property is described as PIN 02123-0423, Parts 1-7, Plan 53R-18610, Lot 2, Concession 5, Township of McKim. The subject lands are located on the southwest corner of Lasalle and Montrose in Sudbury. The subject lands, in total, are 0.531 ha in size with approximately 31m of frontage on Lasalle and a depth of 133m.

The lands are currently serviced with municipal water and sanitary sewer. Access to the site is proposed from the private road that extends from the signalized intersection of Lasalle and Montrose, and which services Princess Auto to the east. Lasalle consists of five lanes including a centre turn lane at this location. There is a transit stop on both sides of Lasalle.

Surrounding Land Uses:

The area surrounding the site includes:

North & East:	Commercial uses (e.g. Montrose Mall, Princess Auto)
South:	Vacant land (Junction Creek and the Ponderosa Provincially Significant Wetland)
West:	Residential use (single detached and multiple dwellings)

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

Site photos show the existing commercial and residential uses along this section of Lasalle Boulevard in the community of Sudbury.

Related Applications:

Consent Application B0053/2020: This consent application proposes to transfer the lands subject to the application, together with a right-of-way for access and municipal services over the private road that extends from Lasalle Boulevard (Parts 8 & 9 of Plan 53R-18610). The application was draft-approved subject to conditions, and the deadline to meet all conditions and receive a certificate from the City to transfer the lands together with the easement is February 27, 2022.

Public Consultation:

Notice of the application was circulated to the public and surrounding property owners on January 12, 2021. Notice of Public Hearing was circulated to the public and surrounding property owners on March 25, 2021. The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents of the application prior to the public hearing. As of the date of this report, the Planning Services Department has not received any inquiries, comments or concerns.

Policy & Regulatory Framework:

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

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

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official

Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement:

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

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

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 1.6.6.2 outlines that municipal water and sanitary sewer infrastructure are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety, and further that within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Section 1.7.1 (a) & (b) state 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 1.6.7 regarding transportation systems further emphasizes that efficient use shall be made of existing infrastructure.

Section 1.8.1 outlines that municipalities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and prepare for the impacts of a changing climate through good land use and development patterns that:

- (a) Promote compact form and a structure of nodes and corridors;
- (b) Promote the use of active transportation and transit in and between residential, employment and institutional uses and other areas; and,
- (c) Encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

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 to 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.

Section 2.3 of the Official Plan regarding reinforcement of the urban structure states that growth must continue to be directed to capitalize on existing investments and make the most efficient use of existing infrastructure and public service facilities. Reinforcing the urban structure also creates a more energy efficient land use pattern and supports climate change mitigation. Section 2.3.2 directs that settlement area land use patterns will be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Official Plan Amendment No. 102 - LaSalle Boulevard Corridor Strategy has recently designated the lands as 'Secondary Community Node'. Secondary Community Nodes are intended to provide for a broad range and mix of uses in an area of transit-supportive densities, with policy emphasis on urban design principles that promote siting buildings close to Lasalle and creating a safe and attractive cycling and pedestrian environment, as well as convenient access to public transit and greenspace. Section 4.2.3 of the Official Plan establishes the following policies for Secondary Community Nodes:

1. Secondary Community Nodes shall be located on primary transit corridors and shall be planned to promote a local identity and a sense of place unique to that node and its surrounding community.
2. Permitted uses in Secondary Community Nodes may include residential, retail, office, service, institutional, recreational, entertainment, parks and community-oriented activities.
3. The mixing of uses should be in the form of either mixed use buildings with ground oriented commercial and institutional uses and residential uses above the second storey, or a mix of uses and buildings on the same development site.
4. Secondary Community Nodes shall be planned to:
 - a. encourage a cycling and pedestrian-friendly built form by locating commercial and other active non-residential uses at grade;
 - b. be the focal point for expression of community heritage and character;
 - c. develop at transit-supportive densities;
 - d. provide residential development primarily in the form of medium and high density buildings, and discouraging single-detached dwellings;
 - e. provide for a mix of housing types, tenures and affordability;
 - f. include, where appropriate, open spaces that are either parks and/or plazas accessible to the public;
 - g. be designed to implement appropriate transitions of density and uses to facilitate compatibility with surrounding existing lower density neighbourhoods; and,
 - h. provide mobility choices and associated facilities to encourage alternative active transportation options.
5. Reductions in parking shall be considered in order to promote a greater mix of uses and a more compact, cycling and pedestrian-friendly built form. The City may require a traffic impact study and/or a transportation demand management plan in support of the reduction in parking.

Staff will be bringing forward the implementing zoning by-law amendments for Planning Committee's consideration, and further information on the proposed zoning provisions are available here:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=8&id=1455>

. To summarize, most properties are proposed to be zoned C2 combined with an overlay for development standards including a new build-to line; a percentage of the front lot line to be occupied by a building; and a prohibition of uses including commercial parking lots, duplex, and single or semi-detached dwellings.

Zoning By-law 2010-100Z:

Development standards for the requested 'C2' zone include a maximum height of 15 m, maximum lot coverage of 50%, and minimum landscaped open space of 5%. The minimum required front yard along Lasalle is 15 metres given it is a primary arterial road. The minimum required easterly interior side yard is 0 m given the adjacent non-residential uses, and the minimum required westerly interior side yard is 3m, given the adjacent Residential Zone. Parking for an automotive lube shop with office is required to be provided at the rate of 1/30 square metres net floor area, and a restaurant is 1/12.5 square metres net floor area, so the total required parking is 22 spaces including 1 accessible space.

When comparing the C2 and the C3 zone, the C2 zone requires a larger minimum lot area than the current

C3 zone (1350 and 900 square metres, respectively), and permits a higher maximum height (15 m and 8 m, respectively). A maximum gross floor area of 2 times the lot area applies in the C2 zone.

Site Plan Control:

A site plan agreement will be required prior to development of the site.

Department/Agency Review:

Planning staff circulated the development application to all appropriate internal departments and external agencies. Responses received have been used to assist in evaluating the application. Building Services has not identified any concerns with the application.

Comments from Infrastructure Capital Planning Services indicate that staff has reviewed the Traffic Impact Study submitted with the application and has no concerns; however, staff does not support the proposed reduction to 7 queuing spaces where 11 is required considering that the restaurant occupant could change in the future. They also raised concern that a 1.5 metre fence in the front yard may negatively impact the sight lines for vehicles exiting the neighboring entrance to the west.

Development Engineering has confirmed that water and sanitary sewer are available to service the property within Lasalle Boulevard. In addition, a watermain is available within the private driveway lands to the east of the development. A storm main is available on private lands west of this development. Connections to City infrastructure as well as stormwater management, snow storage, site access, etc. will be reviewed and approved through the site plan control process.

Transit Services has commented that this section of Lasalle has high frequency service with our Main Line Route (every 15 minutes). GOVA Plus vehicles may be required to service this location, so a turning radius must be available to service the front door entrance in a forward motion as per the specifications in the Site Plan Guide.

Conservation Sudbury does not oppose the application. The proponent is advised that as part of the site plan control process Conservation Sudbury may have additional comments and technical requirements.

Planning Analysis:

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

The application conforms with the Growth Plan for Northern Ontario in that it aligns with the general economic policies. The application is consistent with PPS policies and conforms with Official Plan policies that acknowledge the link between land use planning and economic prosperity, and maintaining a range of sites to provide employment 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 maximize the use of existing infrastructure. The application also aligns with the PPS section 1.8.1 as well as Official Plan section 2.3.2 which emphasizes that creating a more energy efficient land use pattern will support climate change mitigation. Development of this vacant and underutilized site will capitalize on the surrounding investment in existing and private infrastructure including transportation and transit services, as well as municipal water and sanitary services. Infill development also supports goals related to emissions reduction, which can be achieved by promoting communities that are more compact. This is articulated further in the City's Community Energy and Emissions Plan.

The subject lands are designated Secondary Community Node and the newly introduced policies for this designation (section 4.2.3) identifies that these lands are intended to provide for a broad range and mix of

uses. The requested C2 zone to permit an automotive lube shop and a restaurant would align with the proposed C2 zoning (while excluding certain low-density uses) that staff are working to implement for Lasalle in this location to implement the Lasalle Boulevard Corridor Strategy.

The C2 zone permits the requested automotive lube shop and restaurant. These commercial uses will contribute to the mix of uses in this area, and are considered to be compatible with the surrounding commercial uses to the north and east, and the site can be designed to achieve on-site setbacks with a planting strip that will serve to mitigate potential impacts on the adjacent residential zone to the west. Staff have no concerns with the requested C2 zone.

The Secondary Community Nodes policies also include specific direction regarding building form. Buildings are to be sited close to Lasalle, ideally in the form of mixed use buildings or a mix of uses and buildings on the same site with commercial uses at grade, and at transit-supportive density. Design should reflect community heritage and character. To implement these policies, staff are proposing that buildings to be sited between 0 to 4.5 m from Lasalle with 60% percent of the front lot line to be occupied by a building.

The current setback required from Lasalle Boulevard is 15 m. The applicant's proposed setback reduction to 9 m will enable the building to be closer to Lasalle as envisioned by the Lasalle Boulevard Corridor Strategy. The applicant has indicated that the anchor automotive lube shop has been located as close as possible to the front lot line, to be as consistent as possible with the Official Plan and yet permit a substantial development investment on the site as a whole. It is acknowledged that the applicant has not achieved a building being within 0 to 4.5 m of Lasalle. Staff would recommend permitting a further-reduced minimum setback of 4.5 m rather than the 9 m requested by the applicant. Given the work currently underway to review the concept of a build-to line for the entirety of the Lasalle corridor, staff recommend that it would be premature to require the building to be located closer to Lasalle at this time.

The applicant's site sketch shows the building closest to Lasalle for the automotive lube shop as being oriented to the roadway and occupying greater than 60% of the frontage. It is recommended that this requirement be included in the site specific provisions to ensure that the building is oriented to the Lasalle, and prevent a situation where the building could ultimately be oriented to the private driveway instead.

The applicant's request to reduce the required landscape width along Lasalle to 2.3 m where 3 m is required is recommended to be appropriate given it will enable the building to be located closer to Lasalle. The site is designed to comply with or exceed the other landscaping provisions that apply to the site, including the 5% minimum landscape area and planting strip adjacent to the westerly Residential Zone.

The applicant's request to reduce the number of queuing spaces to 7 where 11 are required is not supported considering that the restaurant occupant could change in the future requiring increased queuing and could result in congestion on the site. Staff would support a reduction to 10 spaces (as proposed in the original application) which would be considered relatively minor and would enable some flexibility in site design.

Matters related to site design will be addressed through the site plan control agreement process. The site can be designed to reflect community heritage and character, such as by selecting trees and other plant material that is native to the Greater Sudbury area. In terms of a pedestrian-friendly environment, the applicant's sketch indicates pedestrian connections throughout the site, which will serve to separate pedestrian and vehicular traffic. While the pedestrian doors to the automotive lube shop are proposed to be located on the rear side of the building, the bay doors will create a sense of openness, which will serve to activate the Lasalle side of the building. Access route for GOVA plus vehicles will be confirmed.

The applicant will be encouraged to reduce the parking provided on-site, which is well above the required amount given the City's recent zoning amendment to reduce the requirements for certain commercial uses including restaurants (29 spaces were required for the restaurant, and 15 are now required). The applicant will also be directed to reduce the fence height to 1.0 m in the front yard; given the 1.5 m fence height shown on the sketch does not comply with the zoning and would detract from a feeling of openness when walking on the sidewalk along Lasalle (and may impact vehicle sight lines to the west). Access to the site is proposed from the private road that extends from the signalized intersection of Lasalle

and Montrose, and which services Princess Auto to the east. Staff has reviewed the Traffic Impact Study submitted with the application and has no concerns. Traffic improvements are not required to support this development.

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 Amendment:

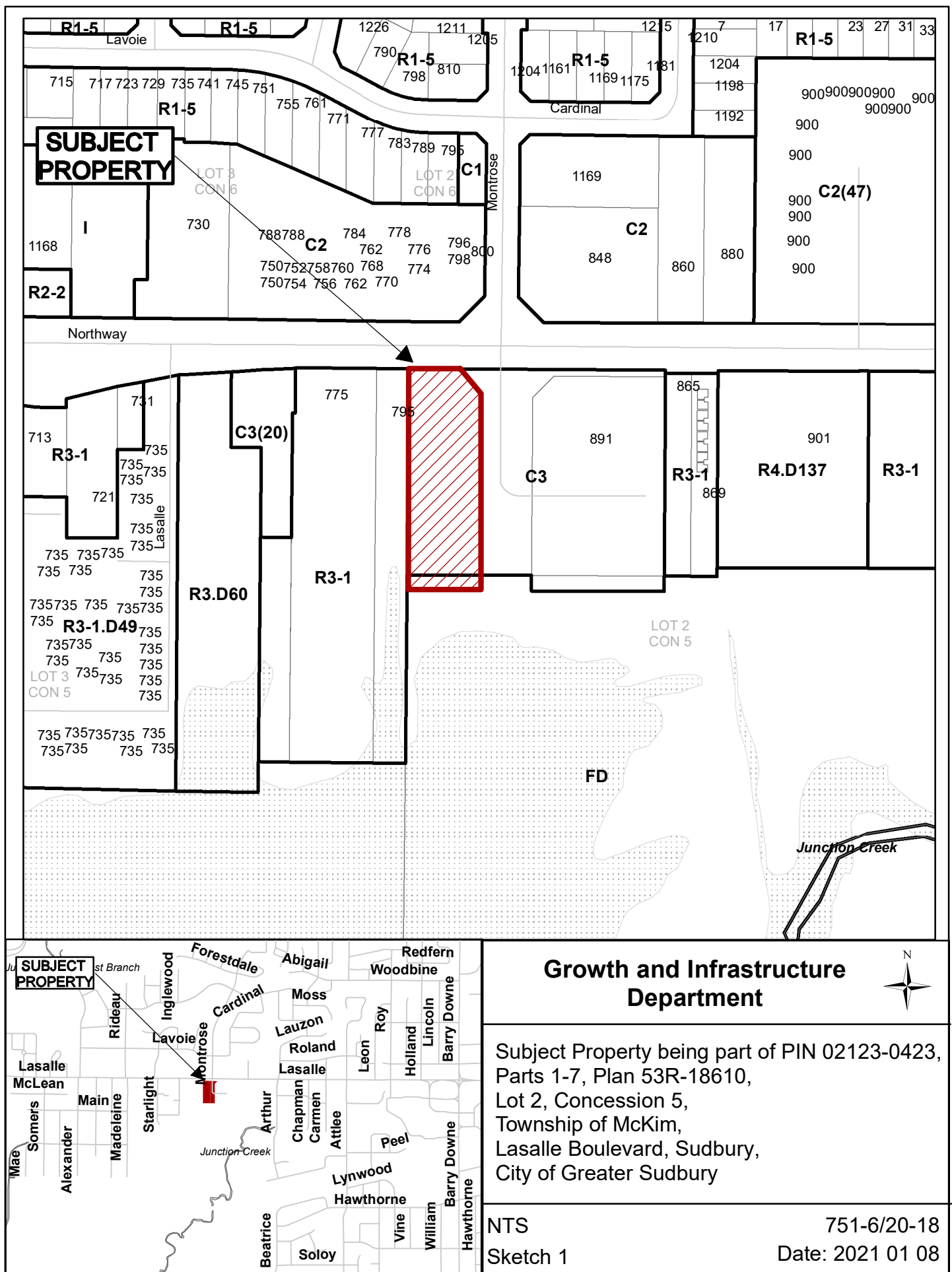
- To rezone the lands to C2 to permit an automotive lube shop and restaurant.
- To include site-specific provisions to reduce the minimum required front yard to 4.5 m, require that 60% of the front lot line be occupied by a building, reduce the minimum required landscape area along the right-of-way, and reduce the minimum number of required queuing spaces for a restaurant to 10.

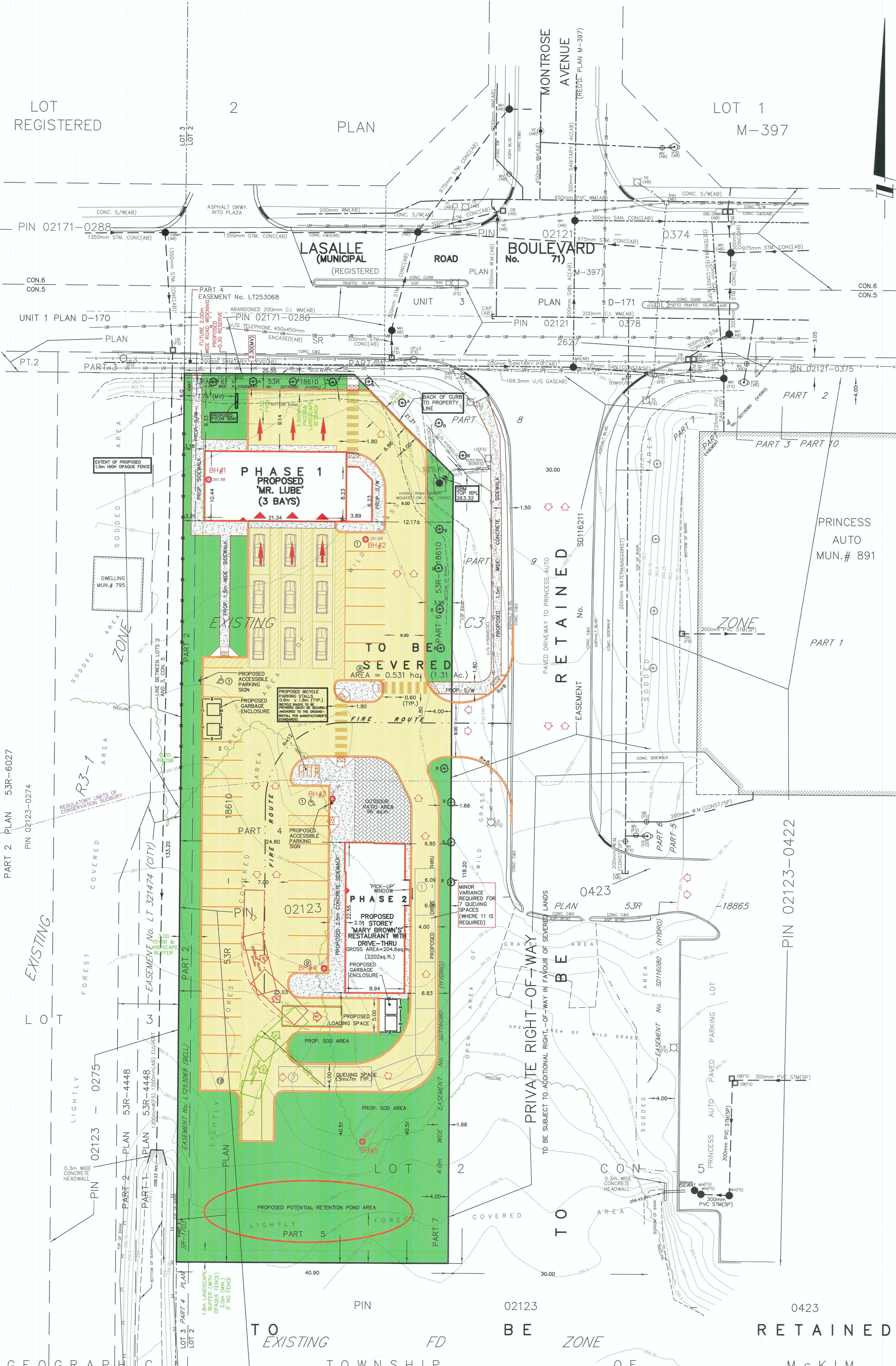
The development of the subject lands achieves a number of policy directives, including the promotion of economic development in a manner that considers the available servicing and compatibility with adjacent uses. Staff have considered, amongst other matters, a full range of factors through a detailed review when forming the recommendation of approval for this application.

Staff is of the opinion that the proposed amendment is appropriate based on the following:

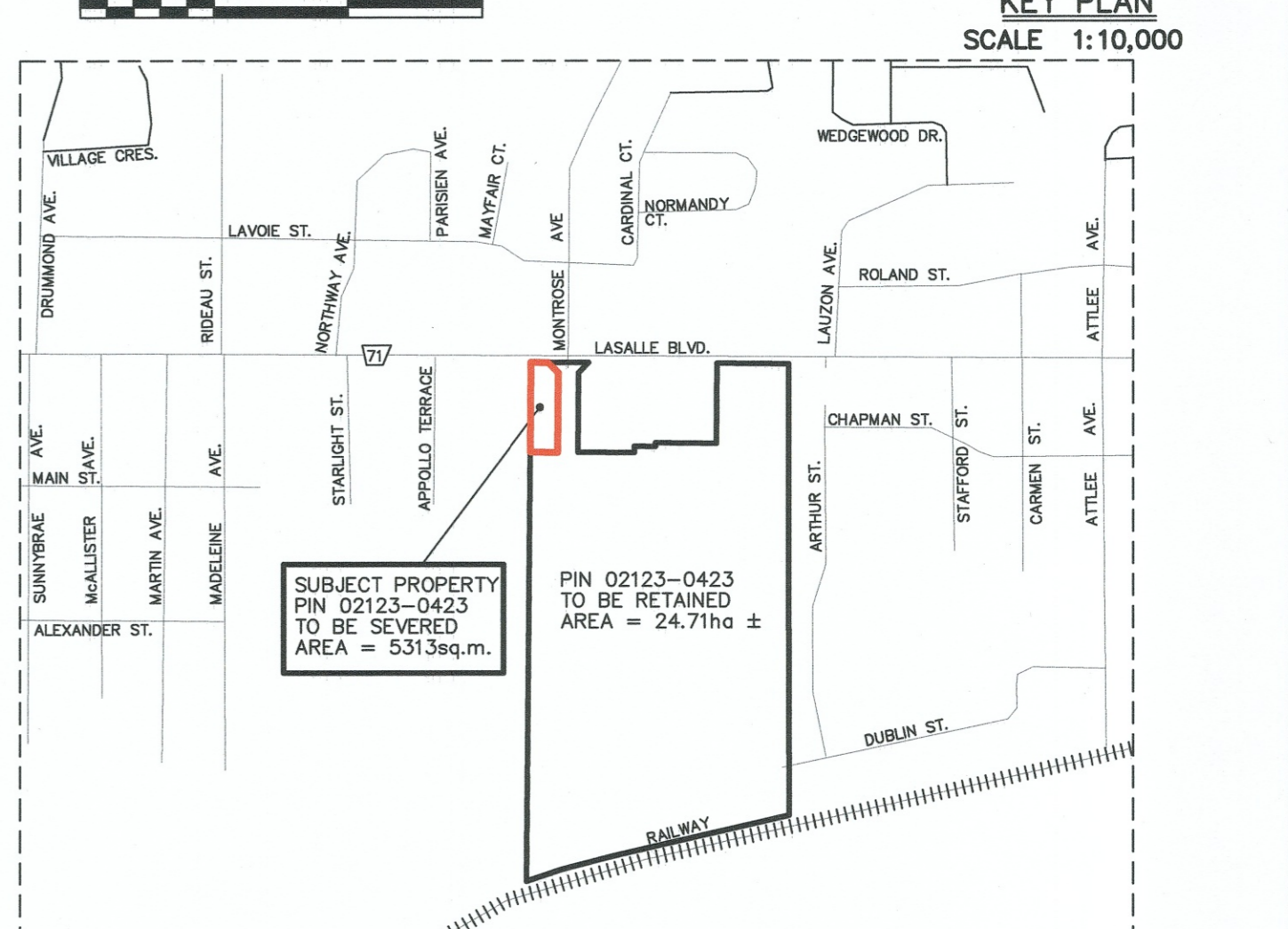
- The proposal aligns with policies that acknowledge the link between land use planning and economic prosperity, and the need to maintain a range of sites to provide employment opportunities.
- Development of this vacant site within the settlement area will utilize the existing and private infrastructure including transportation and transit services, water, and sanitary sewer. Efficient land use patterns can support climate change mitigation.
- The proposed uses will contribute to the range of uses available in this Secondary Community Node, have been evaluated in the context of the surrounding land uses, and are considered appropriate.
- The recommended site-specific zoning provisions will promote a building form oriented to Lasalle Boulevard. Site plan control will apply to the site and will address matters related to site design.

Staff recommends approval of the application, subject to the conditions identified in the resolution, on the basis that they are consistent with the Provincial Policy Statement, conform to the Growth Plan for Northern Ontario, the Official Plan for the City of Greater Sudbury, have regard for matters of provincial interest, and represent good planning.





SITE PLAN OF PRELIMINARY CONCEPT PLAN FEB. 4 2021
PROPOSED 'MR. LUBE'
AND
'MARY BROWN'S' RESTAURANT
WITH DRIVE-THRU
BEING PART OF
PIN 02123-0423
BEING PART OF
LOT 2, CONCESSION 5
GEOGRAPHIC TOWNSHIP OF MCKIM
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY
SCALE 1:250



- LEGEND**
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
 - LT DENOTES LAND TITLES
 - RPL DENOTES ROCK PLUG
 - TR DENOTES TRANSFORMER POLE
 - BB DENOTES BELL BOX
 - CB DENOTES CATCH BASIN
 - CBMH DENOTES CATCH BASIN MANHOLE
 - UP DENOTES UTILITY POLE
 - AN DENOTES ANCHOR
 - TLF DENOTES TRAFFIC LIGHT STANDARD
 - LS DENOTES LIGHT STANDARD
 - THH DENOTES TRAFFIC HANDHOLE
 - HH DENOTES HAND HOLE
 - MH DENOTES MANHOLE
 - SBM DENOTES SITE BENCHMARK
 - CCO228 DENOTES CANADIAN GEODETIC VERTICAL DATUM OF 1928
 - HYD DENOTES FIRE HYDRANT
 - SI DENOTES SERVICE BOX
 - WV DENOTES WATER VALVE
 - VC DENOTES VALVE CHAMBER
 - SDENOTES SIGN
 - UB DENOTES UNDERGROUND BELL LINE
 - UT DENOTES UNDERGROUND TELEPHONE DUCT
 - UH DENOTES OVERHEAD HYDRO LINE
 - UN DENOTES UNDERGROUND HYDRO LINE
 - UG DENOTES UNDERGROUND GAS LINE
 - UL DENOTES OVERHEAD UTILITY LINES
 - XF DENOTES FENCE
 - TS DENOTES UNDERGROUND TRAFFIC SIGNAL CABLE
 - SS DENOTES UNDERGROUND SANITARY SEWER
 - SSW DENOTES UNDERGROUND STORM SEWER
 - WDM DENOTES UNDERGROUND WATERMAIN
 - PSF DENOTES PROPOSED 1.5m HIGH OPAQUE FENCE
 - INV DENOTES INVERT ELEVATION
 - OBV DENOTES OVERELEVATION
 - AB DENOTES AS-BUILT INFORMATION
 - FS DENOTES OBTAINED FROM AS-BUILT DRAWINGS
 - LOC DENOTES FIELD SURVEY ELEVATION
 - SP DENOTES FIELD LOCATES INFORMATION
 - CONST DENOTES PRINCESS AUTO SITE PLAN INFORMATION
 - CONST DENOTES CONSTRUCTION DRAWING INFORMATION OF 'PROPOSED SOUTHERLY EXTENSION OF MONTROSE AVENUE' (PAGES 1 & 2)
 - RYSB-BUILDING FRONT YARD SETBACK (MIN.)
 - RYSB-BUILDING REAR YARD SETBACK (MIN.)
 - ISYSB-BUILDING INTERIOR YARD SETBACK (MIN.)
 - PKGSB-PARKING SETBACK (MIN.)
 - TWS DENOTES PROPOSED TACTILE WARNING SURFACE (SEE GSSD-310-031)
 - DTA DENOTES PROPOSED DECIDUOUS TREE
 - ETA DENOTES EXISTING DECIDUOUS TREE
 - GA DENOTES EXISTING/PROPOSED GARAGE DOOR ENTRANCE
 - PE DENOTES EXISTING/PROPOSED PEDESTRIAN DOOR ENTRANCE
 - GA DENOTES PROPOSED AREA TO BE SOODED (& EXISTING ASPHALT &/OR CURBING TO BE REMOVED IF APPLICABLE)
 - PA DENOTES PROPOSED PAVED SURFACE AREA
 - PC DENOTES PROPOSED CONCRETE SURFACE AREA
 - PPA DENOTES PROPOSED PATIO SURFACE AREA
 - CCB DENOTES PROPOSED CONCRETE BARRIER CURB WITHIN SUBJECT PROPERTY PARKING LOT AREAS (SEE DETAIL OFSD-800.110)
 - MV DENOTES MINOR VARIANCE REQUIRED

NOTES

PROPERTY BOUNDARY DIMENSIONS SHOWN HEREON ARE DERIVED FROM EXISTING SURVEY PLAN INFORMATION. THIS IS NOT A PLAN OF SURVEY & SHOULD ONLY BE USED FOR THE PURPOSE NOTED IN THE TITLE BLOCK.

THE SUBJECT LANDS CONSIST OF PART OF PIN 02123-0423, BEING ALL OF PARTS 1 TO 7 INCLUSIVE OF PLAN 53R-18610 (TO BE SEVERED FROM PIN 02123-0423), BEING PART OF LOT 2, CONCESSION 5, GEOGRAPHIC TOWNSHIP OF MCKIM.

PARTS 1, 2 & 3, PLAN 53R-18610 (FORMERLY PART OF PART 4, PLAN SR-1703) ARE SUBJECT TO EASEMENT No. L7253068 (BELL).

PARTS 1, 6 & 7, PLAN 53R-18610 ARE SUBJECT TO EASEMENT No. SD116080 (GREATER SUDBURY HYDRO INC.).

THERE IS A RIGHT-OF-WAY OVER PARTS 7, 8 & 9, PLAN 53R-18865 (FORMERLY PARTS 8 & 9, PLAN 53R-18610) IN FAVOUR OF PARTS 1 TO 6 & PART 10, PLAN 53R-18865 (FORMERLY PARTS 10 & 11, PLAN 53R-18610) AS IN SD116211.

FIELD WORK SHOWN HEREON WAS COMPLETED JULY 30, 2020.

THE LOCATION OF UTILITY SERVICES SHOWN HEREON ARE DERIVED FROM THE FOLLOWING SOURCES:

FIELD SURVEY INFORMATION & FIELD LOCATE INFORMATION

AND FROM CITY OF GREATER SUDBURY CONSTRUCTION DRAWINGS: PROPOSED SOUTHERLY EXTENSION OF MONTROSE AVE, PAGES 1 & 2, DATED NOV. 25, 2007, (REVISION DATE OF NOV. 15, 2008 FOR PAGE 1), ALSO KNOWN AS SCHEDULE F & G ATTACHED TO THE SITE PLAN CONTROL AGREEMENT OF 'PRINCESS AUTO' (#891 LASALLE BLVD.)

AND FROM 'PRINCESS AUTO SITE SERVICING, GRADING, STORMWATER MANAGEMENT AND SEDIMENT EROSION CONTROL PLAN' DRAWING (SCHEDULE 'D'), PRODUCED BY GIFFELS, REVISION DATED SEPTEMBER 16, 2008

AND FROM PRELIMINARY BASE PLAN OF 'LASALLE BLVD.', PAGE 17 OF 37, DATED 2002-11-22, REVISION DATED 2017-09-05.

AND FROM CITY OF GREATER SUDBURY AS-BUILT DRAWING 'LASALLE BLVD.', PAGE 16 OF 37, DATED 1988-01, REVISION DATED 2012-11-23.

THE LOCATION OF ALL UNDERGROUND PIPES & SERVICE LINES HAVE NOT BEEN DETERMINED.

EXISTING CONTOUR INTERVAL = 0.25 METERS.

THIS PLAN IS NOT VALID UNLESS SEALED.

ALL PROPOSED PARKING AREAS & DRIVING ISLES ARE TO BE PAVED.

ALL EXISTING PARKING AREAS & DRIVING ISLES ARE PAVED.

PROPOSED PARKING STALLS TO BE LINE PAINTED

MINIMUM PARKING ISLES WIDTH REQUIRED (2 WAY) = 6.0m.

TYPICAL PARKING STALL SIZE IS 2.75m X 6.0m

TYPICAL BARRIER FREE PARKING STALL SIZE IS 4.4m X 6.0m

SNOW REMOVAL SHALL BE ON SITE AND PLACED WITHIN THE LANDSCAPED AREA ADJACENT TO THE PARKING AREAS.

PROPOSED GARBAGE COLLECTION WILL BE PROVIDED BY A PRIVATE CONTRACTOR, FROM THE GARBAGE BINS AREAS AS SHOWN HEREON.

FRONT YARD SETBACKS ARE MEASURED FROM SOUTH BOUNDARY OF FUTURE 2.0m WIDE ROAD WIDENING, AS SHOWN HEREON.

STATISTICS TABLE SUBJECT PROPERTY (PARTS 1 TO 7, PLAN 53R-18610):

PHASE 1: 'MR. LUBE' PHASE 2: 'MARY BROWN'S' RESTAURANT/DRIVE-THRU BUILDING

ITEM:		CALCULATIONS
LOT AREA	5313 Sq.m.	
LOT FRONTAGE (MEASURED AT A 6.0m OFFSET FROM PROPERTY LINE)	31.5m	
PAVED AREA (%)	47.2%	2510 / 5313 = 47.2%
LANDSCAPED AREA (%)	43.7%	2319.5 / 5313 = 43.7%
PROPOSED RESTAURANT & DRIVE-THRU BUILDING GROSS FLOOR AREA	204.6 Sq.m.	
PROPOSED RESTAURANT & DRIVE-THRU BUILDING NET FLOOR AREA	±183 Sq.m.	
PROPOSED RESTAURANT & DRIVE-THRU BUILDING HEIGHT (1 STOREY)	5.5m ±	
PROPOSED 'MR. LUBE' BUILDING GROSS FLOOR AREA (GROUND LEVEL)	253 Sq.m.	
PROPOSED 'MR. LUBE' BUILDING GROSS FLOOR AREA	261 Sq.m.	GROSS AUTOMOTIVE AREA= 160 sq.m. GROSS ACCESSORY OFFICE AREA= 8 sq.m. GROSS OTHER AREA= 93 sq.m.
PROPOSED 'MR. LUBE' BUILDING NET FLOOR AREA	±165.6 Sq.m.	NET AUTOMOTIVE AREA= ±158 sq.m. NET ACCESSORY OFFICE AREA= ±7.6 sq.m.
PROPOSED 'MR. LUBE' BUILDING HEIGHT (1 STOREY)	5.5m ±	
PROPOSED 'MR. LUBE' BUILDING PARKING SPACES REQUIRED = 7 (INCLUDES BARRIER FREE SPACES REQUIRED = 6+1)	PROVIDED = 7 (INCLUDES BARRIER FREE SPACES REQUIRED = 6+1)	AUTOMOTIVE USE: 1/30 sq.m. NET FLOOR AREA = 158/30=5 spaces BUSINESS OFFICE: 1/30 sq.m. NET FLOOR AREA = 7.6/30= 1 spaces
PROPOSED 'MARY BROWN'S' RESTAURANT & DRIVE-THRU BUILDING PARKING SPACES REQUIRED = 24 (INCLUDES BARRIER FREE SPACES REQUIRED = 23+1)	PROVIDED = 29 (INCLUDES BARRIER FREE SPACES REQUIRED = 23+1)	RESTAURANT(1/10sq.m.net floor area) OR 1/2 SEATING CAPACITY (WHICH EVER IS GREATER) = 183/10 = 18 SPACES (BASED FLOOR AREA) = 70/3 = 23 SPACES (BASED 70 SEATS) (50 INSIDE SEATS & 20 PATIO SEATS)
SUBJECT PROPERTY TOTAL PARKING: REQUIRED = 32	PROVIDED 38	
BICYCLE PARKING REQUIRED = 3	PROVIDED = 5	RESTAURANT: 2spaces + 1space/500m2 gross floor area = 2+((204+261)/500)) = 3
PROPOSED 'MARY BROWN'S' RESTAURANT & DRIVE-THRU BUILDING BARRIER FREE PARKING SPACES REQUIRED = 1	PROVIDED = 2	TOTAL # PARKING SPACES PROVIDED = 29 REQUIRES 1 BARRIER FREE SPACE
PROPOSED 'MR. LUBE' BUILDING BARRIER FREE PARKING SPACES REQUIRED = 1	PROVIDED = 1	TOTAL # PARKING SPACES PROVIDED = 7 REQUIRES 1 BARRIER FREE SPACE
LOADING SPACES REQUIRED FOR PROPOSED RESTAURANT & DRIVE-THRU BUILDING = 0	PROVIDED = 1	GROSS FL. AREA = 204.6 sq.m. GROSS FL. AREA < 300sq.m. = 0 SPACES
LOADING SPACES REQUIRED FOR MR. LUBE = 0	PROVIDED = 0	GROSS FL. AREA = 261 sq.m. GROSS FL. AREA < 300sq.m. = 0 SPACES
QUEUING SPACES REQUIRED FOR DRIVE-THRU REQUIRED = 11	PROVIDED = 7	MIN. QUEUING SPACES FOR RESTAURANT= 11 (MINOR VARIANCE REQUIRED)
LOT COVERAGE (%)	9.1%	(204.6+278.7)/ 5313 = 9.1%
ZONE EXISTING = C3	PROPOSED = C2 SPECIAL	

PLANTING SCHEDULE					
KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	HEIGHT (m) (AT MATURITY)	SPREAD (m) (AT MATURITY)
A	GINKGO BILOBA	GINKGO BILOBA	6	16	11
B	ACER GINNALA FLAME	FLAME AMUR MAPLE	10	6	5

PLANTING INFORMATION NOTES:

A) DECIDUOUS TREES ARE TO BE MINIMUM 70mm (2.75") CALIPER, MEASURED AT 1.5m (4.9') ABOVE GROUND

B) ALL PLANT MATERIAL IS TO BE CANADIAN NURSERY TRADES ASSOCIATION STANDARDS AS PER GUIDE SPECIFICATION FOR NURSERY STOCK. WHEN POSSIBLE ALL PLANT MATERIAL IS TO BE NATIVE ONTARIO MATERIALS. ALL PLANT SUBSTITUTIONS ARE TO BE APPROVED PRIOR TO PLANTING.

C) STREET TREES ARE TO BE PLANTED 6m ON CENTER. STREET TREES ALONG ROAD FRONTAGES CAN BE PLANTED IN THE ROAD RIGHT-OF-WAY, IF REQUESTED AND APPROVED BY THE CITY OF GREATER SUDBURY PLANNING DEPARTMENT. PRIOR TO PLANTING STREET TREES, ALL LOCATIONS OF SERVICES ARE TO BE IDENTIFIED ON SITE, AND PLANTING IS TO BE OFFSET FROM DIRECTLY OVER SERVICES.

DISCLAIMER

CONTACT ALL POTENTIAL OWNERS OF UNDERGROUND SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ANY INCONSISTENCIES TO THE SURVEYOR BEFORE PROCEEDING WITH THE WORK.

SURVEYOR WILL NOT BE RESPONSIBLE FOR ERRORS AND/OR OMISSIONS ENCOUNTERED IN THE COURSE OF THE CONSTRUCTION PHASE UNLESS THE SERVICES OF THE SURVEYOR ARE ENGAGED TO CARRY OUT SITE SUPERVISION SERVICES.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF D.S. DORLAND LTD.

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TOPOGRAPHIC SURVEY
ALUF BARRYDOWNIE INC.

REVISIONS / AMENDMENTS

REVISION No.

SUDBURY ONTARIO

BENCHMARK NOTES

ELEVATIONS SHOWN HEREON HAVE BEEN OBSERVED USING SIMULTANEOUS REAL-TIME KINEMATIC GPS OBSERVATIONS WHICH ARE DIRECTLY RELATED TO THE GRS80 ELLIPSOID OF NAD83(CSRS, 2002.0) AND HAVE BEEN CONVERTED TO CONVDZ HEIGHTS USING THE HTVD.0 NATIONAL HEIGHT TRANSFORMATION AS PROVIDED BY NATURAL RESOURCES CANADA.

ELEVATIONS WERE CONFIRMED WITH THE CITY OF GREATER SUDBURY BENCH MARK No. 027805045B HAVING A PUBLISHED ELEVATION OF 265.618m CVDZ08.

SITE BENCH MARK IS ON TOP OF A ROCK PLUG, AT THE N.E. CORNER OF THE CONCRETE CASING OF THE HYDRO TRANSFORMER, AT THE N.E. CORNER OF THE SUBJECT LANDS AS SHOWN HEREON.

METRIC NOTE

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

D.S. DORLAND LIMITED

298 LARCH STREET
SUDBURY, ONTARIO, P3B 1M1
PHONE (705) 673-2556 FAX (705) 673-1051
WWW.DSDORLANDLTD.COM

PREPARED BY: A.A.
DATE: FEB. 4 2021
FIELD: SM/MB

SCALE: 1:250 METRIC
CADD FILE: 1813R-SITE PLAN.dwg
P. SPACE TAB: SITE PLAN 250 SCALE

FEB. 04 2021

DATE
SUDBURY, ONTARIO

D.S. DORLAND
ONTARIO LAND SURVEYOR

THIS IS NOT AN ORIGINAL COPY UNLESS IT IS EMBOSSED WITH THE SURVEYOR'S SEAL

GRADING & DRAINAGE AND SITE SERVICING PLANS :

FOR COMPLETE GRADING & DRAINAGE AND SITE SERVICING DETAIL INFORMATION REFER TO: SITE GRADING PLAN AND 'SITE SERVICING PLAN' AND 'NOTES & DETAILS' DRAWINGS, PREPARED BY 'ENGINEERING INC.', DATED XXXXX (PAGES XXXX)



Photo 1: Subject lands and commercial use to the east, from Lasalle looking southeast. Photo taken February 12, 2021, File #751-6/20-18.



Photo 2: Access driveway to the east of the site, with commercial use to the east, looking north. Photo taken February 12, 2021, File #751-6/20-18.



Photo 3: Residential use to the west of the subject lands, looking south. Photo taken February 12, 2021, File #751-6/20-18.



Photo 4: Commercial uses on the north side of Lasalle, looking northeast. Photo taken February 12, 2021, File #751-6/20-18.

90 National Street, Garson

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-3/20001

Report Summary

This report provides a recommendation regarding an application for draft plan of subdivision in order to subdivide five lots for mixed light industrial/service commercial and heavy industrial purposes, 90 National Street, Garson – 1558782 Ontario Inc.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to issue draft plan approval for a plan of subdivision on those lands described as PINs 73496-0651 & 73496-0689, Blocks A & C, Part of Block B, Lots 11 to 18, 20 to 23 & Part of Lots 24 & 25, Plan M-1049, Lot 10, Concession 1, Township of Garson, as outlined in the report entitled "90 National Street, Garson", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021, not sooner than 14 days following the date of the public meeting in accordance with the requirements of Section 51(20) of the Planning Act, subject to the following conditions:

1. That this approval applies to a draft plan of subdivision on lands described as PINs 73496-0651 & 73496-0689, Blocks A & C, Part of Block B, Lots 11 to 18, 20 to 23 & Part of Lots 24 & 25, Plan M-1049, Lot 10, Concession 1, Township of Garson, as shown on the draft plan of subdivision plan prepared by S.A. Kirchhefer Ltd. and dated September 15, 2020, and signed by the owner on November 5, 2020;
2. That the street(s) shall be named to the satisfaction of the Municipality;
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land and to the satisfaction of the City Solicitor;
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval to the satisfaction of the Director of Planning Services;
5. That the subdivision agreement be registered by the Municipality against the land to which it applies,

prior to any encumbrances to the satisfaction of the City Solicitor;

6. That 2% of the land, or alternatively 2% of the cash value of the land, included in the plan of subdivision be deeded or provided to the City for parks purposes in accordance with Section 51.1 of the Planning Act to the satisfaction of the Director of Leisure Services and the City Solicitor;
7. That the owner shall provide to the satisfaction of the General Manager of Growth and Infrastructure, the Director of Planning Services and Conservation Sudbury, a detailed lot grading and drainage plan prepared, signed, sealed, and dated by a professional civil engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new buildings, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement;
8. That the owner provide a utilities servicing plan designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario for the proposed lots to the satisfaction of the Director of Planning Services. The utilities servicing plan at a minimum shall show the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Eastlink and Canada Post. This plan must be provided prior to construction of any individual phase. The owner shall be responsible for all costs associated with the installation of said services;
9. That the owner shall provide master servicing plans for both the sanitary and storm sewer as well as water-mains as they pertain to the new subdivision layout to the satisfaction of the General Manager of Growth and Infrastructure. Said plans are to show general alignment details, number of units and area serviced by individual runs, pipe diameter and flow direction. Said plan shall ensure that pipe diameters and alignments are established in order to support all phases of development;
10. That streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner and to the satisfaction of the General Manager of Growth and Infrastructure;
11. That prior to the submission of servicing plans, the owner shall provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario to the satisfaction of the Director of Planning Services. Said report shall provide information on the soils and groundwater conditions within the proposed development. In addition, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, storm-water management facilities, water mains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of the buildings;
12. That as part of the submission of servicing plans the owner shall have any required slope treatments designed by a geotechnical engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the subdivision agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure;
13. That a storm-water management report and associated plans be prepared and submitted by qualified professional engineer for approval and to the satisfaction of both Conservation Sudbury and the General Manager of Growth and Infrastructure. The Storm-water Management Report shall address the following requirements:

- a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 5-year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 5-year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
 - b) The overland flow system within the plan of subdivision must be designed to accommodate and/or convey the major storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 100 year design storm or Regional storm event, whichever is greater, without causing damage to proposed and adjacent public and private properties. The permissible major storm discharge from the subject development must be limited to the existing predevelopment runoff resulting from a 100 year design storm or Regional storm event, whichever is greater;
 - c) "Enhanced" level must be used for the design of storm-water quality controls as defined by the Ministry of the Environment, Conservation and Parks;
 - d) Storm-water management must follow the recommendations of the Junction Creek Sub-watershed Study;
 - e) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm-water management plan;
 - f) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure;
 - g) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;
 - h) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted;
 - i) The owner shall be responsible for the design and construction of any required storm-water management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for storm-water management works as a condition of this development; and,
 - j) The storm-water management report must address the sizing of any culverts to be installed on the watercourse traversing the site;
14. That an erosion and sediment control plan be prepared and submitted by qualified professional engineer for approval and to the satisfaction of both Conservation Sudbury and the General Manager of Growth and Infrastructure. The erosion and sediment control plan shall detail the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the subdivision. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed;
15. That all natural hazards that are regulated by Ontario Regulation 156/06 be identified by a qualified professional, including wetlands, watercourses, waterbodies, floodplains, and valley slopes and demonstrate that each proposed lot has sufficient developable area to the satisfaction of Conservation Sudbury;

16. That the owner demonstrate how the northern portion of Lot 1 in the approved draft plan of subdivision will be accessed to the satisfaction of Conservation Sudbury and the General Manager of Growth and Infrastructure. If the intent is to access by crossing the watercourse then a permit application and approval pursuant to Section 28 of the Conservation Authorities Act will be required;
17. That the owner obtain approval from Conservation Sudbury for the placement of fill and/or the alteration of existing grades or any construction activity on the lands as required under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (i.e. Ontario Regulation 156/06) prior to undertaking the proposed works. Following the completion of any required works, the owner shall agree to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications as approved by Conservation Sudbury and the City of Greater Sudbury;
18. That a traffic impact study be prepared and submitted by qualified professional for approval and to the satisfaction of the General Manager of Growth and Infrastructure. The traffic impact study shall identify any road improvements that would be required in order to properly accommodate the development of the lands. The owner will be responsible for participating in the cost of any road improvements that are identified in the traffic impact study to the satisfaction of the General Manager of Growth and Infrastructure;
19. That the proposed internal subdivision roadways are to be built to urban industrial standards, including curb and gutters, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission and to the satisfaction of the General Manager of Growth and Infrastructure;
20. That the owner agrees to provide the required soils report, storm-water, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to or concurrently with the submission of servicing plans for the first phase of the subdivision;
21. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority to the satisfaction of the City Solicitor and the Director of Planning Services;
22. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, water-mains, storm sewers and surface drainage facilities to the satisfaction of the Director of Planning Services and the City Solicitor;
23. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration to the satisfaction of the City Solicitor;
24. That draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure and satisfied that sufficient sewage treatment capacity and water capacity exists to service the development;
25. That the owner is to provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner;
26. That the owner is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure. If it found that capacity is unavailable, the developer will be required to share in the costs of upgrading the downstream system in order to provide sufficient capacity;
27. That the final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in

content, form and format and properly geo-referenced;

28. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - a) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
 - b) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered;
29. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure;
30. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development; and,
31. That this draft approval shall lapse three years from the date of draft approval having been issued.

Relationship to the Strategic Plan / Health Impact Assessment

The application to approve a Draft Plan of Subdivision is an operational matter under the Planning Act to which the City is responding.

Financial Implications

This report relates to an application for a draft plan of subdivision to subdivide the subject lands for five mixed light industrial/service commercial and heavy industrial lots. Two of the proposed lots contain existing buildings.

Based on the information available, staff is unable to quantify the financial implications relating to property taxes and development charges for any potential buildings on the remaining three proposed lots as total square footage of the buildings is not available, and the assessed value would be determined by MPAC (Municipal Property Assessment Corporation).

Report Summary

This report reviews an application for a Draft Plan of Subdivision that would subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes. The development proposal seeks to facilitate the creation and development of five mixed light industrial/service commercial and heavy industrial lots and would be accessed from National Street in the community of Garson. Two of the proposed industrial lots would contain existing buildings. There is a previous and now lapsed draft plan of subdivision (File # 780-3/07004) applicable to the lands that was comprised of 23 industrial lots and it is noted that the current application therefore represents a new draft plan of subdivision request.

Staff is satisfied that the development proposal conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Those standard and site-specific draft approval conditions that would be appropriate from the perspective of accommodating the development of five industrial lots fronting National Street has been identified in this

report. Staff in general has no concerns with the proposed draft plan of subdivision and are of the opinion that the development proposal represents good land use planning within an identified employment area in the City.

The Planning Services Division is recommending approval of the application for a Draft Plan of Subdivision in accordance with the Resolution section of this report.

Staff Report

Proposal:

The application for a Draft Plan of Subdivision seeks to subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes. The development proposal seeks to facilitate the creation and development of five mixed light industrial/service commercial and heavy industrial lots and would be accessed from National Street in the community of Garson.

Two of the proposed industrial lots would contain existing buildings. Staff notes that a previously approved draft approved plan of subdivision for a total of 23 industrial lots (File # 780-3/07004) was allowed to lapse by the owner and therefore the current development proposal for five industrial lots represents a new draft plan of subdivision that would be applicable on the lands should the current application be approved.

The owner's agent submitted an application for pre-consultation that was considered by the Sudbury Planning Application Review Team (SPART) on May 13, 2020 (File # PC2020-044). The owner's agent consulted with staff by telephone and email following the SPART Meeting and has since returned their Pre-Consultation Understanding Agreement (PCUA) to the Planning Services Division. The owner's agent has subsequently now submitted a Draft Plan of Subdivision application to the City for consideration.

The above noted application was submitted to the City on November 6, 2020, and deemed to be complete on December 1, 2020, following the submission of additional required information. The application included the submission of a Concept Plan, Draft Plan of Subdivision, Geotechnical/Soils Report, Offsite Servicing Plan, Service Options Report and a Storm-water Management Report. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Location and Site Description:

The subject lands are located at the north end of National Street and to the north of Maley Drive with Falconbridge Road being further to the east in the community of Garson. The lands have a total lot area of approximately 36.21 ha (89.48 acres) with an existing lot frontage of approximately 26.77 m (87.83 ft) at the existing northerly end of National Street. The lands contain two existing industrial buildings on the southerly portions of the lands. The balance of the lands are presently vacant. There is an existing cleared area on the north-easterly portions of the lands while the north-westerly portions appear to be vacant and well vegetated.

Surrounding Land Uses:

North:	Rural residential land uses and parks and open space lands owned by Conservation Sudbury on the south side of O'Neil Drive West along with mining industrial lands on the north side of O'Neill Drive West.
East:	Cedar Green Golf Course, and a low density residential estate subdivision having frontage on Donnelly Drive.
South:	Industrial land uses fronting National Street and on the south side of Maley Drive, and a railway right-of-way/corridor.
West:	Railway right-of-way/corridor, Timberwolf Golf Club, and several large tracts of parks and open space lands owned by Conservation Sudbury.

The existing zoning and location map are attached to this report and together indicate the location of the lands subject to the Draft Plan of Subdivision request, as well as the applicable zoning on other parcels of land in the immediate area.

Site photos depict the subject lands containing two existing industrial buildings as well as the rear vacant portions that include an existing temporary cul-de-sac turnaround. Photos of the immediately surrounding industrial development are also included and illustrate the generally industrial nature of the general area.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on December 1, 2020. The statutory Notice of Public Hearing dated March 25, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. Staff understands that the owner's agent distributed a one-page summary describing the development proposal to the local ward councilor and to all landowners on National Street.

At the time of writing this report, the Planning Services Division has not received any emails or letter submissions with respect to the development proposal. Staff has received several phone calls from area residents seeking clarification as it relates to the development that is being proposed by the owner.

Policy & Regulatory Framework:

The application that has been submitted is subject to the following policy and regulatory framework:

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

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

2020 Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 Provincial Policy Statement (PPS). The following PPS policies are applicable to the application for a Draft Plan of Subdivision:

1. With respect to Employment policies, Section 1.3 generally outlines that municipalities shall promote economic development and competitiveness by:
 - a) Providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet longer term needs;
 - b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and to take into account the needs of existing and future businesses; and,
 - c) Ensuring that the necessary infrastructure is provided to support current and projected needs.
2. With respect to Employment Areas policies, Section 1.3.2 in general requires municipalities to plan

for, protect and preserve employment areas for current and future uses and to ensure that the necessary infrastructure is provided to support current and projected needs;

3. Section 1.3.2.2 outlines that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses in order to maintain the longer term operational and economic viability of the above noted industrial and manufacturing uses;
4. Section 1.3.2.3 outlines that within employment areas planned for industrial and manufacturing uses, municipalities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility;
5. Section 1.3.2.6 requires municipalities to protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require these locations;
6. With respect to Land Use Compatibility policies, Section 1.2.6.1 outlines that major facilities (eg. manufacturing) and sensitive land uses shall be planned and developed to avoid, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the longer term operational and economic viability of major facilities;
7. With respect to Long-Term Economic Prosperity policies, Section 1.7.1 outlines that longer term economic prosperity is to be supported by:
 - a) Promoting opportunities for economic development and community investment-readiness; and,
 - b) Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities.
8. With respect to Natural Hazards policies, Section 3.1.2 outlines that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and,
9. Section 3.1.3 outlines that municipalities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.

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 conforms 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 for a Draft Plan of Subdivision conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The subject lands are designated General Industrial in the Official Plan for the City of Greater Sudbury. Section 4.5.1(1) of the City's Official Plan notes that permitted uses in the General Industrial land use designation include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.

Section 4.5.1(2) also permits complementary uses such as administrative offices, hotels and restaurants, which do not detract from and which are compatible with the operation of industrial uses. Section 4.5.1(5) further notes that heavy industrial land uses may also be permitted through the rezoning process.

Section 4.5.1(3) of the City's Official Plan outlines that General Industrial land uses must have minimal environmental impacts. Further to this, any land use, which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.

Section 2.3.2 of the Official Plan generally notes that the City's land supply consists of land at different

stages in the land use planning process. This supply is intended to accommodate an appropriate range and mix of employment opportunities in the short, medium and longer term. In particular, Section 2.3.2 notes that the subject lands are within a Settlement Area and immediately about the Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary.

Section 2.3.2 also outlines that Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods.

Section 2.3.2 further notes that the Settlement Area and Built Boundary of the Official Plan is more than adequate for the purposes of meeting short, medium and long term land use needs. Intensification and development within the Built Boundary is encouraged, however, development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 10.2(1) of the City's Official Plan notes that because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury.

Section 10.2(2) outlines that notwithstanding the above policy, development and site alteration is not permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Development and site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of a hazard, unless it has been demonstrated that the site has safe access appropriate to the nature of development and hazard.

Zoning By-law 2010-100Z:

The subject lands are zoned "M1(37)", Mixed Light Industrial/Service Commercial Special and "M3", Heavy Industrial under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "M1(37)" Zone permits an automotive body shop and a business office in addition to those land uses permitted in the standard "M1" Zone. The standard "M1" Zone permits a range of land uses as identified under Section 8.2, Table 8.1 – Permitted Uses for Industrial Zones of the City's Zoning By-law. The standard "M3" generally permits heavier industrial uses as identified under Section 8.2, Table 8.1 – Permitted Uses for Industrial Zones of the City's Zoning By-law, but excludes some of the lighter industrial/service commercial land uses that are otherwise permitted in the "M1" and "M1(37)" Zones.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform the content and appropriateness of conditions that should be imposed through the issuance of a draft plan of subdivision approval document.

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

Active Transportation, Fire Services, Leisure Services and Operations has each advised that they do not have any concerns from their respective areas of interest.

Bell Canada has indicated that normally a 3 m (9.84 ft) wide easement corridor over the frontage of the proposed lots within the draft plan of subdivision is required. Bell Canada has also noted that further investigation is required with respect to their easement requirements in this particular industrial subdivision setting. Bell Canada has therefore advised that they will be contacting the owner's agent to further discuss

easement requirements. Since the easements are required in order to provide service and access to this development, all costs associated with this transfer will be the responsibility of the owner and compensation will be set at a nominal fee for the acquisition of the easement rights.

Building Services notes that the owner will be required at the building permit stage to prepare and submit a Geotechnical Report and/or Hydrogeological Report demonstrating that the lands are safely developable lots. The owner is further cautioned that should blasting be required that a Blasting Report will also be required at the building permit stage. The owner is required to demonstrate that sufficient fire flow is available to service each lot within the proposed draft plan of subdivision. Building Services also notes that there is no record of a building permit for the existing building shown on Lot 5 of the proposed draft plan of subdivision.

Conservation Sudbury notes that portions of the subject lands contain a watercourse and a pond that are regulated by [Ontario Regulation 156/06](#). Conservation Sudbury has requested a number of draft conditions be included that address development matters related to the regulated area noted above.

Conservation Sudbury has also noted that standard conditions relating to storm-water management and erosion and sediment control are recommended to be included in the draft plan conditions should the application be approved. The following comments were also provided by Conservation Sudbury:

1. The proposed industrial lots include unmapped regulated natural hazards, including a wetland and watercourse. These features need to be identified and accommodated within the overall development proposal. This will act to ensure that the proposed lots are each capable of supporting development;
2. The storm-water management report that was submitted in support of the proposed draft plan of subdivision will need to be expanded to address quality control in addition to quantity control;
3. There is an existing permit obtained by the owner pursuant to Section 28 of the [Conservation Authorities Act](#) for the placing of fill on the lands. It has been noted that said permit expires on April 5, 2021;
4. There appears to have been material placed and graded near the watercourse that bisects Lot 1 on the proposed draft plan of subdivision and there is no record of this work having been permitted by Conservation Sudbury; and,
5. The watercourse that traverses the northern-most portion of Lot 1 and the submitted materials do not appear to demonstrate how this portion of Lot 1 would be accessed by a future landowner.

Development Engineering advises that there is a 250 mm (9.84 inches) diameter water-main located within the existing portion of National Street that is situated on the subject lands. This existing portion of National Street terminates at Lot 4 within the proposed new draft plan of subdivision. The fire flow analysis that was conducted at this location indicates that 166 l/s (43.95 gallons/s) is available to service the proposed subdivision and the minimum maximum hour and maximum day pressures are adequate. The proposed municipal gravity sanitary system for this subdivision will discharge to the existing system at the 250 mm (9.84 inches) diameter sanitary sewer main on the existing portion of National Street.

The existing municipal gravity sanitary system does not have the downstream capacity to serve the proposed subdivision. With the development of this subdivision, the owner will be required to cost share in addressing the surcharging of the sanitary sewer pipes downstream of this subdivision. When each lot is proceeding towards development, the water and sanitary capacities must be reviewed to determine what water and sanitary sewer capacities may be available. If it found that capacity is unavailable, the owner will be required to share in the costs of upgrading the downstream system in order to provide sufficient capacity.

Development Engineering also notes that there is a drainage channel traversing the site from east-to-west that the owner proposes to contain within a proposed ditch within proposed Lots 1 to 3. The submitted plan shows an existing culvert on this ditch within Lot 2. Development Engineering has no record of the hydraulic analysis that went into sizing of this culvert. The storm-water management report submitted in support of the application will need to be modified to address the sizing of any culverts to be installed on this watercourse.

Development Engineering has further provided comments that the existing roadway of National Street was reviewed with the owners' consulting civil engineer. Based on their recommendation and accompanying geotechnical report, we can advise that the existing granular base is acceptable provided that the Granular "A" material is bulked up to meet the City's minimum standard of 150 mm (5.91 inches) at the time of road construction. The proposed asphalt structure will have to meet the standards for an industrial road. Development Engineering will require a comprehensive soils report including a pavement design for 20-year lifespan for an industrial subdivision road. The soils report and comments on infrastructure construction for this subdivision must be submitted in conjunction with or prior to the submission of engineering drawings.

The City's Drainage Section has provided technical comments relating to the submitted and preliminary Storm-water Management (SWM) Report. These comments will be utilized on a going forward basis as the subdivision proceeds through subdivision agreement and construction phases. The Drainage Section has noted that the current SWM Report proposes to construct a storm-water facility via the expansion of an existing pond that is within lands regulated by Conservation Sudbury. It is anticipated that Conservation Sudbury will review and provide comments on the proposed storm-water management facility. The City's standard conditions relating to storm-water management are otherwise to be imposed in the draft approval document.

Environmental Planning Initiatives notes that from a review of aerial photography, there appears to be a wetland on the westerly portion of the subject lands and would be considered Blanding's Turtle habitat given that there are known records of Blanding's Turtles occurring within 2 km (1.24 miles). This is unlikely to interfere with the proposed subdivision, but the owner is to be cautioned that this may interfere with future development on the north-westerly portions of the subject lands. The owner is also cautioned that they are solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the lands do not result in a contravention of the [Endangered Species Act](#). To this end, the owner is advised to consult accordingly with the Ministry of the Environment, Conservation and Parks (MECP). Environmental Planning Initiatives also note that it is now clear that a storm-water management area is proposed for the westerly portion of the subject lands. It is therefore recommended that a draft approval condition be included requiring the completion of an Ecological Site Assessment in order to determine the extent of the wetland on the westerly portion of the lands and, if determined to be a wetland, to determine if the wetland serves as suitable habitat for Blanding's Turtles. Any requirements of the MECEP shall be satisfied prior to any site alteration or development taking place if Blanding's Turtle habitat is located on the subject lands.

Roads, Transportation and Innovation note that the extension of National Street will be required and said extension is to be constructed to the City's urbanized road standards, which includes but is not limited to the road itself, driveway entrances and the necessary cul-de-sac turnaround where National Street would terminate in the future. The owner is advised that a temporary turnaround must be provided during construction phases and should be depicted on the Concept Plan. It is further noted that the required width for a right-of-way on National Street will be between 20-26 m (65.62-85.30 ft). The owner is also required to undertake a Traffic Impact Study (TIS) to identify any road improvements that may be required as a result of the development to the satisfaction of the General Manager of Growth and Infrastructure. The owner will also be required to participate in the cost of any improvements identified as being required in the TIS.

Transit Services advises that public transit services are not provided in this area and there are no future plans to service the area. It is noted that adding transit services to this area would require increased service levels and therefore approval from Council would be necessary. Transit Services further noted that future site plan control approvals pertaining to the subdivided lots would include a technical review with respect to ensuring that GOVA Plus vehicles are able to access each of the lots as they develop.

Planning Analysis:

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

The proposed draft plan of subdivision is consistent with the PPS for the following reasons:

1. With respect to general Employment policies in the PPS, staff is of the opinion that the creation of five industrial lots in this location will optimize the range and mix of employment opportunities to meet the longer term needs of the City. The availability of five additional industrial lots in this location can also be expected to contribute positively to the range and choice of available and suitable industrial lots in the City. The lands would permit a range of industrial uses and ancillary uses that takes into account the needs of existing and future businesses that might otherwise not be attracted to this particular industrial area in Garson. Development Engineering has also reviewed the application and has not expressed any areas of concern with respect to the lands being serviced by municipal infrastructure that already exists within the National Street right-of-way;
2. With respect to Employment Area policies in the PPS, staff has the following comments:
 - a) The subject lands are situated within an identified and designated employment area in the City's Official Plan (i.e. General Industrial) and the draft plan of subdivision application would not detract from the viability of industrial development in this location. The protection and preservation of valuable employment lands within the City that are capable of being serviced by municipal infrastructure would remain intact. The proposed five industrial lots can reasonably be expected to be supportive of both current and future projected needs for developable employment lands within the City;
 - b) Staff is satisfied that the five industrial lots are capable of providing for adequate separation and buffering from existing residential land uses situated to the north and to the east of the subject lands. Staff notes that the rural residential land uses situated along O'Neil Drive West to the north contain mature vegetation and sloping topography in their rear yards that provides for a natural buffer to the proposed draft plan of subdivision. Staff further notes that the rear portions of subject lands are within a regulated area that traverses the lands in an east to west direction. Staff is satisfied that this in part also provides for additional buffering to the existing residential uses along O'Neil Drive West;
 - c) Staff notes that the existing zoning applicable to the lands that would form a draft approved plan of subdivision are already zoned to permit industrial land uses and further to this the existing zoning does not permit any residential land uses. Staff notes that both of the existing "M1(37)" and "M3" Zones do not permit any sensitive land uses that are not ancillary to the primary employment (i.e. industrial) land uses. Staff has no concerns with respect to land use compatibility should the draft plan of subdivision be approved; and,
 - d) Staff notes that National Street is situated in close proximity to both Falconbridge Road and Maley Drive, which are designated respectively as a Primary Arterial and Secondary Arterial in the City's Official Plan. It is noted that both Falconbridge Road and Maley Drive provide direct access to the wider network of transportation corridors in the City, including Provincial Highways that connect to the wider regional area;
3. With respect to Land Use Compatibility policies in the PPS, staff notes that the existing "M1(37)" and "M3" Zone does permits certain types of manufacturing land uses. However, staff is generally satisfied that these land uses and nearby permitted rural residential land uses along O'Neil Drive West are sufficiently buffered, and no adverse effects are anticipated from odour, noise and other contaminants. Staff would also note that the longer term operational and economic viability of the proposed draft plan of subdivision would not be impacted by the nearby residential land uses which are not connected directly to the road network;
4. With respect to Long-Term Economic Prosperity policies in the PPS, staff are of the opinion that approval of the proposed draft plan of subdivision would promote opportunities for economic development and would represent a step forward for the owner in terms of having lands zoned for industrial purposes that would also have an established industrial lot fabric that can be considered to

the be “shovel ready” for industrial development; and,

5. With respect to Natural Hazards policies in the PPS, staff notes. Staff would also note that the draft approval conditions requiring that natural hazards be identified and development that is in proximity to these features is to be properly buffered, mitigated and addressed appropriately through conditions of draft approval. Conservation Sudbury has also reviewed the development proposal and while not in opposition to the application, there are a number of conditions that have been recommended in order to properly address natural hazard matters. Staff would also note the importance of good land use planning as it relates to natural hazard features given the impacts of a changing climate that may act to increase risks associated with natural hazards.

With respect to the City's Official Plan, staff in general are supportive of the proposed draft plan of subdivision request. Those policies relevant to the development proposal which proposes to subdivide the subject lands for mixed light industrial/service commercial and heavy industrial purposes along National Street in Garson are discussed below.

With respect to General Industrial policies under Section 4.5.1 of the City's Official Plan, staff has the following comments:

1. Staff notes that the subject lands are already at present zoned to permit a range of mixed light industrial, service commercial and heavy industrial land uses, includes certain types of complementary uses (e.g. hotel and restaurant). These land uses generally include those uses permitted in the General Industrial land use designation, including manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities. Staff further notes and would clarify that the proposed draft plan of subdivision would facilitate the creation of five industrial lots fronting National Street without altering the existing mix of permitted land uses;
2. Staff is generally satisfied that the proposed draft plan of subdivision would have minimal environmental impact. Conservation Sudbury has reviewed the application and are generally supportive of the development proposal and has recommended that a number of draft approval conditions be utilized to ensure that natural hazard matters are properly addressed as the subdivision planning process proceeds through to construction phases. Staff is further satisfied that draft approval conditions requiring proper storm-water management and lot grading design will ensure that environmental matters and impacts are minimized. Staff notes that those lots closest to the rural residential land uses along O'Neil Drive West are of sufficient lot area that it is anticipated that any potential nuisances associated with future industrial development can be appropriately buffered and screened. There are also existing topographical features and mature vegetation on the subject lands, as well as said abutting rural residential lots, providing natural buffering and screening between future industrial uses and existing rural residential uses along O'Neil Drive West; and,
3. However, staff notes that site plan control would not be applicable to the industrial lots as they are not situated within 152.4 m (500.00 ft) of a Residential Zone as defined in the City's Zoning By-law or within the same distance from the nearest Municipal Road (e.g. Municipal Road #86 being Falconbridge Road) or a Provincial Highway. However, the nearest residential use are rural residential uses fronting O'Neil Drive West and as noted above there are topographical features and mature vegetation providing buffering and screening to the proposed industrial lots. It is further noted that the rear of the subject lands, being the rear portions of both Lots 1 & 2 on the proposed draft plan of subdivision, contain a watercourse and a pond that are regulated by [Ontario Regulation 156/06](#) and development in these areas would require approvals from Conservation Sudbury.

With respect to Settlement Area policies, the subject lands are already zoned for industrial development; however, the owner is seeking to create a lot fabric fronting National Street that would be comprised of separately transferrable as freehold industrial lots. The lands also immediately about the established built boundary identified on Schedule 3 – Settlement Area and Built Boundary of the City's Official Plan. Staff has no concerns with respect to applying freehold tenure to the proposed industrial lots. Staff also have no concerns with respect to the proposed densities and industrial land uses that would be permitted on the

individual lots that are proposed. Staff would also further note that National Street is in close proximity to both Maley Drive and Falconbridge Road thereby offering an opportunity to make the most efficient use of industrially zoned land, to utilize planned and/or existing municipal infrastructure and to be supportive of the efficient movement of industrial goods and services.

The draft plan of subdivision would create five industrial lots and in summary is supported by applicable Official Plan policies noted in this report.

The application for a draft plan of subdivision would not have the effect of expanding urban-related land use designations into an area that is outside of the above noted and identified Settlement Area and the proposed use of the land and freehold tenure that would be applied to the lots is otherwise permitted under the applicable policies of the City's Official Plan.

With respect to Flooding and Erosion Hazard policies, staff notes that the application for a draft plan of subdivision on the lands has been circulated for comment to Conservation Sudbury and appropriate draft approval conditions have been incorporated into the Resolution section of this report. Staff would reiterate that the recommended draft approval conditions would require that natural hazards be identified and any development that is in proximity to these features is to be properly buffered, mitigated and addressed appropriately through conditions of draft approval. Staff is satisfied that flooding and erosion hazards can be appropriately dealt with through the inclusion of draft approval conditions and has no concerns with the draft plan of subdivision being approved in this context.

Based on the above comments, staff is therefore of the opinion that the proposed draft plan of subdivision as an overall development proposal conforms to the Official Plan for the City of Greater Sudbury.

With respect to the proposed draft plan of subdivision, staff has the following comments:

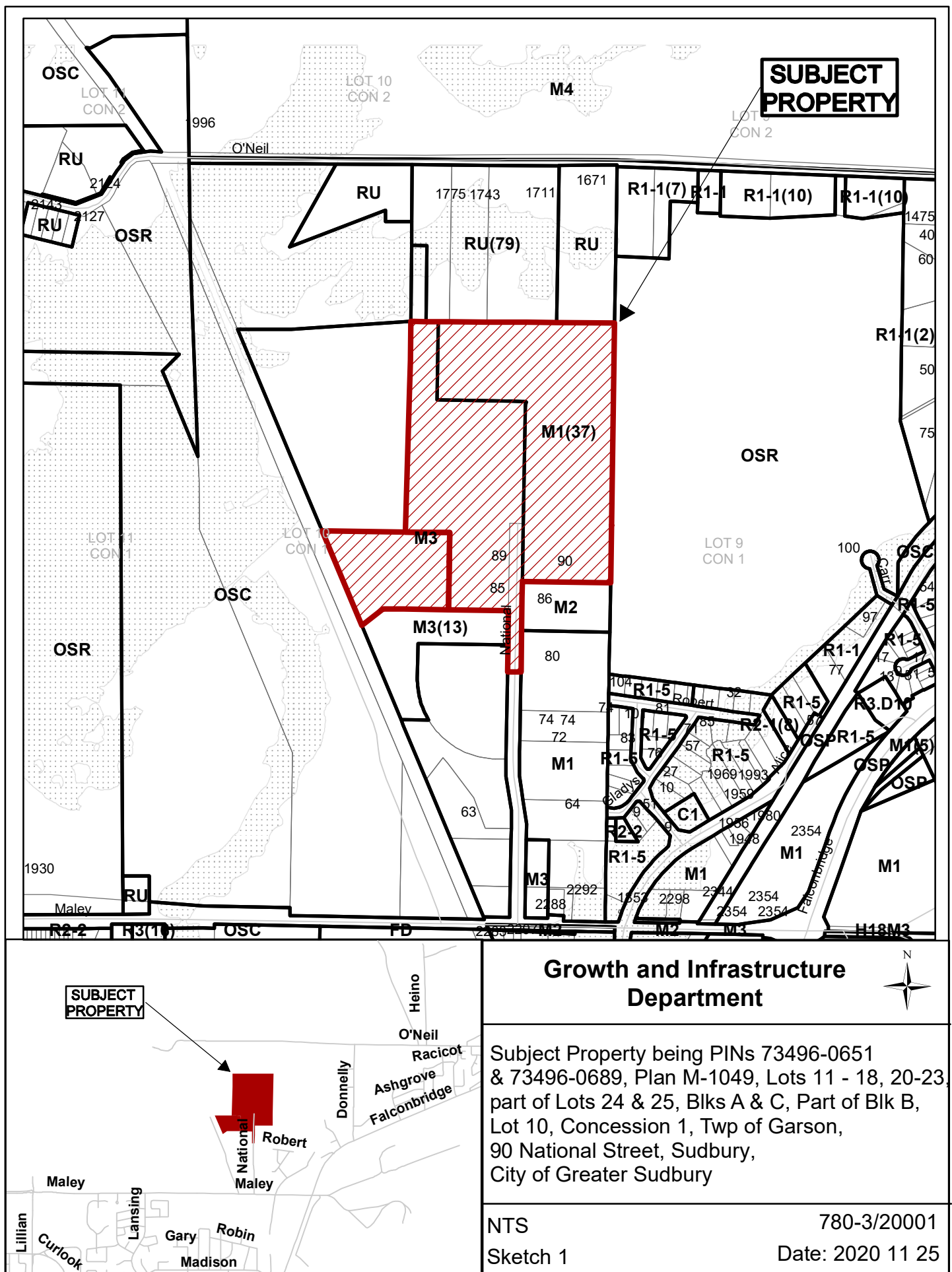
1. Staff notes that each of the proposed lots would each appear to comply with the minimum lot area, minimum lot frontage and minimum lot depth requirements of the "M1(37)" and "M3" Zones;
2. Staff notes that the two resulting industrial lots that would contain existing buildings would not appear to create any areas of non-compliance with respect to minimum yard setbacks, maximum lot coverage, minimum landscaped open space, and other applicable development standards within the "M1(37)" and "M3" Zones;
3. Staff notes that the submitted draft plan of subdivision has utilized a lotting pattern that could potentially accommodate for future additional industrial lots in the future should the owner choose to do so. The owner is cautioned that a further pre-consultation application to the Sudbury Planning Application Review Team (SPART) would be necessary in order to move forward with additional industrial lots beyond the current development proposal as there are a number of servicing and construction-related matters that would need to be further explored;
4. Staff notes that the draft plan of subdivision is in general configured in a lotting pattern and manner that is appropriate from the perspective of extending National Street in a northerly direction to facilitate additional industrial development having frontage on National Street;
5. Staff advises that the City's standard draft approval conditions have been incorporated into the Resolution section of this report. In addition, the following observations are provided for clarification purposes with respect to the recommended draft plan of subdivision approval conditions:
 - a. The request from Bell Canada to secure easements across the frontages of the proposed lots is addressed in recommended Conditions #8 and #21;
 - b. Those comments provided by Conservation Sudbury are provided for in recommended draft approval Conditions #7 and #13 to #17 inclusively;
 - c. Those comments provided Development Engineering and the City's Drainage Section with respect to servicing the proposed draft plan of subdivision are provided for in the City's standard draft approval conditions; and,
 - d. No further site-specific draft plan approval conditions were requested by any of the circulated agencies and departments.

Conclusion

Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in the PPS. Staff also notes that the application conforms to and does not conflict with the Growth Plan for Northern Ontario.

Those standard and site-specific draft approval conditions that would be appropriate from the perspective of accommodating the development of five industrial lots fronting National Street have been identified in this report. Staff advises that the recommended draft approval conditions included in this report have been formulated and take into account those comments received from all agencies and departments that were circulated the draft plan of subdivision application. Staff in general has no concerns with the proposed draft plan of subdivision and are of the opinion that the development proposal represents good land use planning within an identified employment area in the City.

The Planning Services Division therefore recommends approval of the application for Draft Plan of Subdivision in accordance with the Resolution section of this report.



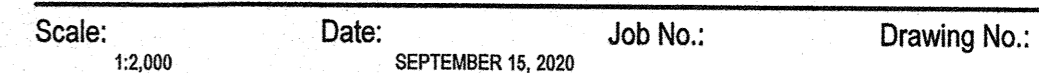
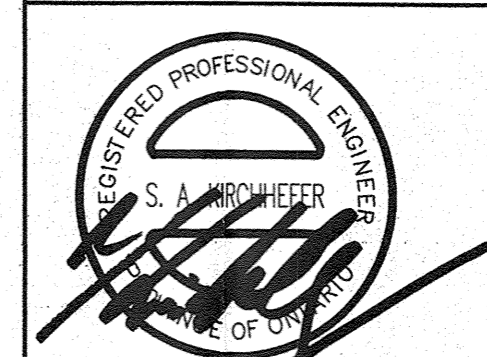
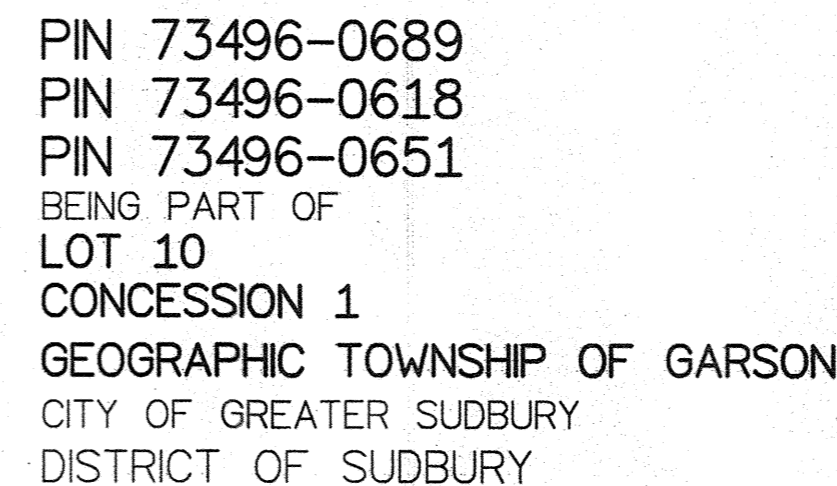
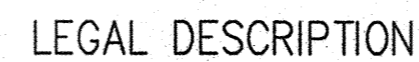
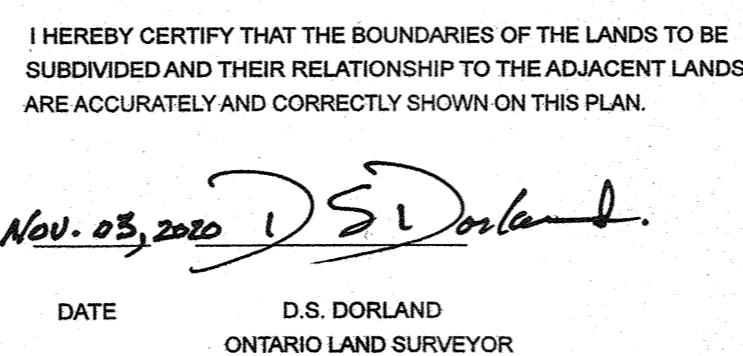
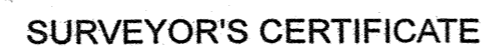
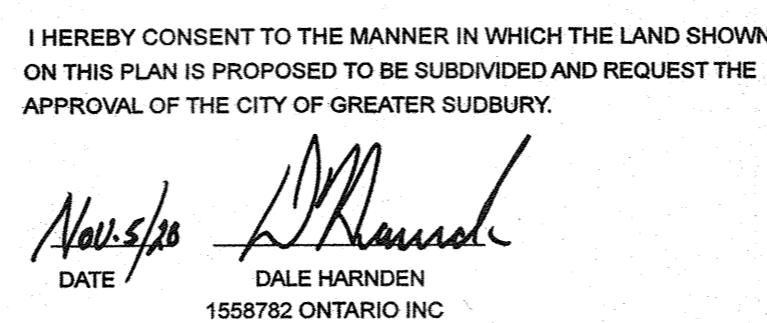
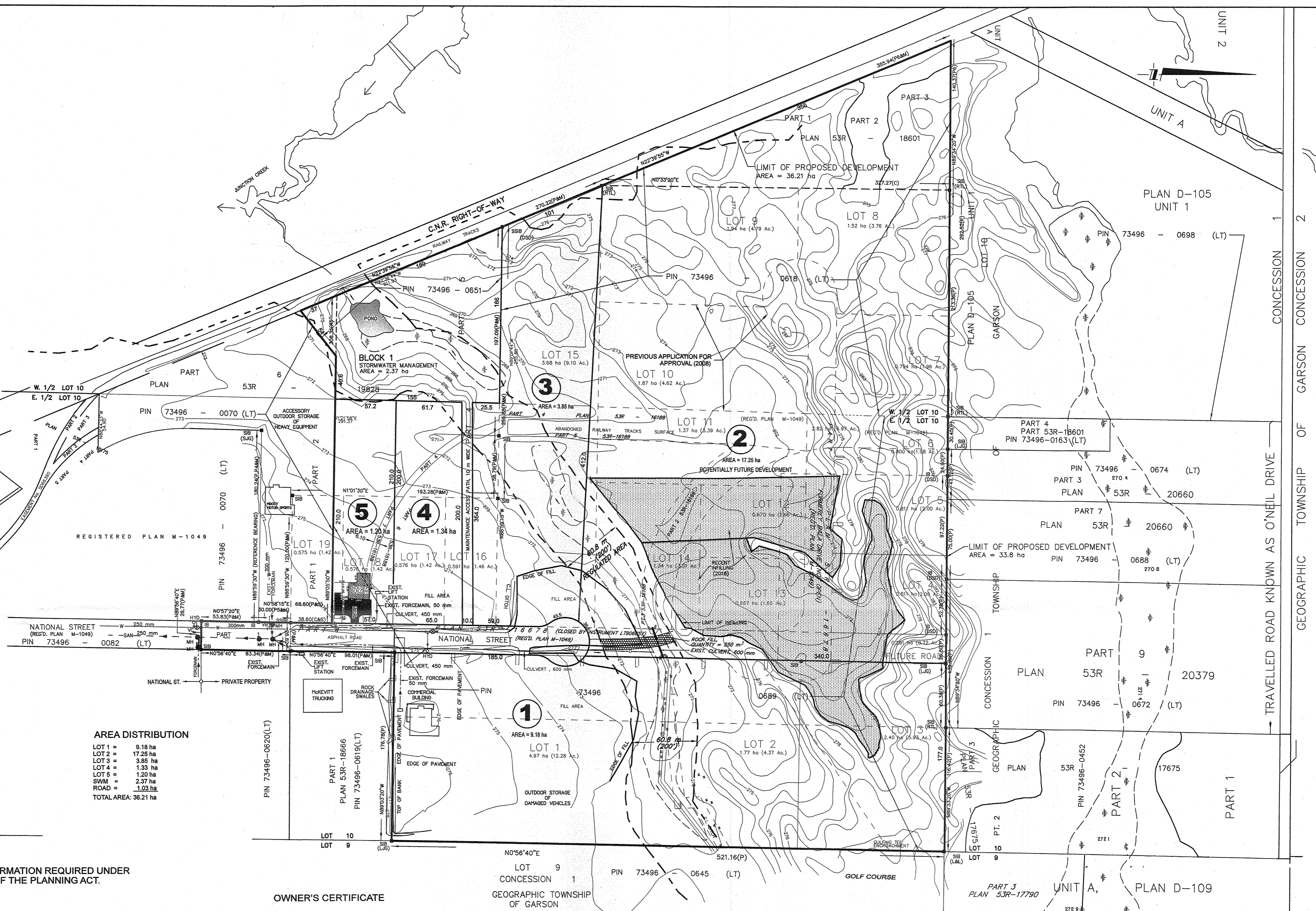
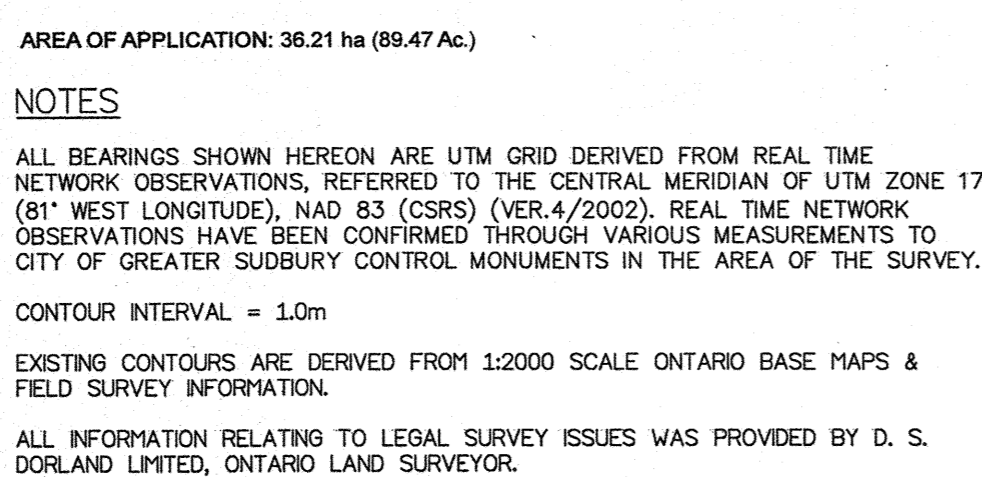
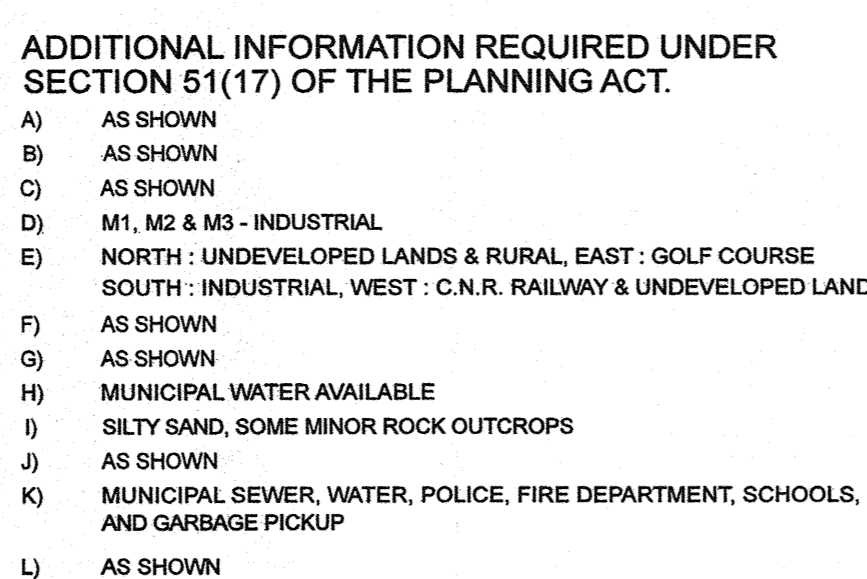
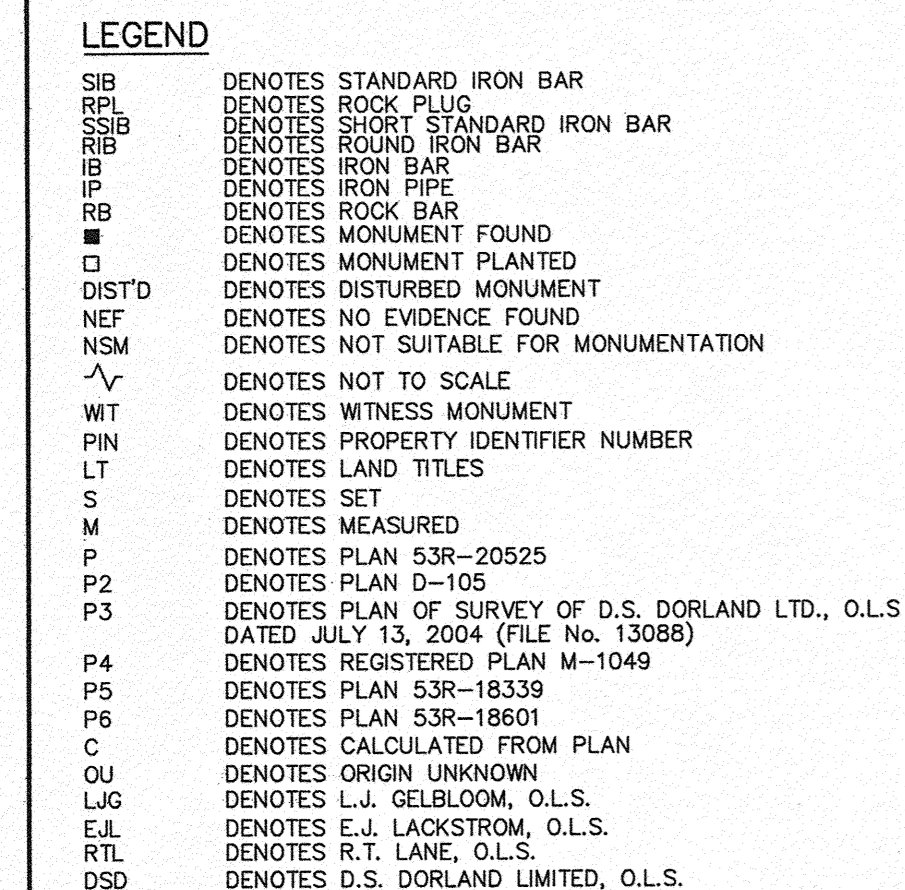
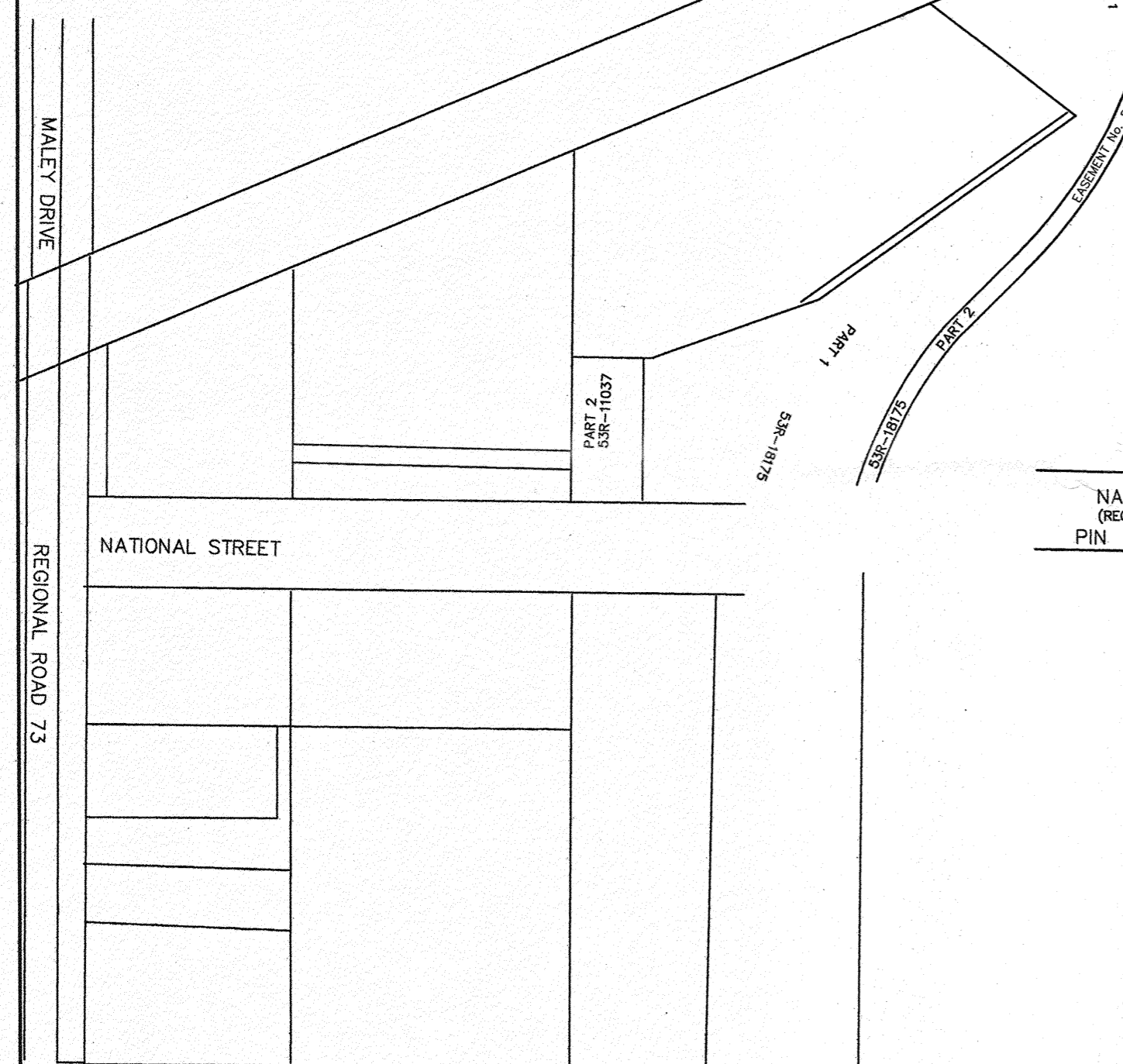
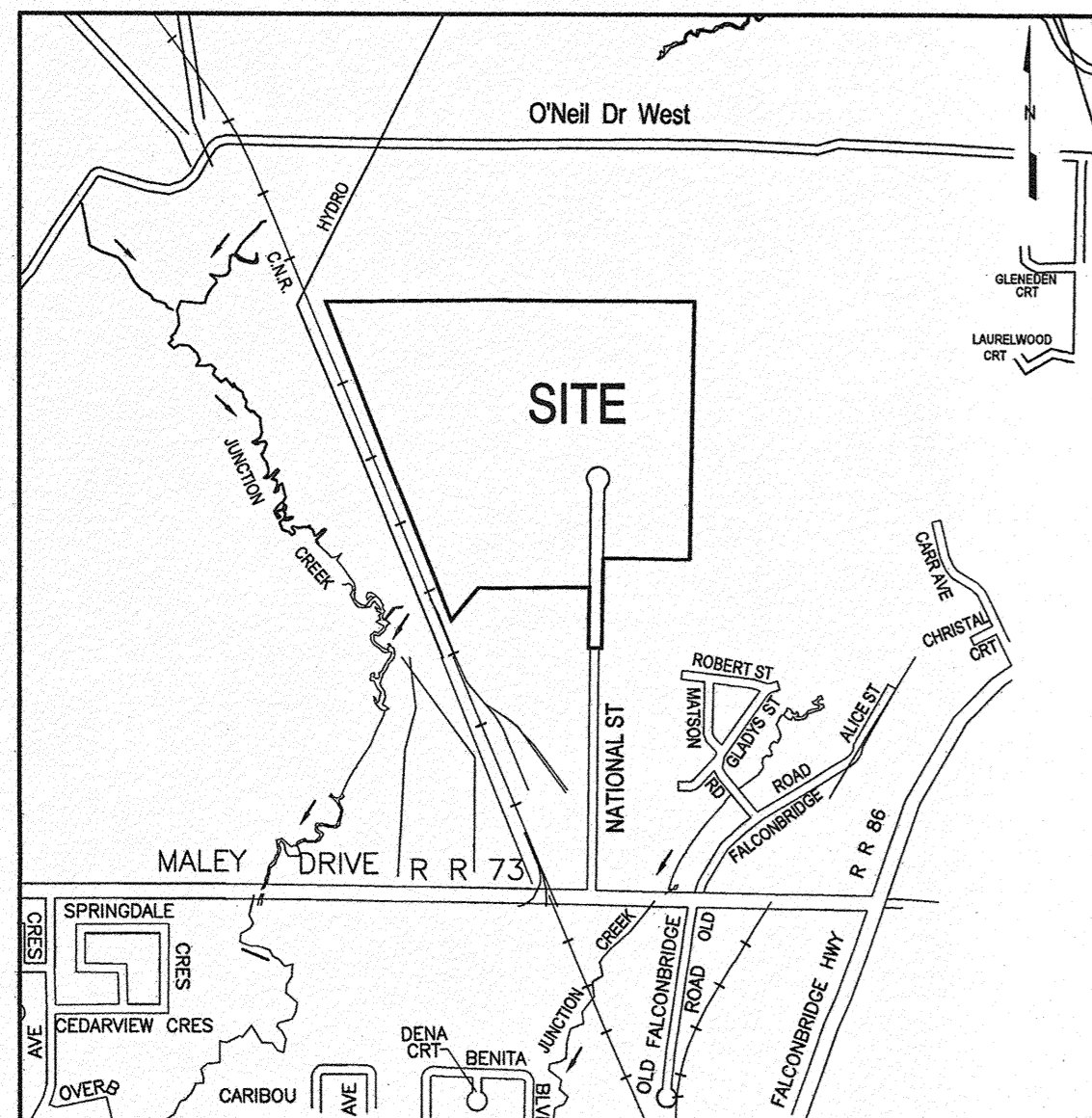




PHOTO #1 – Subject lands as viewed from National Street looking north.



PHOTO #2 – Existing industrial building on the subject lands as viewed from National Street looking north-west.



PHOTO #3 – Existing industrial building on the subject lands as viewed from National Street looking east.



PHOTO #4 – Subject lands as viewed from National Street looking north-west.



PHOTO #5 – Subject lands as viewed from National Street looking north.

Part of unopened Beaupre Avenue, Hanmer – Road Closure and Declaration of Surplus Land

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Routine Management Reports
Prepared by:	Tanya Rossmann-Gibson Real Estate
Recommended by:	General Manager of Corporate Services
File Number:	N/A

Report Summary

This report provides a recommendation regarding the closure and declaration of surplus land, part of unopened Beaupre Avenue, Hanmer.

Resolution

THAT the City of Greater Sudbury close by by-law and declares surplus to the City's needs part of unopened Beaupre Avenue, Hanmer, legally described as PIN 73506-0014(LT) – part of Beaupre Avenue, Plan M-533, PIN 73506-0343(LT) – Block A on Plan M-477 and part of PIN 73506-0386(LT) – part of Beaupre Avenue, Plan M-477, Township of Hanmer;

AND THAT the land be offered for sale to the abutting property owner pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174, all in accordance with the report entitled "Part of Unopened Beaupre Avenue, Hanmer – Road Closure and Declaration of Surplus Land" from the General Manager of Corporate Services, presented at the Planning Committee meeting on April 12, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

This report refers to operational matters.

Financial Implications

There are no financial implications associated with this report.

Background

The subject land measures approximately 2,927 square meters in size and is zoned 'RU', Rural. The location of the land is identified on the attached Schedule 'A'.

In the 1950's, the subject unopened road allowance and Block A, Plan M-477, were dedicated to the former Township of Valley East as part of the subdivision process.

The City has received a request to purchase the land from an abutting property owner, Pine Grove Mobile Home Park Ltd. The unopened road allowance is currently being used by the mobile park as an internal driveway. The balance of the roads within the mobile park are privately owned and maintained.

The proposal to close by by-law and declare the unopened road allowance surplus to the City's needs was circulated to all City departments and outside agencies, the following responses were received:

Bell Canada and Hydro One Networks Inc. have requested easements to protect existing infrastructure.

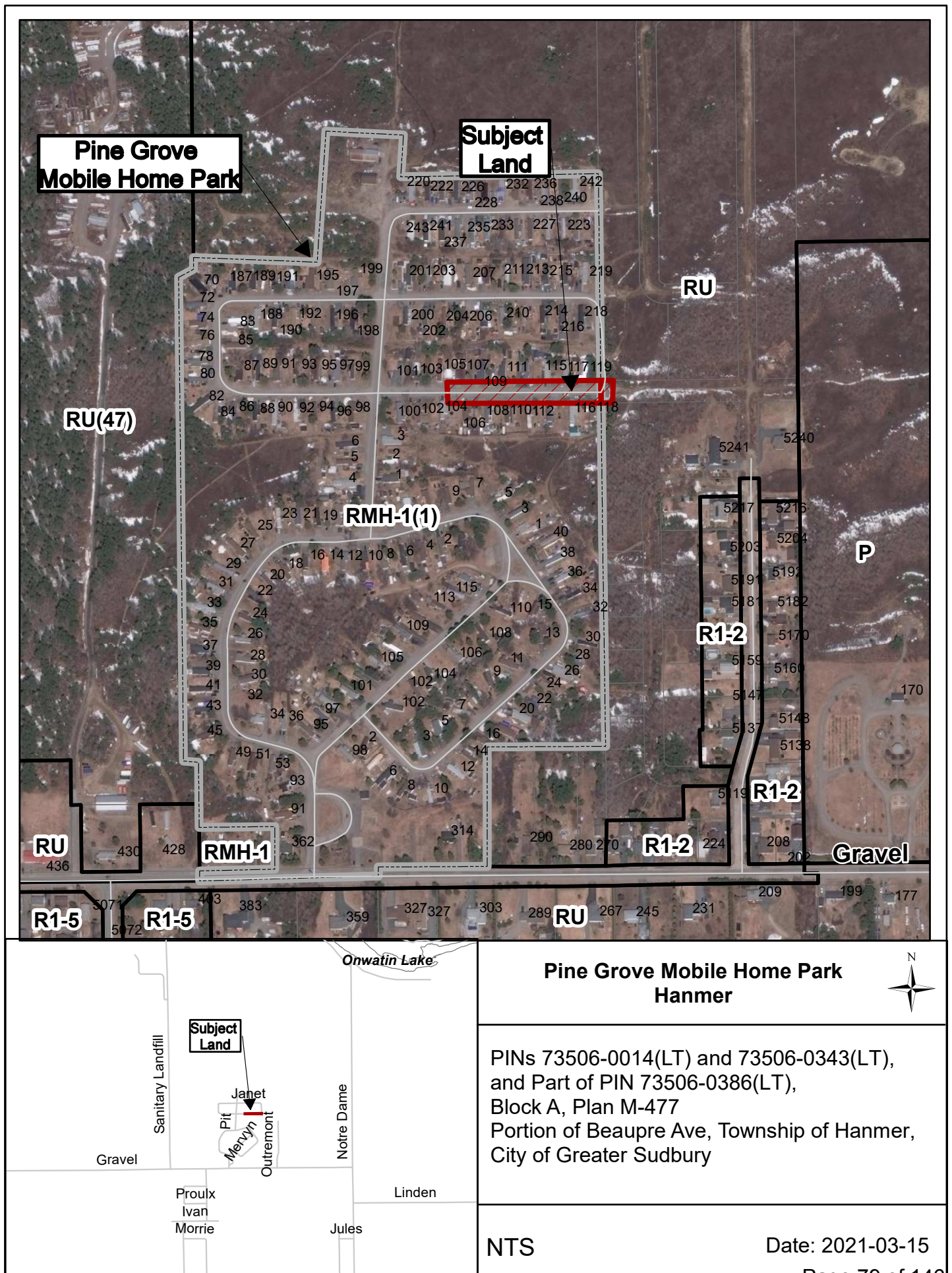
No additional comments or objections were received.

Recommendation

It is recommended that part of unopened Beaupre Avenue, Hanmer, be closed by by-law, declared surplus to the City's needs and offered for sale to the abutting owner.

If approved, a further report will follow with respect to any sale transaction.

SCHEDULE 'A'



Cavdon Subdivision, Lively

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-8/95006

Report Summary

This report provides a recommendation regarding approval of an extension to the draft plan of subdivision at Cavdon Subdivision, Lively – Cavdon Developments Ltd.

Resolution

THAT the City of Greater Sudbury's delegated official be directed to amend the conditions of draft approval for a plan of subdivision on those lands described as PIN 73375-0863, Parcel 1880, Lot 6, Concession 4, Township of Waters, File # 780-6/96003, as outlined in the report entitled "Cavdon Subdivision, Lively", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021, as follows:

1. By deleting Condition #10 and replacing it with the following:
 - "10. That the draft approved plan described in this document be revised in order to provide an appropriate temporary turnaround incorporating a 0.3 metre reserve on Street "A" and Street "B" to the satisfaction of the General Manager of Growth and Infrastructure.";
2. By deleting Condition #11 and replacing it with the following:
 - "11. The owner shall prepare and submit a storm-water management report that has been prepared by a professionally qualified engineer all to the satisfaction of the Nickel District Conservation Authority and the General Manager of Growth and Infrastructure. The storm-water management report must address the following requirements:
 - a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;

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

3. By deleting Condition #12 and replacing it with the following:

"12. The owner/applicant shall provide, to the satisfaction of the General Manager of Growth and Infrastructure, the Director of Planning Services and the Nickel District Conservation Authority, a detailed Lot Grading and Drainage Plan prepared, signed, sealed, and dated by a professional civil engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.";

4. By deleting Conditions #14 and #15 entirely;

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

"21. That this draft approval shall lapse on December 31, 2023.";

6. By adding the following words at the end of Condition #25:

"The geotechnical engineer will be required to address *Ontario Regulation 406/19: On-Site and Excess Soil Management* when the regulation comes into force. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes.";

7. By deleting Condition #26 and replacing it with the following:
 - “26. The owner shall provide as part of the submission of servicing plans an erosion and sediment control plan detailing the location and types of erosion and sediment control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.”;
8. By adding the deleting the words “construction drawings for each phase of construction.” and replacing them with “construction drawings for each phase of construction to the satisfaction of the General Manager of Growth and Infrastructure Services.” in Condition #33;
9. By deleting Condition #37 and replacing it with the following:
 - “37. The owner shall be responsible for the design and construction of any required storm-water management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision and the owner shall dedicate the lands for storm-water management works as a condition of this development.”;
10. By adding a new Condition #44 as follows:
 - “44. The owner/applicant shall provide Master Servicing Plans for both the sanitary and storm sewer as well as water-mains as they pertain to the new subdivision layout to the satisfaction of the General of Growth and Infrastructure. Said plans are to show general alignment details, number of units and area serviced by individual runs, pipe diameter and flow direction. Said plan shall ensure that pipe diameters and alignments are established in order to support all phases of development.”; and,
11. By adding a new Condition #45 as follows:
 - “45. That the owner obtain approval from the Nickel District Conservation Authority for the placement of fill, the alteration of existing grades or any construction activity at this location under the NDCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 156/06) prior to undertaking the proposed works. Following the completion of these works, the owner shall agree to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications as approved by the NDCA and the City of Greater Sudbury. The owner shall also agree to carry out or cause to be carried out the recommendations and measures contained within the plans and reports approved by the NDCA and the City of Greater Sudbury.”

Relationship to the Strategic Plan / Health Impact Assessment

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

Financial Implications

If the rezoning is approved, staff estimates approximately \$397,000 in taxation revenue in the supplemental tax year only, based on the assumption of 83 single detached dwelling units at an estimated assessed value of \$400,000 respectively per dwelling unit at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$1.5 million based on the assumption of 83 single detached dwelling units based on the rates in effect as of this report.

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

Report Summary

The owner has requested an extension to the draft plan of subdivision approval of the Cavdon draft approved plan of subdivision in the community of Lively for a period of three years until December 31, 2023. The Planning Services Division has reviewed the request to extend the draft approval and have no concerns with respect to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval.

Conservation Sudbury has requested that existing conditions related to lot grading and storm-water management be revised in order to reflect current standard draft approval condition verbiage. Conservation Sudbury has also requested a new condition in relation to the placement of fill, alteration of grades and construction activities on the portion of the subject lands that are regulated under [Ontario Regulation 156/06](#). Development Engineering has requested revisions to existing draft approval conditions that provides clarity around geotechnical report, sanitary capacity and lot grading and drainage requirements. In addition, Development Engineering is requesting a new condition requiring the preparation of a master servicing plan for the Cavdon Subdivision. The City's Drainage Section has also requested that the existing storm-water management condition be updated to reflect current standard verbiage for ensuring storm-water management is properly addressed. Roads, Traffic and Innovation advises the owner that the east-west connecting road within the draft approved plan of subdivision must be designed and constructed in a manner which provides for a 20 m (65.62 ft) wide right-of-way. Other housekeeping changes where necessary are included and outlined in the Resolution section of this report.

The Planning Services Division is recommending approval of the application to extend the draft approved plan of subdivision for a period of three years until December 31, 2023. Amendments to the conditions of draft approval where necessary have been identified and are included in the Resolution section of the report.

Staff Report

Applicant:

Cavdon Developments Ltd.

Location:

PIN 73375-0863, Parcel 1880, Lot 6, Concession 4, Township of Waters (Cavdon Subdivision, Lively)

Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on October 30, 1995. The draft approval was most recently extended by the City's Planning Committee on March 5, 2018, through Resolution PL2018-041, which was ratified by Council on April 10, 2018.

Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of three years until December 31, 2023.

Background:

The City received a written request via email from Cavdon Developments Ltd. on January 12, 2021, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as PIN 73375-0863, Parcel 1880, Lot 6, Concession 4, Township of Waters. The draft approved plan of subdivision was initially approved by Council for a total of 83 single-detached dwelling lots to north of Black Lake Road and to the east of Herman Mayer Drive in the community of Lively. At the time of writing this report, there have been no phases completed or lots registered within this particular draft approved plan of subdivision. The lands are intended to be accessed via Black Lake Road, which is situated to the immediate south of the subject lands.

The draft approval is set to expire again on July 30, 2021, following two administrative extensions that were granted in order to afford agencies and departments sufficient time to properly review the draft approval extension request. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to December 31, 2023.

Departmental & Agency Circulation:

Active Transportation, Building Services, Fire Services, Leisure Services, and Operations have each advised that they have no concerns from their respective areas of interest.

Canada Post has not requested any changes to the draft approval conditions. Canada Post did however note in an emailed letter their requirements and expectations for providing mail service to the subdivision. The above noted letter is attached to this report for the owner's information and reference purposes.

Conservation Sudbury has requested that Conditions #15 and #26 be updated to reflect current standard condition verbiage relating to the requirement for the owner to prepare a lot grading plan, storm-water management plan and an erosion and sediment control plan to the satisfaction of Conservation Sudbury. Conservation Sudbury has also noted that Condition #14 can be removed entirely as it duplicates Condition #26 noted above. Conservation Sudbury is also requesting that three conditions be added which would properly address the placement of fill, alteration of grades and construction activities on the portion of the subject lands that are regulated under [Ontario Regulation 156/06](#).

Conservation Sudbury also advises that should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly. Regulated natural hazards include floodplains, watercourses, shorelines, wetlands, valley slopes. Conservation Sudbury also generally notes that any works occurring within a regulated area will require a permit pursuant to Section 28 of the [Conservation Authorities Act](#).

Development Engineering has noted that no phases of the Cavdon Subdivision have been registered since the initial draft approval was granted on October 30, 1995. Development Engineering has further noted that no submissions relating to the registration of part, or the whole, of the draft approved plan of subdivision have been received for review. Development Engineering has requested that existing Conditions #12, #25 and #33 be updated to reflect current draft approval condition verbiage as it relates to geotechnical report, sanitary capacity and lot grading and drainage requirements for the development of the Cavdon Subdivision. Development Engineering is further requesting that a new condition requiring the preparation and submission of a master servicing plan be added.

The City's Drainage Section has requested that Condition #11 be deleted and replaced with one comprehensive and modernized condition addressing the requirement for a storm-water management report and associated plans. The comprehensive condition will act to provide clarity in the draft approval document in terms of what is required from a storm-water management perspective. Condition #37 should also be updated to reflect current standard condition wording as it relates to the design of storm-water management works and the provision of land required in order to properly service the Cavdon Subdivision.

Environmental Initiatives notes that there are no significant environmental concerns arising from this application that are not already addressed by the existing draft approval conditions for the Cavdon Subdivision. Field surveys conducted in 2016 by qualified professionals revealed that the Eastern Whip-poor-will, which is protected under the [Endangered Species Act](#), did not occur on or immediately adjacent to the subject lands. As such, specific environmental studies are not required at this time beyond those that may have been requested previously. Environmental Planning Initiatives further notes and advises that the owner is solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the Endangered Species Act.

Roads, Traffic and Innovation advises the owner that the east-west connecting road within the draft approved plan of subdivision must be designed and constructed in a manner which provides for a 20 m (65.62 ft) wide right-of-way. It is further noted that traffic calming measures must be integrated into the design of the proposed road network in order to reduce operating speeds within the Cavdon Subdivision.

Transit Services has no concerns with respect to the requested draft plan approval extension. Transit Services notes however that GOVA does not currently operate any public transit routes along Black Lake Road and the nearest available bus stops are located to the north along Municipal Road #55.

Planning Considerations:

[Planning Act](#)

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

First, Section 51(32) allows for a municipality to provide a lapsing date on a draft approved plan of subdivision of not less than three years and the draft approval is considered to have lapsed at the end of the specified time period. Section 51(33) allows for a municipality to extend draft approval beyond the initial period for a time specified by the municipality.

In practice, where a draft plan of subdivision has lapsed there is nothing preventing a landowner from filing another draft plan of subdivision application for consideration. The re-application is treated as a new application and all requirements under Section 51 are applicable (e.g. a public hearing would be required).

Lapsing conditions are imposed by a municipality to ensure that development once approved will proceed in an expeditious manner. The municipality is most typically concerned that development takes place within the current policy and regulatory framework and especially where scarce services or capacity to service development have been committed to the draft approved plan of subdivision. Three years is generally considered to be sufficient time to clear conditions of draft approval and proceed to registering a plan of subdivision. Section 51(33) allows for some flexibility whereby some additional time can be afforded to a landowner where they are actively pursuing the clearing of draft approval conditions.

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

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

[2020 Provincial Policy Statement](#)

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the PPS. Settlement areas, employment areas, housing and housing supply, provision of public spaces, sewage and water capacities, transportation, natural heritage areas, natural hazards and human-made hazards are some examples of areas of provincial interest that a draft approved plan of subdivision may impact and should be considered when an initial approval is granted as well as when an extension to an existing draft approval is granted. The PPS is updated from time-to-time by the Province, and any draft approval extension should be considered within the context of the in-force PPS at the time an extension request is made.

[Official Plan](#)

Section 19.4.2 of the Official Plan for the City of Greater Sudbury addressing draft plan of subdivision approvals outlines that Council will not extend or recommend the extension of a draft plan approval, beyond the statutory limitation of three years, unless the owner has demonstrated to the satisfaction of Council that they are making a reasonable effort to proceed in meeting the conditions of draft approval. At the time of an extension request, Council is to review the draft plan conditions and may make appropriate modifications.

Staff notes that this particular draft plan approval was originally approved by Council on October 30, 1995, and at the time of writing this report, there have been no phases or lots registered within the Cavdon Subdivision. Staff therefore advises that all 83 lots that were originally draft approved by Council remain unregistered within the draft approved Cavdon Subdivision.

The owner did note in their draft approval extension request that they remain committed to fully developing the subdivision and are optimistic that market conditions will allow them to soon proceed with the first phase of the Cavdon Subdivision. The owner further noted in their request that they are also the developer for the nearby draft approved Riverdale Subdivision (File # 780-8/89008), which at the time of writing this report has now registered 52 lots out of the total 143 lots that were initially draft approved. The owner also noted in their request that the on-going global pandemic has presented unique challenges related to moving forward with the first phase of the Cavdon Subdivision.

Planning Analysis:

With respect to the City's Official Plan, staff advises that Phase 2 of the City's Official Plan Review is in part examining issues related to water and waste-water capacities and demands. Section 19.4.2 of the City's Official Plan in particular has been identified as being a policy requiring an update to address municipal infrastructure capacities and demand issues. Through this process, staff will consider the embedding of criteria into this section to strengthen the policy position and to better clarify what constitutes reasonable effort on behalf of a landowner when they seek to extend a draft approved plan of subdivision. Internal procedures and application requirements for extension requests are also under review and a stronger "landowner onus" approach will be applied to extension requests in the future once said procedures are established. The owner is cautioned however that future draft approval extensions may be subject to review under strengthened criteria embedded in the Official Plan through the City's Phase 2 Official Plan Review.

Draft Approval Conditions

Condition #21 should be deleted entirely and replaced with a sentence referring to December 31, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Conservation Sudbury has requested that Condition #26 be updated to reflect current standard condition verbiage relating to the requirement for the owner to prepare an Erosion and Sediment Control Plan to the satisfaction of the Nickel District Conservation Authority (NDCA). Conservation Sudbury is also requesting that a condition be added which would properly address the placement of fill, alteration of grades and construction activities on the portion of the subject lands that are regulated under [Ontario Regulation 156/06](#). [Staff has reviewed the proposed additional condition pertaining to the placement of fill, alteration of grades and construction activities on the portion of the subject lands that are regulated and would recommend that they more appropriately be addressed through the subdivision registration process. Other small housekeeping changes were also requested by Conservation Sudbury and these changes are incorporated into the Resolution section of this report.](#)

Development Engineering has requested that existing Conditions #12, #25 and #33 be updated to reflect current draft approval condition verbiage as it relates to geotechnical report, sanitary capacity and lot grading and drainage requirements for the development of the Cavdon Subdivision. Development Engineering is further requesting that a new condition requiring the preparation and submission of a master servicing plan be added. These changes are incorporated into the Resolution section of this report.

The City's Drainage Section has requested that Condition #11 be deleted and updated as a modernized and comprehensive drainage condition addressing storm-water management infrastructure needs for the Raft Lake Subdivision. This requested change is reflected in the Resolution section of this report through the deletion of Condition #11 in favour of the above noted modernized draft approval condition.

No other administrative and housekeeping changes to the draft approval documents are required at this time. No other changes beyond those described in this report to the draft approval documents have been requested either by the owner or by circulated agencies and departments.

The existing draft approval conditions are attached to this report along with a copy of the draft approved plan of subdivision for reference purposes.

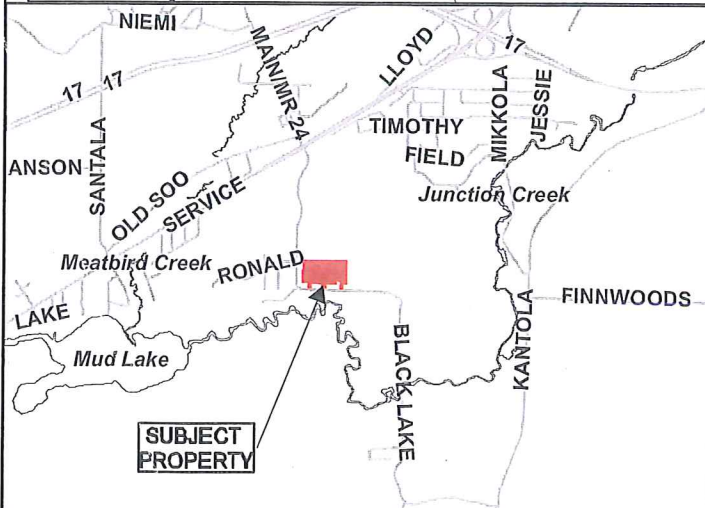
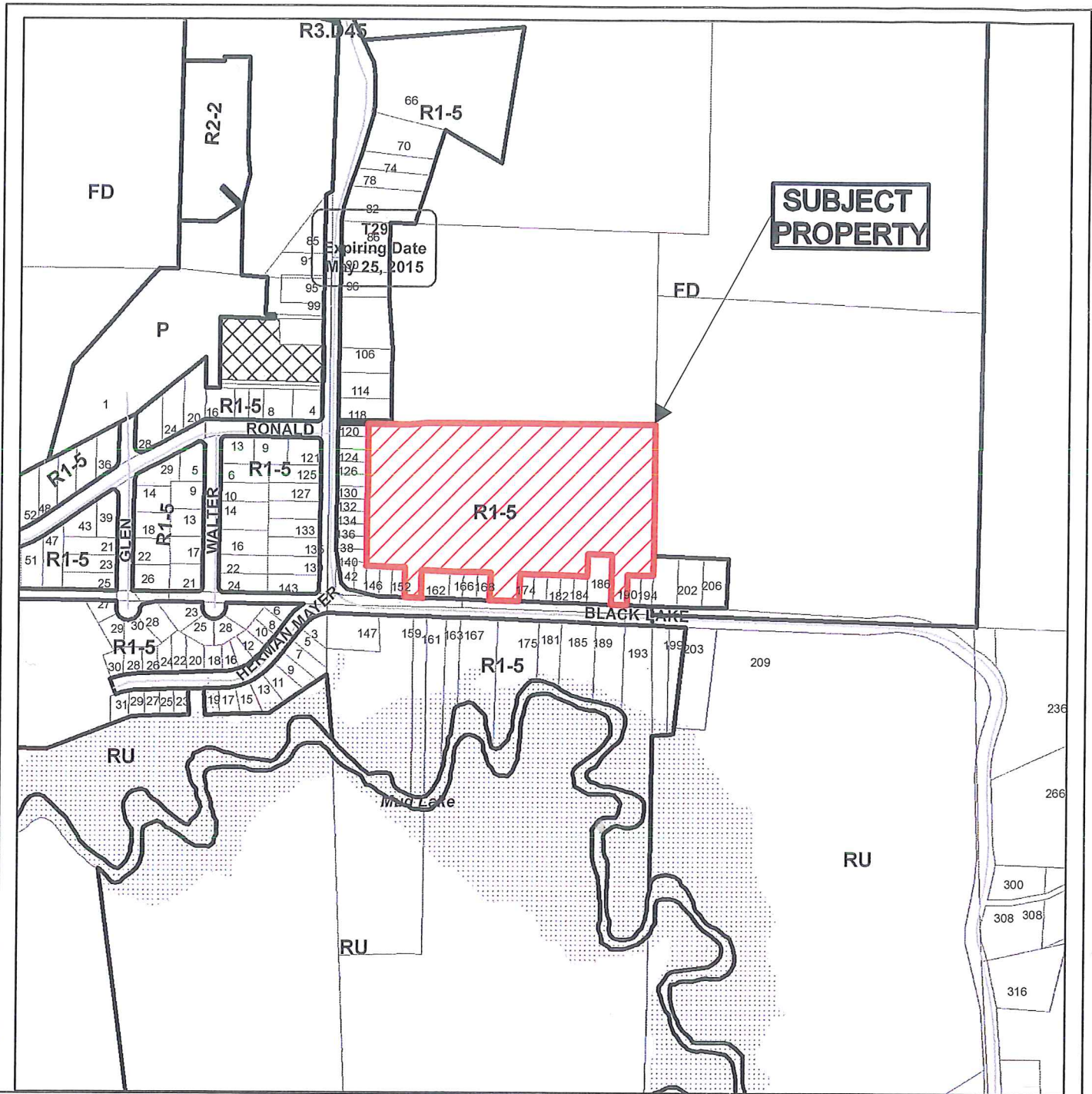
Processing Fees

The owner has provided the applicable processing fee in the indexed amount of \$2,898.16. This amount was calculated as per [By-law 2020-26](#) being the Miscellaneous User Fees for Certain Services By-law that was in effect at the time the request to extend the draft approval was made by the owner.

Summary:

The Planning Services Division has reviewed the request to extend the subject draft approved plan of subdivision and has no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approved plan of subdivision. Appropriate changes where identified and explained within this report have been included in the Resolution section of this report and would now form part of the draft plan approval if approved by Council. The owner is also cautioned that future draft approval extensions may be subject to review under strengthened criteria embedded in the Official Plan through the City's Phase 2 Official Plan Review.

The Planning Services Division therefore recommends that the application to extend the draft approval for the Cavdon Subdivision for a period of three years until December 31, 2023, be approved as outlined in the Resolution section of this report.



Growth and Development Department



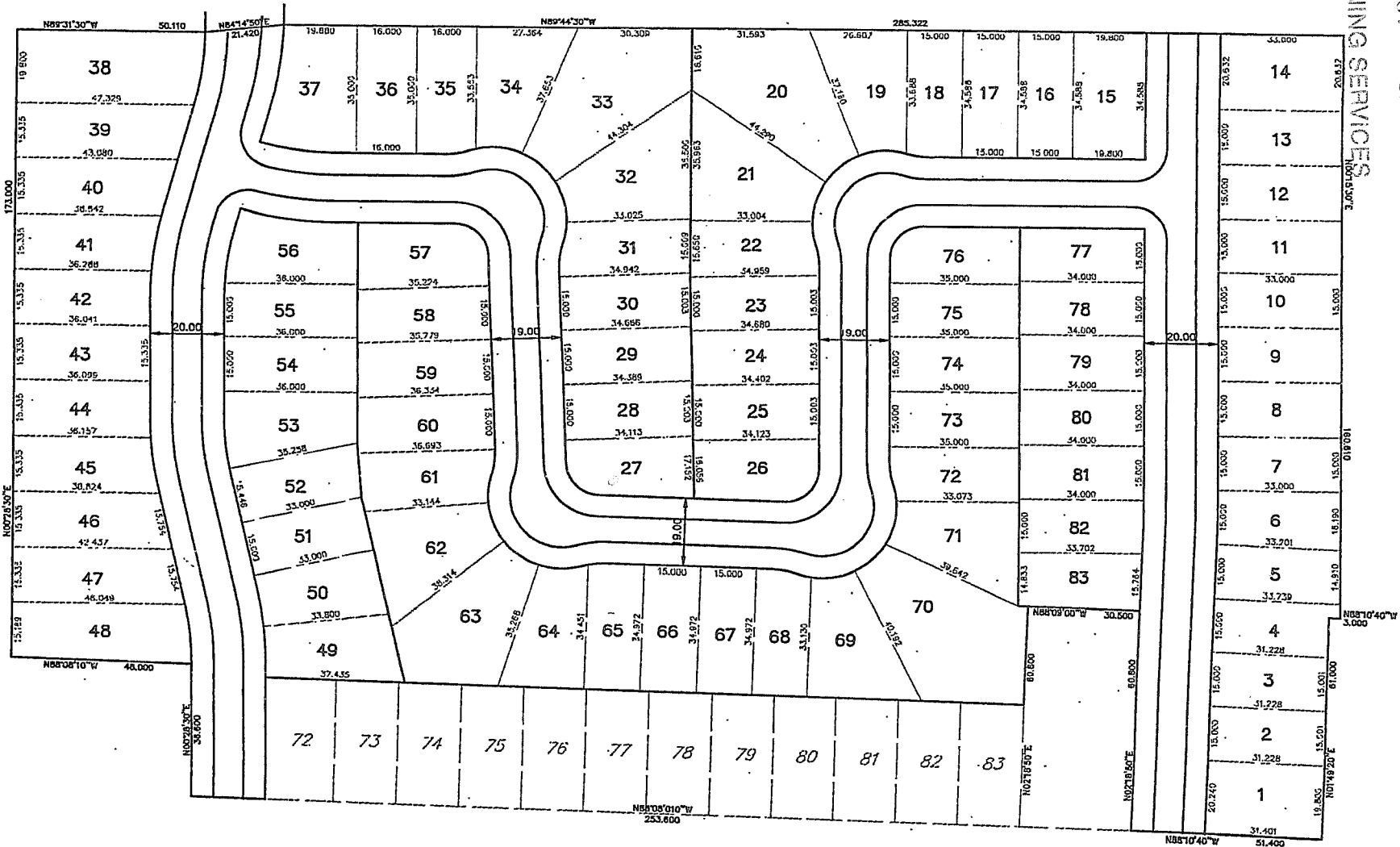
Subject property being part of PIN 73375-0863,
Pt of Pcls 1880 & 416, Pt of Lot 6, Con 4,
Township of Waters, Black Lake Road,
Lively, City of Greater Sudbury

Sketch 1
NTS

751-8/95-2 & 780-8/95006

Date: 2011 11 17

Amended Road Network



OCT - 6 2009

RECEIVED

PLANNING SERVICES

February 01, 2021

Sophie Baysarowich
Secretary of Development Approvals
Planning Services
The City of Greater Sudbury

Reference: File 780-8-980006, Cavdon Subdivision

Mme Baysarowich,

Thank you for contacting Canada Post regarding plans for a new subdivision at Riverdale Subdivision. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. Given the number and the layout of the lots in the subdivision, we have determined that the CMB(s) will be installed on **2** sites. This sites are listed below and are identified on the site plan
 - a. **Side of lots 76-77—3 modules**
 - b. **Side of lots 56-57---3 modules**
3. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

Regards,

RAY THERIAULT

Ray Theriault
PO BOX 8037 Ottawa T CSC
Ottawa, ON, K1G 3H6
[REDACTED]
[REDACTED]

Appendix A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

[Add subdivision plan showing proposed CMB sites as part of Appendix as applicable]

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

1. That this draft approval applies to the draft plan of subdivision of Part of Parcels 1880 and 416 S.W.S., Lot 6, Concession 4, Township of Waters, as shown on a plan prepared by Peter M. Bull, O.L.S. and dated March 27th, 1995.
 - a. That the plan prepared by Peter M. Bull, O.L.S. and dated March 27th, 1995 shall be revised to incorporate the re-aligned road network shown on the sketch entitled Amended Road Network and dated October 6, 2009. The revision shall include a 20 metre road right-of-way whereas the Amended Road Network Plan depicts a 19 metre road right-of-way.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities, sidewalks, stormwater management facilities and installation of services.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That 5% of the land included in the subdivision be deeded to the City of Greater Sudbury for parks purposes pursuant to Subsection 51.1(1) of The Planning Act, R.S.O. 1990 as amended.

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10. That the plan described in Item 1. of this conditional approval be revised to provide an appropriate temporary turnaround incorporating a 0.3 metre reserve on A-Street and B-Street to the satisfaction of the General Manager of Growth and Infrastructure.
11. Prior to the submission of servicing plans, the owner shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed for the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of both the 1:5 year, 1:100 year, and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approval Section prior to commencing the storm water management report.
12. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of the Director of Planning Services and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.
13. That the subdivision agreement contain provisions whereby the owner agrees to construct a watermain loop from the existing watermain on Jacob Street to the existing watermain on Herman Mayer Drive, and that no building permits will be issued for lots not fronting Black Lake Road until such watermain loop construction has been completed all to the satisfaction of the General Manager of Growth and Infrastructure.
14. That the owner prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority.
15. That the owner prepare a lot grading/storm water management plan addressing stormwater runoff from this developed subdivision on Junction Creek to the satisfaction of the Nickel District Conservation Authority, and that any alterations to the creek that result in lots being created along the former creek bed will require an engineering study, to determine their feasibility for development.

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16. That prior to the signing of the final plan, a detailed soils report shall be prepared by a qualified engineer, to the satisfaction of the Chief Building Official and the Nickel District Conservation Authority, with respect to those lands generally described as being Lots 35 to 36 and Lots 57 to 65 inclusive on the draft plan, and the area where the creek was located, outlining how any problems associated with poor soil conditions can be overcome, and construction techniques which will be required for the construction of homes on the subject lands. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
17. That a notice be placed on the title to each lot described in Item (j) indicating that during construction of building foundations, the builder will be required to have a qualified soils engineer attest to the adequacy of the soil to support appropriate footings, and that this information is to be conveyed to the Chief Building Official for approval to pour the footings. A soils caution agreement, if required, shall be registered on title to the satisfaction of the Chief Building Official and City Solicitor.
18. That the subdivision agreement contain provisions whereby the owner agrees to provide mail delivery services to the satisfaction of Canada Post.
19. Deleted.
20. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Planning Services Division is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exists to service the development.
21. That this draft approval shall lapse on July 30, 2021.
22. That prior to the signing of the final plan the Planning Services Division is to be advised by the City Solicitor that Conditions #3, #5, #6, #7, #8, #9, #10, #12, #13, #16, #17, #18 #25 and #43 have been complied with to his/her satisfaction.
23. Deleted.
24. That prior to the signing of the final plan the Planning Services Division is to be advised by the Nickel District Conservation Authority that Conditions #14 and #15 have been complied with.
25. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for any proposed storm and sanitary sewers, stormwater

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management facilities, watermains, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding the removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of homes. Also, the report must include an analysis illustrating how the groundwater table will be lowered to a level that will not cause problems to adjacent boundary housing and will, in conjunction with the subdivision grading plan, show that basements of new homes will not require extensive foundation drainage pumping. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.

26. The applicant/owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Development and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
27. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
28. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Canada Post, Eastlink. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase. The utilities servicing plan must be designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario. The owner/applicant shall be responsible for all costs associated with the installation of said services.
29. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.

30. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources and Forestry with respect to the presence of any species at risk under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNRF under the Endangered Species Act have been satisfied.
31. All streets will be constructed to an urban standard, including the required curbs and gutters, and sidewalks.
32. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
33. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrades to the downstream works required to service this subdivision will be borne totally by the owner.
34. As part of the submission of servicing plans, the owner shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.
35. The owner shall be required to ensure that the corner radius for all intersecting streets is to be 9.0 m.
36. The owner will be required to provide permanent site and erosion control drainage works to the subdivision's storm water outlet to the satisfaction of the General Manager of Growth and Infrastructure.
37. The owner/applicant shall be responsible for the design of any required stormwater management facility as part of the servicing plans for the subdivision and the owner shall provide the lands for the stormwater management facility as a condition of this development.
38. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct.
39. The owner shall provide sodded rear yard drainage swales as a condition of the initial acceptance of the subdivision infrastructure to the satisfaction of the Director of Planning Services.

40. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
 - i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
 - ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phases sought to be registered.
41. The owner shall provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.
42. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.
43. That in accordance with Section 59(4) of the Development Charges Act, a notice agreement shall be registered on title to ensure that persons who first purchase the subdivided lands after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.

339 Harrison Drive, Sudbury

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Managers' Reports
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/18-18

Report Summary

This report provides a recommendation regarding a request to amend Planning Committee Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18, 339 Harrison Drive, Sudbury – K.S. Flinn Investments Inc.

Resolution

THAT the City of Greater Sudbury amends Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18, as outlined in the report entitled “339 Harrison Drive, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021;

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

AND THAT it be replaced with the following clause:

“Provide a minimum two (2) metre-wide planting strip along the southerly lot line, to include above-ground planters where necessary in lieu of in-ground plantings.”

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.

Financial Implications

There are no financial implications associated with this report.

Report Summary

A request to amend Planning Committee Resolution PL2019-115 pertaining to Rezoning File 751-6/18-18 has been submitted in order to reconsider the requirement for a five-metre planting strip along the southerly lot line of the subject land municipally known as 339 Harrison Drive, Sudbury.

Staff Report

Applicant:

K.S. Flinn Investments Inc.

Location:

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

Background:

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

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

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

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

Planning Considerations:

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

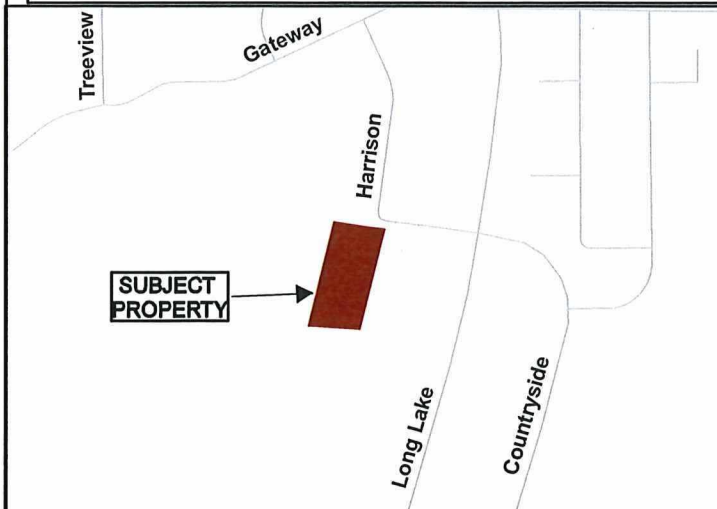
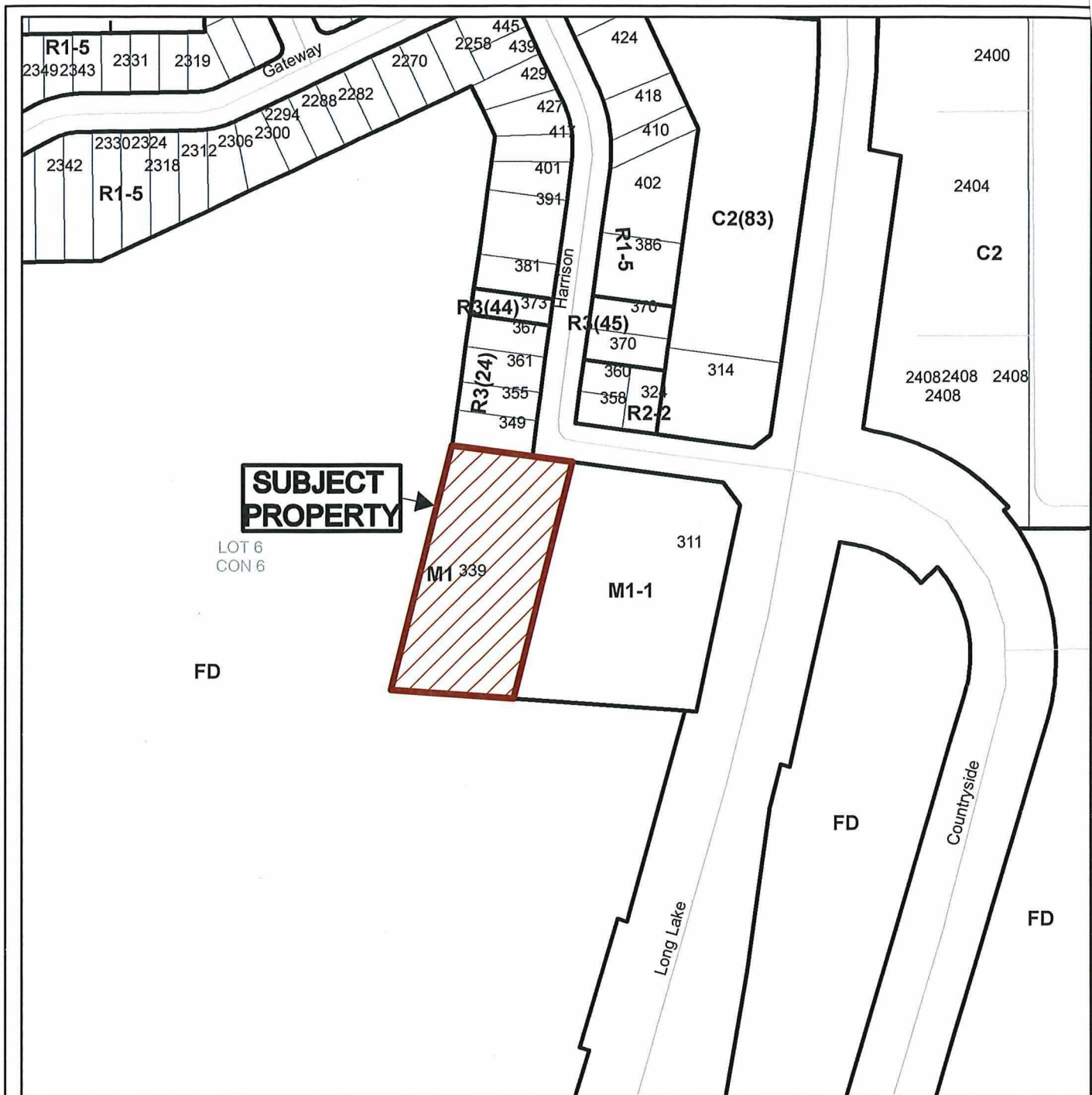
The outstanding condition concerns the required planting strip along the southerly limit of the property, excluding the landscaping provided in the southwest corner. The requirement for enhanced landscaping was implemented by the Committee in order to address concerns from the abutting property owner related to damage to the fence and vehicle parts discarded on their property. Existing conditions are illustrated by Photos 5 and 6.

A request by the owner was brought forward for consideration by Planning Committee on January 25, 2021 in order to delete the requirement for a planting strip along the south limit of the property due to existing site conditions in the form of a concrete pad, as well as consideration of potential future use of the abutting land, which is designated as Mixed Use Commercial. The request was not supported (Item C-2 of the January 25th agenda). Furthermore, Planning Committee did not support the alternative solution presented by Staff for a vehicular guard in lieu of a planting strip. Staff was directed to consult with the owner and find an alternative solution.

Following consultation with Staff, the owner is requesting that the width of the planting strip be reduced from five (5) metres to two (2) metres; and further, that the planting strip be comprised of a raised planter where necessary due to existing site conditions.

Staff recommend approval as the revised planting strip will serve to protect the abutting owner's fence and also screen the outdoor storage area on the subject lands.

The Planning report and meeting minutes from September 23, 2019 are attached as background information.



Growth and Infrastructure Department



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

NTS
 Sketch 1

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



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

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

Councillor Cormier, In the Chair

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

Closed Session

The following resolution was presented:

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

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

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

CARRIED

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

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

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

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

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Public Hearings

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

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

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

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

Mauro Manzon, Senior Planner, outlined the report.

Planning Department Response to Committee Questions:

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

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

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

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

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

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

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

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

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

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

Public Comments:

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

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

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

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

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

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

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

The following resolution was presented:

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

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

Rules of Procedure

Councillor Landry-Altmann presented the following amendment:

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

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

YEAS: Councillors Cormier, Sizer, Landry-Altmann

NAYS: Councillor McCausland

CARRIED

The resolution as amended was presented:

Rules of Procedure

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

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

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

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

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

- a) Amended proposed and adopted as recorded.

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

Request for Decision

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

Resolution

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

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

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Aug 30, 19

Manager Review

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

Recommended by the Division

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

Financial Implications

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

Recommended by the Department

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

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Sep 9, 19

extension has been granted by Council.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

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

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

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

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

Financial Implications

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

Date: August 27, 2019

STAFF REPORT

PROPOSAL:

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

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

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

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

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

Location and Site Description:

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

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

Total lot area is 0.8 ha, with 21 metres of frontage and an approximate depth of 129 metres. The site functions as the base of operations for Lockerby Transportation Group, including a taxi stand that has legal non-conforming status. Existing buildings include a two-storey office building and a 668 m² maintenance garage on the southwesterly portion of the property. The non-complying setback for the maintenance garage, which directly abuts the westerly lot line, was recognized through a minor variance approval in 1981.

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

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

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

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

Title: KS Flinn Investments Inc.

Date: August 27, 2019

Surrounding Land Uses:

The area surrounding the site includes:

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

Related Applications:

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

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

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

Public Consultation:

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

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

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

POLICY & REGULATORY FRAMEWORK:

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

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

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

Title: KS Flinn Investments Inc.

Date: August 27, 2019

Provincial Policy Statement:

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

The PPS identifies settlement areas as the focus of growth and development. Under Section 1.1.3.4, appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Growth Plan for Northern Ontario:

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

Official Plan for the City of Greater Sudbury:

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

New development may be permitted provided that:

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

Zoning By-law 2010-100Z:

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

Title: KS Flinn Investments Inc.

Date: August 27, 2019

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

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

The zoning history is as follows:

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

Site Plan Control:

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

Department/Agency Review:

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

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

Remaining commenting departments and agencies have no objections.

PLANNING ANALYSIS:

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

Land use compatibility

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

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

Date: August 27, 2019

a. Existing residential uses

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

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

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

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

b. Designated residential lands

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

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

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

c. Shipping containers and dismantled vehicles

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

Title: KS Flinn Investments Inc.

Date: August 27, 2019

The definition of salvage yard is as follows:

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

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

Conditions of approval

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

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

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

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

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

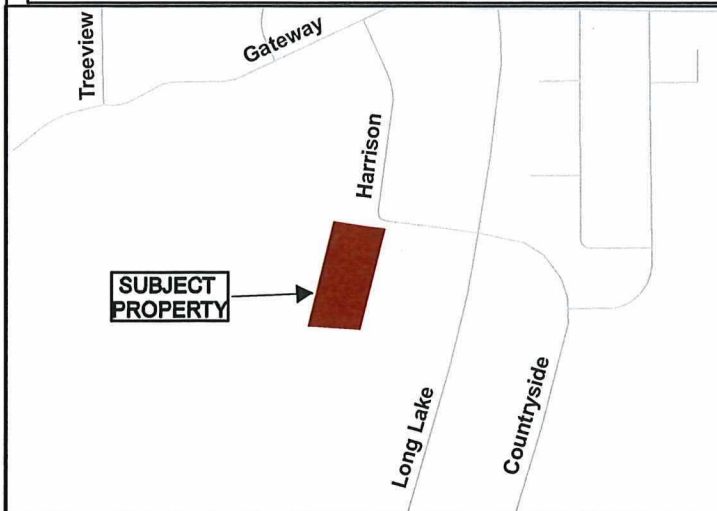
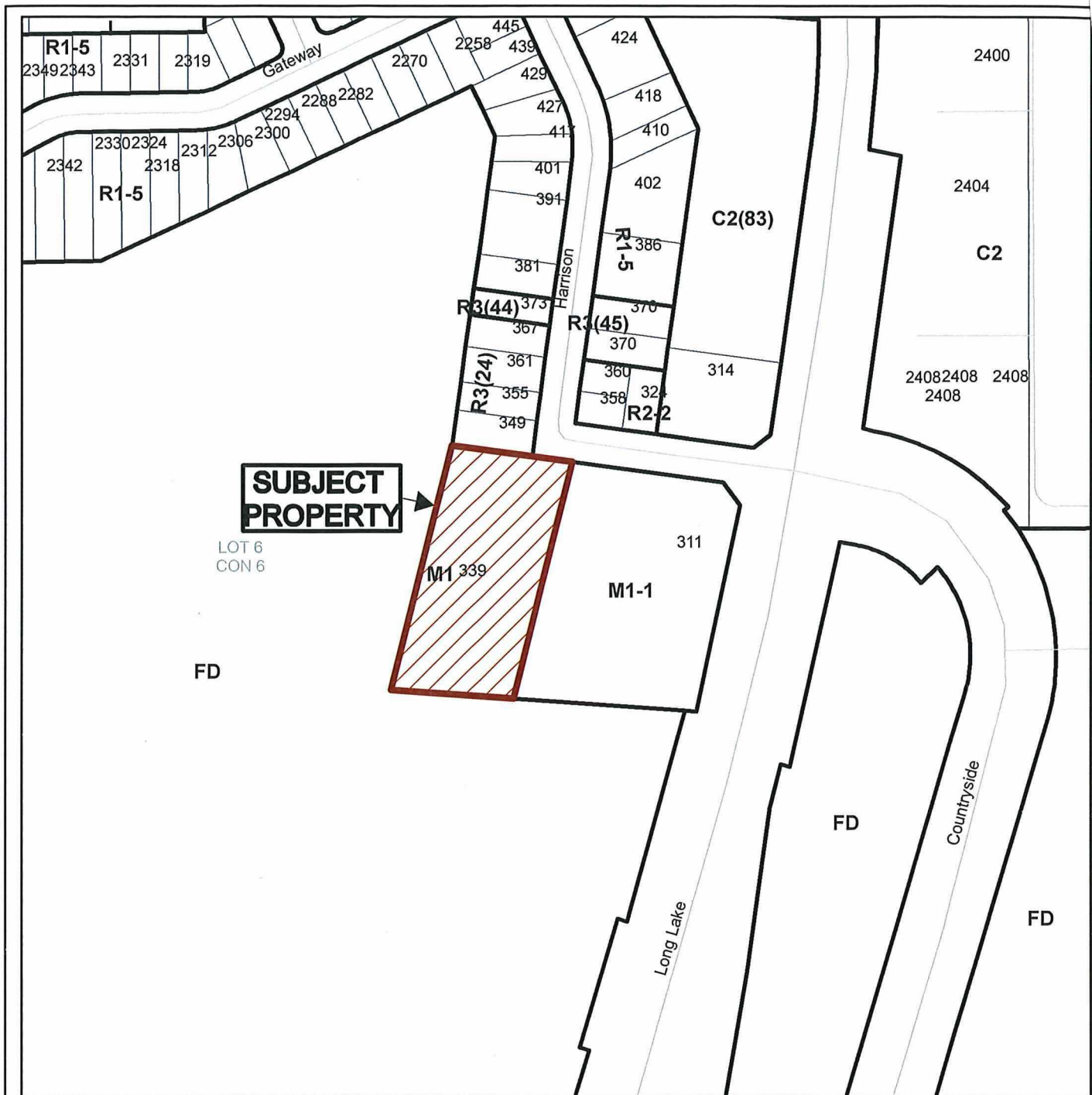
The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses. The application conforms to the GPNO.

CONCLUSION:

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

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

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



Growth and Infrastructure Department



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

NTS
 Sketch 1

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

Appendix 1

Departmental & Agency Comments

File: 751-6/18-18

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

Development Engineering

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

Infrastructure Capital Planning Services (Roads and Transportation)

No concerns.

Building Services

Building Services has the following comments:

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

Conservation Sudbury (NDCA)

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

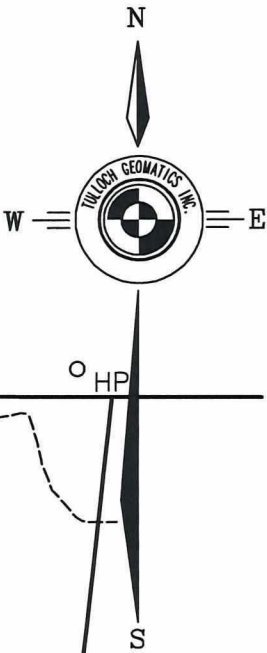
CAUTION

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

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

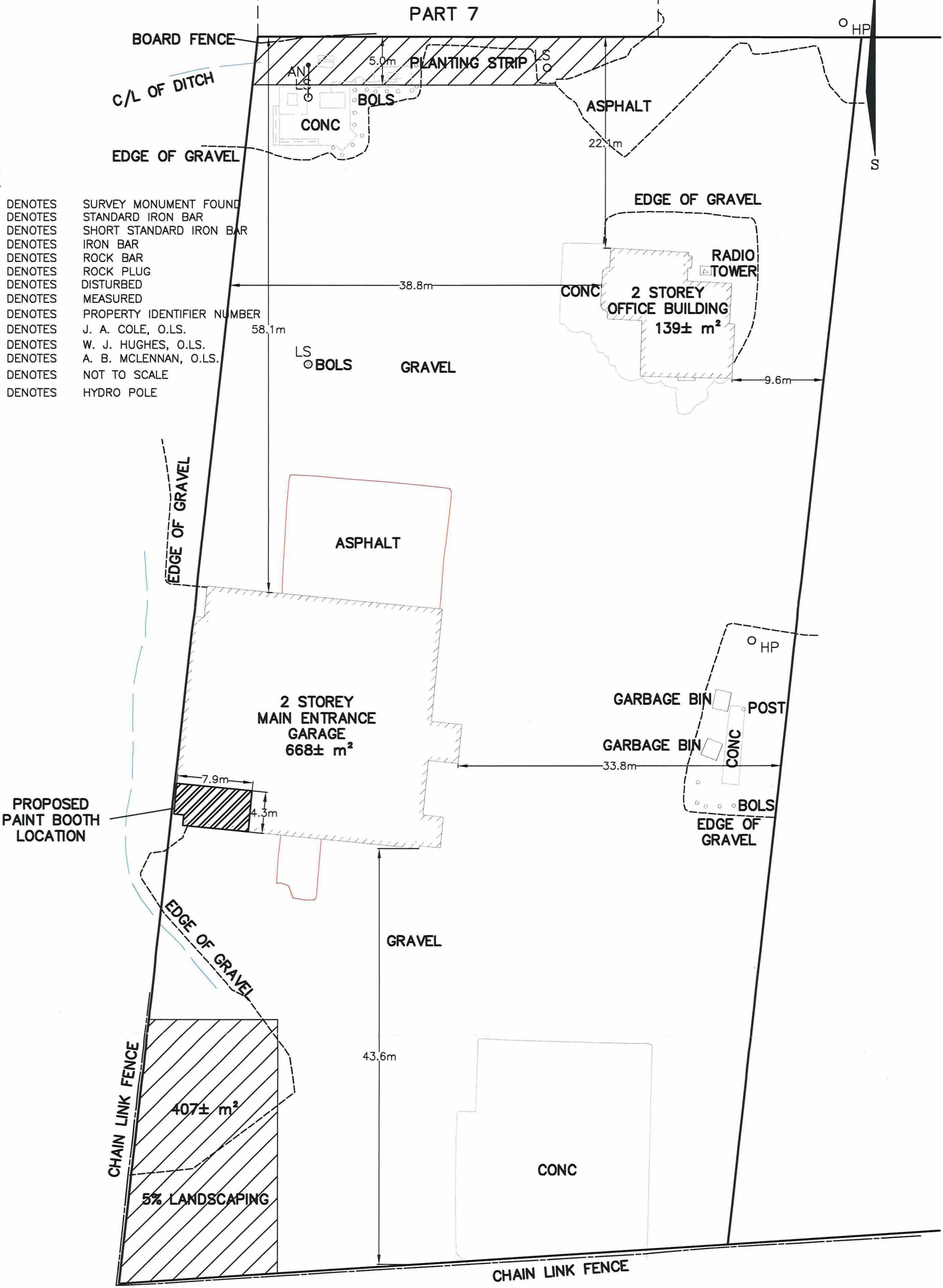
PART 5, PLAN 53R-14325
PART 7, PLAN 53R-14325

PIN 73475-0176



LEGEND

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



RECEIVED

JUL 23 2019

PLANNING SERVICES



LOCKERBY TAXI AUTOSHOP
HARRISON DRIVE, ONTARIO

ZBA SKETCH

SCALE	1:400
DRAWN	S.S.
CHECKED	K.J.
DATE	NOV 8, 2018
PROJECT No.	18-5335
SHEET	K1



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



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



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



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



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

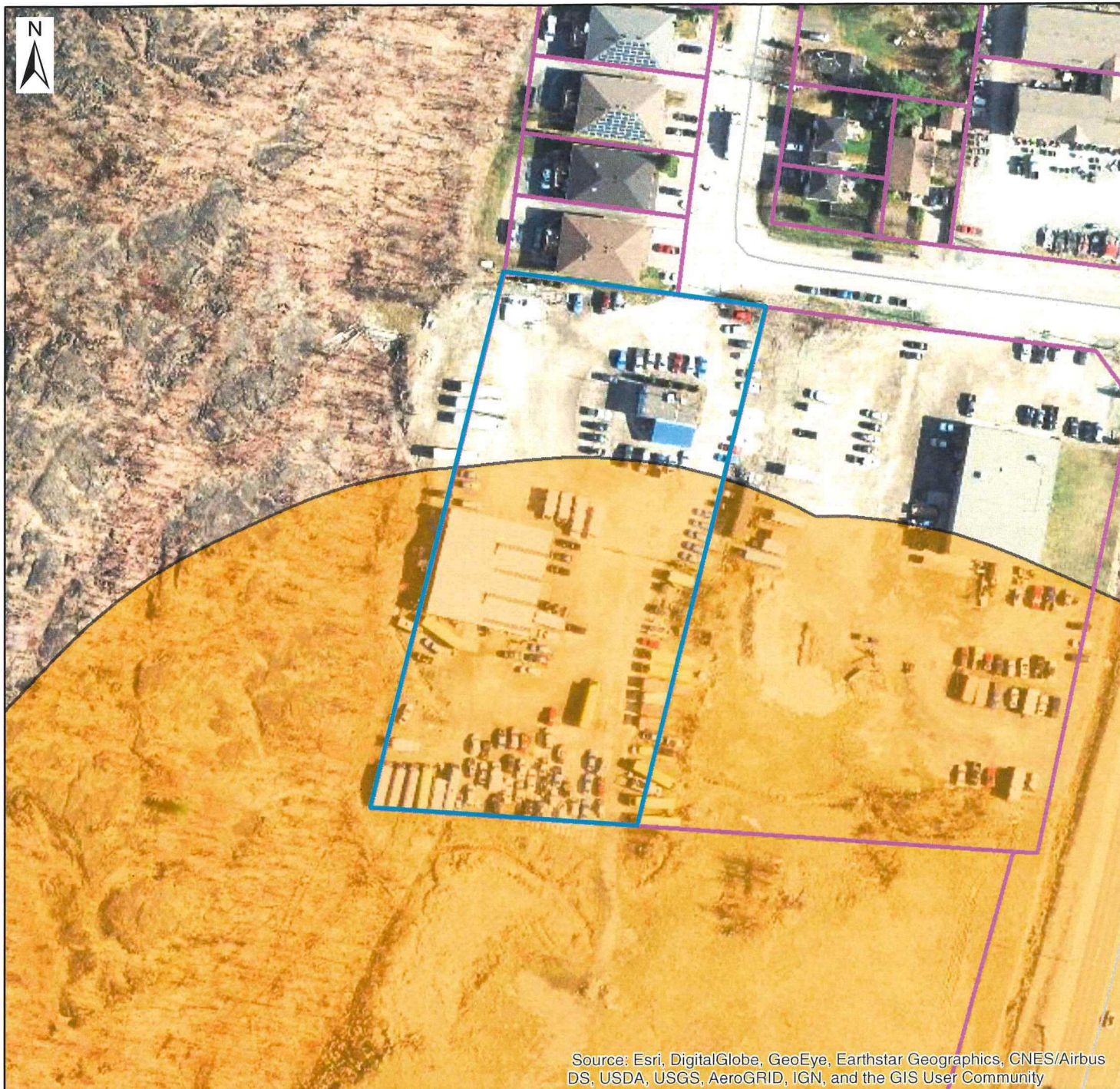


Photo 6: 339 Harrison Drive, Sudbury
View of rear yard including shipping containers and
unplated vehicles
751-6/18-18 Photography October 24, 2018



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





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

NOTE:

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

Legend

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

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JUL 18 2019

PLANNING SERVICES

July 12, 2019

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

Attention: Mr. M.D. Sinclair

Dear Mr. Sinclair:

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

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

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

705.671.2489

www.greatersudbury.ca
www.grandsudbury.ca

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

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

.../2

Page 2

July 12, 2019

339 Harrison Drive, Sudbury, Ontario

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

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

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

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

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

Yours very truly,



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

GAM/cjd
Attachments

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

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



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



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



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



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

Policy Options for Amendments to the Zoning By-law to Permit Temporary Drive-in Theatre, Concert or Performance Events

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Managers' Reports
Prepared by:	Melissa Riou Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	N/A

Report Summary

This report provides a recommendation regarding zoning by-law provisions related to drive-in theatre, concert and performance events.

Resolution

THAT the City of Greater Sudbury directs staff to initiate an amendment to the Zoning By-law to incorporate provisions that would allow temporary drive-in theatre, concert or performance events in certain locations within the City, as outlined in the report entitled, "Policy Options for Amendments to the Zoning By-law to Permit Temporary Drive-in Theatre, Concert or Performance Events", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

Establishing provisions to enable temporary drive-in theatres, concerts or performance events is consistent with the economic development goals of the Strategic Plan. Specifically, strategic objective 2 Business Attraction, Development and Retention aims to make Greater Sudbury an attractive place to do business and thrive, and strategic objective 4 Economic Capacity and Investment Readiness reflects Council's desire to "prepare the ground" for economic growth across the community.

Financial Implications

There are no financial implications associated with the report.

Background

On November 17, 2020, a report was presented to Finance and Administration Committee that reviewed potential municipal responses to the COVID-19 pandemic and recommended a number of Action Items. On January 12, 2021, through resolution CC2021-07 Council directed staff to incorporate action items into the 2021 work plan that would help mitigate the impacts of the COVID-19 pandemic and facilitate an economic recovery. Though the topic of drive-in theatres, concerts and performances was not specifically identified as an action item, with COVID-19 continuing to impact Ontario, providing additional options for recreation and entertainment that complies with physical distancing guidance is a topic that has come to the forefront in

Greater Sudbury and other municipalities (see references 3 and 4). Drive-in theatres, concerts and other live performances, in particular have gained in popularity.

Drive-ins and other special events would require an application and review by the Special Events team. The review and application would include a risk management plan, and other terms and conditions under which the event will operate to ensure the safety of the general public, volunteers and event organizers.

The Zoning By-law for the City of Greater Sudbury currently defines a drive-in theatre as “An area of land, together with accessory buildings and structures, designed and used specifically for the showing of motion pictures on an outdoor screen for viewing by patrons from within their vehicles”. However, “drive-in theatre” is not listed as a permitted use in any zone, which has the effect of drive-in theatres not being permitted in the City of Greater Sudbury without a site specific amendment to the Zoning By-law. Staff have identified a potential amendment to the Zoning By-law that would facilitate the hosting of temporary events of this nature for a limited time period.

A review of sixteen (16) municipalities, each of which have drive-in theatres, was completed with respect to how the use is considered in their respective zoning by-laws. Approaches vary: eight (8) of the municipalities are silent on drive-in theatres, four (4) of the sixteen permit them through a site specific amendment, three (3) define drive-in theatres, but do not list them as permitted uses, one (1) has site specific provisions and appears to include drive-in theatres in the definition of “commercial entertainment”. There does not appear to be a consistent approach to permitting drive-in theatres, temporary or otherwise.

Proposed Amendments

The proposed approach is to facilitate drive-in theatres and similar uses, including concerts, theatre, stand-up comics, by considering them in the same manner as carnivals in the context of the Zoning By-law.

Carnivals are defined as follows: “A temporary use of land, *buildings* or structures for the purpose of providing or locating facilities for *commercial* entertainment and participatory amusement activities, including games and rides, and includes, without limiting the generality of the foregoing, an itinerant circus or midway, but does not include an *amusement park* or other use where such facilities are located or made available for use by the general public for more than 14 days per year.”

Carnivals are currently permitted in the “Shopping Centre Commercial (C5) Zone” and the “Parks (P) Zone” where such park is owned or operated by the Municipality.

The proposed amendment would add “drive in theatre, concert or performance events” in order to allow those types of events to take place on a temporary and limited basis in specific zones. It is proposed that carnivals would also be permitted in the “Downtown (C6) Zone”. A draft of the proposed amendment is attached to this report as Appendix A.

Permanent drive-in theatres would continue to require a site specific amendment to the Zoning By-law.

Provincial Policy Statement (PPS)

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

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

Growth Plan for Northern Ontario (GPNO)

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

decision affecting planning matters conform with the Growth Plan for Northern Ontario.

The proposed amendment is consistent with the economic development policies of section 2.3 A growing and diversified economy.

Official Plan for the City of Greater Sudbury

The Official Plan establishes goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment in the next 20 years. Economic Development is an essential building block to a Healthy Community. As outlined in Section 1.4 the Vision for Greater Sudbury identifies the City has an important centre in northern Ontario and focal point for regional investment and growth, as well as maintaining an 'open for business' environment.

The proposed amendment is consistent with the overall vision and economic development goals of the City.

Conclusion/Next Steps

The proposed amendment would ensure that the City has a framework in place to allow temporary drive-in theatres, concerts and performance events should proposals be received for such events. The proposed framework would permit those types of event to occur on a temporary and limited basis in the C5 (Shopping Centre Commercial), C6 (Downtown Commercial) and P (Park) where the park is owned or operated by the Municipality. Further, the proposed amendment would be consistent with Council's strategic objectives of attracting and retaining business as well as investment readiness. It is recommended that staff be directed to initiate an amendment to the City's Zoning By-law as outlined in the report.

Resources Cited

1. City of Greater Sudbury Zoning By-law <https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/#PART%203:%20%20%20DEFINITIONS>
2. [City of Greater Sudbury staff report. Economic Recovery Action Items. November 17, 2020. https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=4&id=1516](https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=4&id=1516)
3. Pop-up drive-ins set to return to northern Ontario. CTV Northern Ontario. June 19, 2020. <https://northernontario.ctvnews.ca/pop-up-drive-ins-set-to-return-to-northern-ontario-1.4992247>
4. Summer at the drive-in during COVID-19. TVO. August 8, 2020. <https://www.tvo.org/article/summer-at-the-drive-in-during-covid-19>
5. City of Greater Sudbury website "Plan a Special Event" <https://www.greatersudbury.ca/play/plan-a-special-event/>

SCHEDULE “A” TO
BY-LAW XXXX-XXX
APPENDIX A

That Zoning By-law 2010-100Z is hereby amended by:

1. In Part 3: Definitions, by deleting the definition for carnival and replacing it with the following:

56.	Carnival	A temporary use of land, <i>buildings</i> or structures for the purpose of providing or locating facilities for <i>commercial</i> entertainment and participatory amusement activities, including games and rides, and includes, without limiting the generality of the foregoing, an itinerant circus or midway, a temporary drive-in theatre, concert or performance event, but does not include an <i>amusement park</i> or other use where such facilities are located or made available for use by the general public for more than 14 days per year.
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2. In Part 7: Commercial Zones, in Table 7.2 – Permitted Non-Residential Uses, to permit “Carnival” as a permitted use in the C6 Zone by indicating with an “X” symbol.

The applicant, a person or public body who, before the by-law was passed, made oral submissions at a public meeting or written submission to the council, or the Minister may appeal the passage of this By-law to the Local Planning Appeal Tribunal by filing with the City Clerk, within 20 days of the giving of notice of passage of the By-law by the City Clerk:

- a) A Notice of Appeal;
- b) An explanation of how the by-law is inconsistent with a policy statement issued under subsection 3(1) of the *Planning Act*, fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan; and
- c) The fee prescribed under the *Local Planning Appeal Tribunal Act, 2017*.

If these materials and fees have not been filed with the City Clerk within this period, this By-law shall be deemed to have come into force on the day it was passed.

If these materials have been received within that time, this By-law shall not come into force until all appeals have been withdrawn or finally disposed of and except for those parts repealed or amended, and in such case it shall be deemed to have come into force on the day it was passed.

This By-law is in conformity with the City of Greater Sudbury Official Plan as amended.

Read and Passed in Open Council this XX day of XXXX, 2021.

Residential Parking Standards Review – Draft Zoning By-law

Presented To:	Planning Committee
Meeting Date:	April 12, 2021
Type:	Managers' Reports
Prepared by:	Ed Landry Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-02

Report Summary

This report provides a recommendation regarding a zoning by-law amendment framework to implement the findings and recommendations of the Residential Parking Review, presented at the November 9, 2020 Planning Committee Meeting.

Resolution

THAT the City of Greater Sudbury directs staff to consult with key stakeholders on the proposed changes and to undertake a public hearing under the Planning Act for the by-law, as outlined in the report entitled “Residential Parking Standards - Draft Zoning By-law”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on April 12, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

Reviewing the City’s Residential Parking Standards is consistent with the following Strategic Objectives of Council: Asset Management and Service Excellence; Climate Change; Housing; and, Create a Healthier Community. Specifically, revisions to the residential parking standards could reinforce infrastructure for new development by using existing infrastructure more efficiently (Goal 1.4). Using less land and resources for parking, and thereby encouraging more modes of transportation, is a strategy to mitigate the impact of a changing climate (Goal 3.2). Finally, a revision of parking standards could help promote new and existing housing choices throughout the municipality (Goal 5.3).

Financial Implications

There are no financial implications associated with this report.

Background

On October 7, 2019, Staff was directed “to review residential parking standards in Zoning By-law 2010-100Z to ensure that they are consistent with City Council’s vision of a sustainable transportation system and

report back to the Planning Committee with any recommended changes to the City's land use planning framework no later than Q4 2020" (See Reference 1 – Member's Motion).

Staff presented a report on November 9, 2020, which described a review of the City's residential parking standards (the "Study") to inform potential zoning by-law amendments. The Study examined two facets of residential parking: the form and the ratio. Through its municipal best practice review, staff had found that Greater Sudbury's residential parking standards were generally in line with comparator municipalities. However, there were opportunities that warranted further study, including front yard parking requirements to facilitate the creation of second units, reductions in parking ratios in specific locations or specific age of building (e.g. R2-3 zone or along Transit Main Line).

On November 9, 2020, Staff was directed "to initiate an amendment to the zoning by-law to incorporate new Residential Parking Standards no later than the end of Q1 2021" (See Reference 2).

Study Findings

As noted above, the Study examined two facets of residential parking: the form and the ratio (See Reference 2). Regarding the form of residential parking, the study found that:

- Greater Sudbury's minimum parking space dimensions (2.75m x 6.0m) are consistent with other municipalities;
- Greater Sudbury prohibits the required parking area to be located in the required front yard, while other cities in northern Ontario allow some form of parking in the front yard (generally up to 50%);
- Most municipalities have a 50% landscaped open space requirement;
- Only Toronto requires a license to permit front yard parking in certain areas of the city; and,
- Tandem parking has been used to fulfill parking requirements for second units, or used when providing parking for the same dwelling;

Regarding the ratios associated with residential parking, the study found that:

- Greater Sudbury's residential parking ratios are generally consistent with comparator municipalities;
- Greater Sudbury has lesser parking requirements for most dwelling unit types than northern cities;
- Greater Sudbury appears to be in line with parking requirements for long term care facilities; and,
- All municipalities provide some type of parking requirement exceptions based on location and/or age of building (e.g. Greater Sudbury doesn't require parking for residential conversions in the Downtown C6 zone for buildings that are 5 years old or older).

In addition to the above, staff had noted there were opportunities to examine exceptions based on location. For example, the City could require lesser parking requirements for conversions of buildings built prior to 1945, based on proximity to transit Main Line, reductions if included in commercial development, etc.

Staff had also noted in its November 9 report that there may be opportunities to increase or decrease minimum and maximum driveway widths, and/or to increase/decrease the landscaped open space requirements.

Other Considerations

During the November 2020 Planning Committee Meeting, there was discussion around achieving land use planning objectives through further changes to the City's parking regulations. Specifically, the Committee discussed:

- reducing the minimum parking ratios for Multiple Dwelling Units and Long Term Care Facilities
- reducing the minimum parking space size dimensions to match the dimensions found in Edmonton,

AB

- the enforcement of residential parking standards
- ensuring that changes to residential parking standards support the goals of “Small and Tiny Homes”

Proposed Draft By-law

Staff has prepared a draft amendment to the City’s Zoning By-law (Attachment B) based on the considerations noted above. The proposed changes can be viewed through both an affordable housing and sustainability lens. In some cases, the inability to locate/provide the required parking space(s) beyond the minimum required front yard has prevented the introduction of secondary dwelling units/apartments (e.g. converting garages to secondary dwelling units). Allowing front yard parking, combined with a lesser ratio for multiple dwelling units (i.e. 1 parking space per dwelling unit) in the R2-3 Zone and in the C5 zone would help promote housing choice by facilitating the creation this type of housing.

In terms of the City’s Community Energy and Emissions Plan (CEEP) goals, using less land and resources for parking encourages more modes of transportation such as transit and active transportation. The proposed changes help the City get closer to its goals of transit mode share to 25% and active mobility transportation mode share of 35% by 2050 (Goals 7 and 8, respectively – Reference 3). It also reinforces the goal of compact, complete communities by encouraging infill development, decreasing dwelling size through an increase in multi-family buildings, and increasing building type mix (Goal 1).

Front Yard Parking

In order to facilitate affordable housing, the proposed by-law would allow the required parking area to be located in the minimum required front yard in the following circumstances:

- the creation of (a) secondary dwelling unit(s);
- in a R2-3 Zone;

Ratios

In order to facilitate affordable housing, the proposed by-law would reduce the parking ratios for multiple dwelling units in the R2-3 and C5 Zones to 1 parking space per dwelling unit.

Regarding the parking ratios associated with long-term care facilities, staff examined examples found in Greater Sudbury. There are site-specific standards (e.g. I(24), C2(63), R3-1(9)) for several of these facilities. These tailored ratios are typically established by completing parking utilization studies as part of development approvals. Staff does not recommend a lesser standard at this time. However, staff could complete a parking utilization study of local long-term care facilities once the pandemic is over, and return with recommendations as appropriate.

Form

Staff has considered the reduction of parking space dimensions and recommends that the dimensions remain the same at 2.75m x 6.0m. It should be noted that the size of the parking space would not necessarily eliminate a barrier to affordable housing. Two spaces side by side equals 5.5m (2.75m + 2.75m). The total width is still within the maximum driveway width permitted in the Zoning By-law (6.3m) for a single detached, duplex, or semi-detached dwelling. Similarly, the required front yard for most residential uses is 6m. Reducing the minimum length would not allow for more unit creation, even if the proposed front yard parking provisions are adopted by Council.

Public Consultation Strategy

Staff recommends that the City now proceed to a public hearing as the proposed changes to the Zoning By-law are minor and technical in nature. This approach would be similar to the steps taken with recent zoning by-law amendments associated with Brewpubs, Recreational Cannabis, and Commercial Parking

Standards. Prior to the public hearing, staff would consult with key stakeholders including the Development Liaison Advisory Panel (DLAP).

City of Greater Sudbury Official Plan

Parking is an important factor in land use planning. It is considered throughout the City's Official Plan, including Policy 7 of Section 3.2.1, Living Area 1 – Communities, which states the following:

"The historic pattern of residential development around the Downtown and older sections of the community of Sudbury will be recognized in the Zoning By-law. These areas are characterized by a mixture of dwelling types on small lots, often with limited parking. The Zoning By-law will permit infilling and redevelopment of these areas that are compatible with the existing character of the neighbourhood."

The proposed draft zoning by-law conforms to the intent of the City's Official Plan by allowing greater recognition of the character of the older sections of the City.

Regarding affordable housing, Policy 17.2.4 a) of the City's Official Plan states the following:

"The City of Greater Sudbury supports innovation in housing design and development that minimizes costs in the production of affordable housing. In order to achieve this, it is policy of this Plan to:

a. permit alternative development standards where appropriate;"

The proposed changes provides appropriate alternative development standards for the provision of affordable housing.

PPS and GROWTH PLAN for NORTHERN ONTARIO.

These recommendations are consistent with the Provincial Policy Statement, 2020 (2020 PPS) which states that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, support active transportation and are transit-supportive. The 2020 PPS also promotes public streets that meet the needs of pedestrians and facilitate active transportation. A reduction of residential parking standards would also promote the use of active transportation and transit in and between residential, employment and institutional uses. Regarding affordable housing, the 2020 PPS requires municipalities to establish development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

SUMMARY AND NEXT STEPS

Council directed staff to review the City's residential parking standards "to ensure that they are consistent with City Council's vision of a sustainable transportation system" (See Reference 1 – Member's Motion). The review focused on the form and ratios associated with residential parking as they relate to affordable housing and sustainability.

In November 2020, Council directed staff to initiate an amendment to the zoning by-law to incorporate the findings and recommendations of the review. The proposed by-law represents a technical amendment to bring certain residential parking forms and ratios in line with comparator municipalities. Staff recommends that they receive direction to initiate the required Planning Act process to adopt the draft by-law.

Resources Cited

1. Member Motion October 7, 2019
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1384&itemid=rec>

2. "Residential Parking Standards Review", report presented at the November 9, 2020 Planning Committee Meeting
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=12&id=1458>
3. Greater Sudbury Community Energy & Emissions Plan
<https://www.greatersudbury.ca/sudburyen/assets/File/Comms/FINAL%20Greater%20Sudbury%20CEEP.pdf>
4. City of Greater Sudbury Zoning By-law
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-2010-100z/>
5. City of Greater Sudbury Zoning By-law Illustrations
<https://www.greatersudbury.ca/do-business/zoning/zoning-by-law-accordion/zoning-by-law-pdfs/2010-100z-zoning-by-law-illustrations-all-sept-24-2010-pdf/>

ATTACHMENTS

- A. Summary of Recommendations
- B. Proposed Draft Zoning By-Law Amendment

ATTACHMENT A – SUMMARY OF RECOMMENDED ZONING BY-LAW CHANGES

Row Number	Theme	November 9, 2020 Report and Planning Committee Discussion	Current Provision (See full Zoning By-law text)	Staff Comment
1.	Allow the required parking area in the minimum required front yard (“Front Yard Parking”)	Allow Front Yard Parking	<p>5.2.4.3 b) Outdoor parking areas shall be permitted in any part of any yard, except that no part of any parking area shall be located In any required front yard or required corner side yard in any Agricultural (A), Rural (RU), Rural Shoreline (RS), Seasonal (SLS), Future Development (FD), Open Space (OS) or any Residential (R) Zone.</p> <p>5.4.2 a) (For ground oriented residential dwelling units only), subject to 5.2.4, within a <i>front yard</i> or <i>corner side yard</i>, <i>motor vehicle</i> parking is only permitted on a <i>driveway</i>. Parking of <i>motor vehicles</i> shall only be permitted within the maximum <i>driveway</i> widths. (i.e. while required parking area still required outside of front yard requirement, parking is permitted in the driveway.)</p> <p>Driveway definition: A passageway that provides vehicular access to <i>parking areas, loading spaces, buildings</i> or structures, on a <i>lot</i>, from a <i>road</i> or <i>private access road</i>.</p>	Staff recommends front yard parking only in certain circumstances (see rows below).
2.		Allow front yard parking Only as of right in certain areas in the City (e.g. in the R2-3 area) and still require minor variance in other areas of the City.	No front yard parking	Staff recommends allowing front yard parking only in areas with lesser frontages. Traditionally, these areas include the R2-3 zones of the City (Sudbury, Gatchell, parts of Copper Cliff).
3.		Allow front yard parking ONLY at the time of conversion to secondary dwelling unit.	No front yard parking	<p>Staff recommends allowing front yard parking at the time of conversion to secondary dwelling unit.</p> <p>Proposed provision also captures when garage is converted to secondary dwelling unit.</p>
4.		The City could require semi-permeable materials as part of front yard parking.	<p>5.2.5 Surface Treatment</p> <p><i>All required parking spaces, parking areas, parking lots</i> and all <i>driveways</i> providing access thereto shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, concrete or brick pavers, gravel or similar materials.</p>	No recommended change at this time.

5.	Form	Increase or decrease minimum driveway widths.	3.0m	Staff recommends maintaining minimum driveway widths at 3.0m, given minimum parking space remains at 2.75m.
6.		Increase or decrease maximum driveway widths	6.3m	Staff recommends maintaining maximum driveway widths at 6.3m.
7.		Increase or decrease landscape open space requirements	Varies: R1 and R2 – 50% R2-3 – 10% R3 and R3-1 – 30% R4 – 30%	Staff recommends no change at this time.
8.		Amend dimensions of parking spots to match Edmonton standard (2.6m x 5.5m).	5.2.3.1 a) 2.75m x 6.0m	Staff recommends maintaining current dimensions of parking spots. The length of a pickup truck can exceed 5.5m.
9.	Location-based reductions	lesser parking requirements for residential conversions of buildings built prior to 1945	Corresponds generally with R2-3 Zone	Staff recommends lesser ratios for the R2-3 Zone (see below).
10.		Based on proximity to transit main line		Staff supports a 10% reduction of parking requirements for multiple dwelling, retirement homes, and long-term care facilities along the Transit Main Line. Proposed by-law includes all GOVA lines per past Council direction regarding commercial parking standards.
11.		As part of commercial development		No further changes recommended at this time.
12.	Ratios	Long term care facilities	0.5/bed, plus 1/20m2 net floor area of any accessory use	Staff recommends a parking utilization study once the pandemic is over.
13.		Multi-res Parking reductions in C5		Staff recommends a ratio of 1 parking space per unit in the C5 zone.
14.		Multi-Residential		Staff supports a lesser ratio for conversions to multi-residential in a R2-3 Zone. Staff recommends a 1:1 ratio.

By-law 2020-XXXZ

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

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

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

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

(1) In Part 4, GENERAL PROVISIONS, Section 4.2, ACCESSORY BUILDINGS STRUCTURES AND USES, by:

a. Adding a new section as follows:

“4.2.10.5 Secondary Dwelling Units and Front Yard Parking

Notwithstanding anything to the contrary, the required parking area associated with the secondary dwelling unit may be permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage, or the maximum driveway width established by this by-law, whichever is lesser.

Where a *private garage* has been converted to a *secondary dwelling unit*, the required parking area for the primary dwelling and the secondary dwelling unit may be permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage or the maximum driveway width established by this by-law, whichever is lesser.”

(2) In Part 5, PARKING AND LOADING PROVISIONS, Section 5.2.4.3, Yards where Parking Areas are Permitted, by adding a new clause d as follows:

“Notwithstanding the above, outdoor parking areas are permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage, or the maximum driveway width established by this by-law, whichever is lesser, in the R2-3 zones.

- (3) In Part 5, PARKING AND LOADING PROVISIONS, Section 5.2.9.1, Double Parking, second paragraph, by adding a new sentence after “tandem parking space” as follows:

“, which may be permitted within the required front yard”

- (4) In Part 5, PARKING AND LOADING PROVISIONS, Section 5.4 General Residential Parking Provisions, by adding the following provision and note after Table 5.5: Residential Parking Requirements For All Zones Except the Downtown Commercial (C6) Zone as follows:

“5.3.1 Notwithstanding Table 5.5, where a *Multiple Dwelling*, *Long Term Care Facility* or *Retirement Home* is permitted and the lot is directly abutting a GOVA route, the number of required parking spaces may be reduced by 10% of the minimum required parking spaces.”

- (5) New section 5.5.3 for R2-3 Zone

Notwithstanding other provisions of this by-law, the conversion of a *building* or part thereof in the R2-3 Zone to *dwelling units*, *boarding house dwellings* or *shared housing* shall be subject to the following parking requirements:

Use	Minimum Parking Space Requirement
<i>Boarding house dwelling or shared housing</i>	1/ <i>dwelling unit</i> , plus 0.25/ <i>guest room</i>
<i>Dwelling units</i>	1/ <i>dwelling unit</i>

- (6) In Part 7: COMMERCIAL ZONES, SPECIAL PROVISIONS FOR TABLES 7.1 AND 7.2, by:

- (a) Deleting “Multiple Dwelling” in special provision 19.
- (b) Adding special provision “20” as follows:

“20. Parking for “Multiple Dwelling” in the C5 Zone shall be calculated at the rate of 1 parking space per dwelling unit.”