



# PLANNING COMMITTEE AGENDA

**Wednesday, May 26, 2021**

**Tom Davies Square**

**Councillor Kirwan, Chair**

11:45 a.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 five (5) Proposed or Pending Acquisition or Disposition of Land Matters regarding the purchase of land - Whitson River, Chelmsford; the sale of vacant land - Pilon Crescent, Chelmsford; the sale of vacant land - Fourth Avenue, Sudbury; the sale of vacant land - Municipal Road 80, Val Therese; and the gift of vacant land - Hummingbird Court, Val Caron, in accordance with the Municipal Act, 2001, s.239(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. 1497, 1499 and 1501 Paris Street, Sudbury**

4

This report provides a recommendation regarding an application for rezoning in order to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "R3-1", Medium Density Residential to "C2", General Commercial.

This report is presented by Mauro Manzon, Senior Planner.

- Letter(s) of concern from concerned citizen(s)

**8.2. 3500 Falconbridge Highway, Garson**

31

This report provides a recommendation regarding an application for rezoning in order to permit a one-storey multiple dwelling with four (4) units.

This report is presented by Mauro Manzon, 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. Twin Lake Subdivision Extension - April 2021**

48

This report provides a recommendation regarding a request to extend a conditional approval on a draft plan of subdivision, Twin Lake Subdivision, Sudbury - Dalron Construction.

#### **11. Members' Motions**

#### **12. Addendum**

#### **13. Civic Petitions**

#### **14. Question Period**

#### **15. Adjournment**

## 1497, 1499 and 1501 Paris Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	May 26, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-04

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from “R3-1”, Medium Density Residential to “C2”, General Commercial.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Alesabetta & Fiorenzo Montini to amend Zoning By-law 2010-100Z by changing the zoning classification from “R3-1”, Medium Density Residential and “C2”, General Commercial to “HC2 Special”, Holding General Commercial Special on lands described as PINs 73595-0071 & 73595-0254, Parcels 9580 & 13780 S.E.S., in Lot 6, Concession 1, Township of McKim, as outlined in the report entitled “1497, 1499 & 1501 Paris Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 26, 2021, subject to the following conditions:

1. That prior to the enactment of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official:
  - a) Submit building permit applications addressing the dwelling unit, building additions and accessory shed constructed without benefit of a permit;
  - b) Remove the shipping container from the subject property;
2. That the amending by-law includes the following site-specific provisions:
  - a) The location of existing buildings and structures shall be permitted;
  - b) The existing duplex dwelling shall be permitted;
  - c) Outdoor display and sales shall not be permitted on PIN 73595-0254 being Parcel 13780 S.E.S.;



- d) Excluding the above, existing outdoor storage and outdoor display and sales areas shall be permitted accessory to the existing automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers;
- e) Planting strips shall not be required for existing uses;
- f) That development, as defined by the Conservation Authorities Act, R.S.O. 1990, c. C.27, be prohibited in the regulatory flood plain, unless otherwise approved by Conservation Sudbury;
- g) A Holding symbol which shall not be removed by the Council of the City of Greater Sudbury until the following condition has been addressed:
  - i) That the owner has entered into a Site Plan Control Agreement with the City of Greater Sudbury pursuant to Section 41 of The Planning Act to the satisfaction of the Director of Planning Services.

Until such time as the H symbol has been removed, the only permitted uses shall be those uses existing on the date that the amending by-law comes into effect.

- 3. Conditional approval shall lapse on June 15, 2023 unless Condition 1 above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal seeks to recognize an existing non-conforming use. There is no conflict with the Strategic Plan or the Community Energy & Emissions Plan.

## **Report Summary**

An application for rezoning has been submitted for lands municipally known as 1497, 1499 & 1501 Paris Street, Sudbury in order to recognize an existing non-conforming use and to permit all “C2”, General Commercial uses. Planning Services recommends that the existing automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers be permitted subject to the necessary conditions of approval, as it presents general conformity with the criteria applied under Section 19.5.7 of the Official Plan. Additional C2 uses would be subject to a holding provision until such time that a Site Plan Control Agreement is registered on the property.

## **Financial Implications**

There are no financial implications associated with this report for rezoning as existing buildings are located on the property with no further expansion required.

However, development charges may be required to be paid for the additions to the commercial space that was completed without a building permit. The secondary unit for the single family dwelling may be exempt from development charges

## **Staff Report**

### **Proposal:**

An application has been received to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from “R3-1”, Medium Density Residential to “C2”, General Commercial.

The application has been submitted in order to recognize an existing commercial use, being an automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers; and further, to extend C2 zoning permissions to the entirety of the site.

The property has a history of legal non-conforming use, which was lost when the current commercial use was established without benefit of Committee of Adjustment approval.

**Existing Zoning:** “R3-1”, Medium Density Residential and “C2”, General Commercial

The subject property has a split zoning. The main part of the site being PIN 73595-0071 is zoned “R3-1”, Medium Density Residential, which permits low and medium density residential uses up to a maximum density of 90 dwelling units per hectare.

The smaller portion of the site being PIN 73595-0254, which is essentially the driveway entrance to the property, is zoned “C2”, General Commercial.

**Requested Zoning:** “C2”, General Commercial

The owner is proposing to rezone the entirety of the lands to C2 in order to recognize the existing automotive sales establishment for utility and boat trailers, which was established without approval; and further, to permit all C2 uses. C2 zoning permits a broad range of residential and commercial uses, including more than 50 different land uses.

**Location and Site Description:**

PINs 73595-0071 & 73595-0254, Parcels 9580 & 13780 S.E.S., in Lot 6, Concession 1, Township of McKim (1497, 1499 & 1501 Paris Street, Sudbury)

The subject property forms a mixed-use site located on the west side of Paris Street in the Lockerby neighbourhood of Sudbury. The area is fully serviced by municipal sewer and water. Paris Street is designated as a Primary Arterial Road and is fully urbanized. The area is serviced by GOVA Route 1.

Total area of the lands to be rezoned is 0.43 ha based on the submitted concept plan, with 12 metres of frontage on Paris Street. The site is occupied by the following uses: an automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers (Northland Trailer Sales), a triplex and a duplex. There are various accessory structures, including a shipping container in the rear yard.

Nepahwin Creek traverses the property, draining in a northerly direction towards Lily Creek. Most of the creek has been contained within a culvert, with a smaller open portion as delineated on the rezoning sketch. As a result, part of the property forms a regulated area under the Conservation Authorities Act, as outlined on the attached NDCA mapping.

The adjacent area forms a mixed-use district with both commercial and residential uses. Small office uses abut the driveway entrance to the north and south. Two (2) medium density residential uses abut the main part of the site: Robin’s Nest Co-op to the north (60 units) and the Banyan Apartments to the south (99 units). The abutting apartment complexes are built to a slightly higher elevation, with unobstructed views onto the subject lands. Both buildings are five (5) storeys in height.

**Surrounding Land Uses:**

The area surrounding the site includes:

North: Co-operative housing complex (Robin’s Nest) and small office building (1493 Paris Street);

East: Mixed commercial uses on east side of Paris Street;

South: Apartment building (Banyan Apartments) and small office building and convenience store (1503-1507-1513-1515 Paris Street);

West: vacant lands zoned “I”, Institutional (Rainbow District School Board).

### **Related Applications:**

There is a history of minor variances on the subject land related to the legal non-conforming use as follows:

**A0047/1979:** expand legal non-conforming use being an engine repair shop by constructing a one-storey addition to west side of garage;

**A0058/1996:** enlarge engine repair shop with associated office and storage by constructing an addition to east side of building; and,

**A0018/1998:** change legal non-conforming use from engine repair shop to appliance repair service and sale of used appliances.

The trailer business was established without Committee of Adjustment approval as authorized under the Planning Act, and as such, legal non-conforming status has been lost.

### **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on February 19, 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 May 8, 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.

The application indicates that the proponents will distribute letters to adjacent residents and owners in order to solicit comments.

As of the date of this report, one (1) phone call has been received seeking clarification on the application. Two (2) written submissions have been received, including an objection to the proposal.

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

uneconomical expansion of services.

Under Section 3.1 of the PPS related to Natural Hazards, development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

### **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.

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

The subject lands have a split land use designation. The main portion of the site zoned R3-1 is designated as Living Area 1, similar to the housing complexes located to the north and south. The driveway entrance portion currently zoned C2 is designated as Mixed Use Commercial, which also aligns with the abutting properties along the driveway entrance. Under Section 19.9 of the Official Plan, there is some flexibility in determining the limits of a land use designation, particularly as it relates to hard boundaries such as a road, railway or waterbody.

Notwithstanding the above, the owner is seeking to recognize a non-conforming use. Under Section 19.5.7 of the Official Plan concerning non-conformity, the following Policies 3 and 4 shall be applied:

3. It is the intent of the City to eliminate those non-residential uses existing at the time of adoption of this Plan that are incompatible with surrounding uses, and which do not conform to the land use provisions of the Zoning By-law, nor to the land use designations of this Plan. However, the City may, through the adoption of a new Zoning By-law or through subsequent amendments to it, permit such uses, or an expansion, or change to such uses without an amendment to this Plan provided that such uses are or can be made compatible with the surrounding uses, and comply with the criteria below.
4. In considering the recognition of an established non-conforming use, or an application for an expansion, extension, or change of such use, the City or the Committee of Adjustment will have regard for the following criteria:
  - a. the proposal will not aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the Zoning By-Law applied to the area;
  - b. the proposal will create minimal impacts on surrounding uses with regard to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters;
  - c. the neighbouring conforming uses will be protected, where necessary, by the provisions of landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs; and other matters;
  - d. the traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by the appropriate design of access and egress points to, from and over the site; or through the improvement of site conditions, especially in proximity to intersections;
  - e. adequate provisions have been or will be made for off-street parking and loading facilities; and,
  - f. municipal services such as water, sanitary sewers, storm sewers and roads are adequate, or can be made adequate.

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

The property does not meet current day standards related to commercial development in a built-up urban area. In order to recognize the existing commercial use and address the unpermitted work on the property, a range of site-specific relief is required as follows:

- An unscreened outdoor storage area directly abuts an R3-1 zone, where the Zoning By-law restricts outdoor storage within any yard abutting a Residential zone boundary;
- There are no planting strips to buffer and screen the commercial use; and,
- The outdoor display and sales area along the southerly interior side yard is located in an area required for landscaped open space (planting strips).

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

*Mixed-use commercial properties are subject to Site Plan Control.*

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

Building Services have outlined the non-complying features of the property and have also advised that construction has occurred without benefit of a building permit, which should be addressed as a condition of approval.

Conservation Sudbury have indicated their concerns related to the flood plain on the subject land, and have accordingly requested a site-specific provision restricting any development within the regulated area associated with Nepahwin Creek.

#### **Planning Analysis:**

The establishment of the trailer business without the necessary approval through Committee of Adjustment compels the owner to rezone the property if the commercial use is to continue. If approved, the use will become fully entrenched on the site. Furthermore, the owner is asking for all C2 uses to be extended across the entirety of the lands. The owner is not proposing any improvements at this time, where existing conditions do not meet current-day standards for mixed-use commercial development. Council must therefore be satisfied that the proposal meets the criteria set out under Section 19.5.7 of the Official Plan related to non-conformity.

1. *The proposal will not aggravate the situation created by the existence of the use.*

The existing commercial use is fairly small scale and does not involve the repair and servicing of motorized vehicles. It is therefore considered less intensive than the engine repair shop that pre-dates the trailer business.

It is recommended that the required relief be extended only to the existing commercial use, being an automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers; and further, that a holding provision be implemented requiring a Site Plan Control Agreement prior to the introduction of additional C2 uses.

2. *The proposal will create minimal impacts on surrounding uses with regard to noise, vibrations, fumes, smoke, odours, glare, traffic generating capacity, signs and other environmental matters.*

Based on information provided by By-law Services, this process was initiated based on a complaint concerning trailers overhanging the sidewalk on Paris Street. Staff were advised that there are no additional complaints on record related to noise or other nuisance factors. Notwithstanding the above, a written submission has been received objecting to the proposal based on noise and site conditions. The noise complaint is tied to work being conducted in outdoor areas.

3. *The neighbouring conforming uses will be protected, where necessary, by the provisions of landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and*

*measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs; and other matters.*

There is an existing unscreened outdoor storage adjacent to the commercial building that directly abuts a Residential zone. Outdoor storage, which is distinct from outdoor display and sales, is not permitted in C2 zones.

It is recommended that the existing outdoor storage area be permitted only as an accessory use to the existing trailer business in order to allow the current lessee to continue to operate the business. In regards to future development and the additional C2 uses requested by the owner, site plan control will be utilized in order to improve on-site conditions to the extent possible.

4. *The traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic hazards will be kept to a minimum by the appropriate design of access and egress points to, from and over the site; or through the improvement of site conditions, especially in proximity to intersections.*

The main consideration relates to the outdoor display of trailers along the driveway entrance, which is too narrow to accommodate two-way traffic and a display area. Accordingly, the owner's rezoning sketch does not illustrate trailers parked along the driveway entrance. However a recent site visit revealed that trailers are still being displayed along the driveway entrance, which impedes sight lines and access to the site. As noted above, there has also been a complaint about trailers overhanging the sidewalk.

It is recommended that a site-specific provision be adopted that restricts outdoor display and sales on PIN 73595-0254, which is the 12 metre-wide driveway entrance to the site.

5. *Adequate provisions have been or will be made for off-street parking and loading facilities.*

Concerning the adequacy of on-site parking, Building Services advised that the parking calculations need to be revisited. The rezoning sketch illustrates 15 parking spaces where 18 spaces are required if a parking standard of 1 per 30 m<sup>2</sup> of net floor area were applied to the commercial building as an automotive sales establishment. A permitted 10% reduction for commercial uses on GOVA routes reduces the total parking requirement to 17 spaces.

Staff note that there is additional site area for two (2) more parking spaces and that relief is not warranted. Furthermore, an existing ramp to the building provides an adequate loading area.

6. *Municipal services such as water, sanitary sewers, storm sewers and roads are adequate, or can be made adequate.*

There are no concerns related to the adequacy of servicing.

### Regulated area

Nepahwin Creek traverses the property, most of which is contained within a culvert. There is an open portion of the creek that is delineated on the rezoning sketch and attached topographical survey. As a result, a small portion of the site contains a designated flood plain. Staff note that there are no buildings within the limits of the flood plain.

Conservation Sudbury recommends that a site-specific provision be included in the amending by-law that would prohibit development within the flood plain unless otherwise approved by the Conservation Authority. The limits of the flood plain will be incorporated into any future Site Plan Control Agreement.

### Recommended conditions of approval

Planning Services can support the proposal and the associated relief, but only as it relates to existing uses, being an automotive sales establishment for utility and boat trailers, a triplex and a duplex. It is recommended that a holding provision be implemented that would require a Site Plan Control Agreement prior to the introduction of any additional C2 uses in order to bring the property up to a higher standard including the interface with abutting sensitive land uses. The unpermitted work also needs to be addressed to the satisfaction of Building Services.

The following conditions of approval are recommended:

1. That prior to the enactment of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official:
  - a) Submit building permit applications addressing the construction conducted without benefit of a permit;
  - b) Remove the shipping container from the property;
2. That the amending by-law includes the following site-specific provisions:
  - a) The location of existing buildings and structures shall be permitted;
  - b) The existing duplex dwelling shall be permitted;
  - c) Outdoor display and sales shall not be permitted on PIN 73595-0254 being Parcel 13780 S.E.S.;
  - d) Excluding the above, existing outdoor storage and outdoor display and sales areas shall be permitted accessory to the existing automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers;
  - e) Planting strips shall not be required for existing uses;
  - f) That development, as defined by the Conservation Authorities Act, R.S.O. 1990, c. C.27, be prohibited in the regulatory flood plain, unless otherwise approved by Conservation Sudbury;
  - g) A Holding symbol that shall not be removed by the Council of the City of Greater Sudbury until the following condition has been addressed:
    - i) That the owners have entered into a Site Plan Control Agreement with the City of Greater Sudbury pursuant to Section 41 of The Planning Act to the satisfaction of the Director of Planning Services.

Until such time as the H symbol has been removed, the only permitted uses shall be those uses existing on the date that the amending by-law comes into effect.

## Conclusion

The proposal presents general conformity with Official Plan policies applied to non-conforming uses, as well as the policy framework outlined in the Provincial Policy Statement and the Growth Plan for Northern Ontario. The subject site is located in a fully serviced mixed-use node that is serviced by public transit. The proposed zoning is consistent with adjacent uses.

The Staff recommendation will allow the trailer business to continue while also establishing the pre-conditions for future redevelopment through the implementation of a holding provision.

# Appendix 1

## Departmental & Agency Comments

File: 751-6/21-04

**RE:** Application for Rezoning – Alesabetta & Fiorenzo Montini  
PINs 73595-0071 & 73595-0254, Parcels 9580 & 13780 S.E.S., in Lot 6, Concession 1,  
Township of McKim)

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### Development Engineering

No comments.

### Infrastructure Capital Planning Services

No concerns.

### Building Services

1. Owner to be advised that accessory outdoor storage is not permitted in a “C2” (General Commercial) zone in accordance with CGS Zoning By-Law 2010-100Z.
2. With respect to outdoor display and sales as an accessory use, owner to be advised a minimum setback of 10 m from a residential zone is required in accordance with Section 4.27.1. (b) (ii) of the CGS Zoning By-Law 2010-100Z. A review of the submitted plot plan indicates an outside storage and display area on the northerly portion of the property. Setbacks to be met or site relief will be required.
3. Owner to be informed that required areas of landscaped open space shall not be used for outdoor display and sales in accordance with Section 4.27.2. (a) of the CGS Zoning By-Law 2010-100Z.
4. A review of the submitted plot plan indicates the minimum interior side yard setback of 0.73 m on the northerly side does not meet minimum requirements in accordance with CGS Zoning By-Law 2010-100Z. Site specific relief will be required.
5. Owner to be advised that planting strips are required where the lot line of a non-residential lot abuts a residential lot or residential zone. In accordance with CGS Zoning By-Law 2010-100Z, the northerly and southerly property lines must have a 3 m wide planting strip. Alternatively where a planting strip contains an opaque wall or opaque fence having a height of 1.5 m or more, the width of the required planting strip may be reduced to 1.8 m in width.
6. We acknowledge parking calculations detailed on the submitted plot plan, however, parking for the commercial building shall conform to the requirements of an automotive use whereby 1/30 m<sup>2</sup> net floor area is required. Owner to provide the dimensions of the additions to the westerly and southerly faces of the commercial building, in order to verify parking. Parking space dimensions to comply with Section 5.2.3.1. (a) of the CGS Zoning By-Law 2010-100Z. A minor variance may be required.
7. A search of our records indicates additions were constructed to the westerly and southerly faces of the commercial building without benefit of a building permit. Building permit and



building permit documents to be submitted to the satisfaction of the Chief Building Official. Setbacks to the property line to be met in accordance with CGS Zoning By-Law 2010-100Z. A minor variance may be required.

8. A change of use permit will be required in accordance with the Ontario Building Code whereby the commercial building has transitioned from an industrial automobile use to retail sales and office space.
9. If all C2 uses are permitted, should future change of use be established in the commercial building to a more sensitive use, a Record of Site Condition may be required under the Environmental Protection Act, Ontario Regulation 153/04.
10. Our records indicate a second unit has been added to the single family dwelling without benefit of a building permit which must be legalized. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official.
11. A search of our records indicates the shed located adjacent to the tri-plex, may have been built without benefit of a building permit. Owner to be informed that any accessory structure 10 m<sup>2</sup> (108 ft<sup>2</sup>) in area or more requires a building permit. Building permit and building permit documents to be submitted to the satisfaction of the Chief Building Official. Setbacks to the property line must be met in accordance with CGS Zoning By-Law 2010-100Z. A minor variance may be required.
12. Our research indicates a shipping container may be located on the subject property. Owner to be advised that storage containers are not permitted and shall be removed in accordance with CGS Zoning By-Law 2010-100Z.

#### Conservation Sudbury

Conservation Sudbury staff has reviewed the above-noted application to amend By-law 2010-100Z, being the City of Greater Sudbury Zoning By-law from "R3-1", Medium Density Residential to "C2", General Commercial.

The application has been submitted in order to recognize an existing commercial use, being an automotive sales establishment for the display and sale, renting or leasing of utility and boat trailers; and further, to allow all uses permitted in the C2 zone.

The property has a history of legal non-conforming use, which was lost when the current commercial use was established without benefit of Committee of Adjustment approval.

Staff has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS) and as a regulatory authority under Ontario Regulation 156/06. The application has also been reviewed through our role as a public body under the Planning Act as per our CA Board approved policies.

#### Site Characteristics:

The subject lands are irregularly shaped and located on the west side of Paris Street in Sudbury. There is flood plain that extends onto the parcel. The parcel currently contains three existing structures. Due to the flood plain, portions of the subject lands are regulated by Ontario Regulation 156/06.

#### Comments:

Policy 3.1.1b) of the PPS states that "Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by

flooding hazards and/or erosion hazards.” Further, Policy 3.1.2d) states that “Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.” ‘Development’ is defined as “the creation of a new lot, a change in land use, or the construction of buildings and structures.” As the proposal is requesting a change in land use, this application is considered development as defined in the PPS (2020).

#### Recommendation:

As stated in our SPART comments dated December 11, 2019, Conservation Sudbury does not oppose the rezoning in principle, however, the rezoning of lands within the limit of the flood plain cannot be permitted to be developed. As such, Conservation Sudbury is requesting the following site-specific provision:

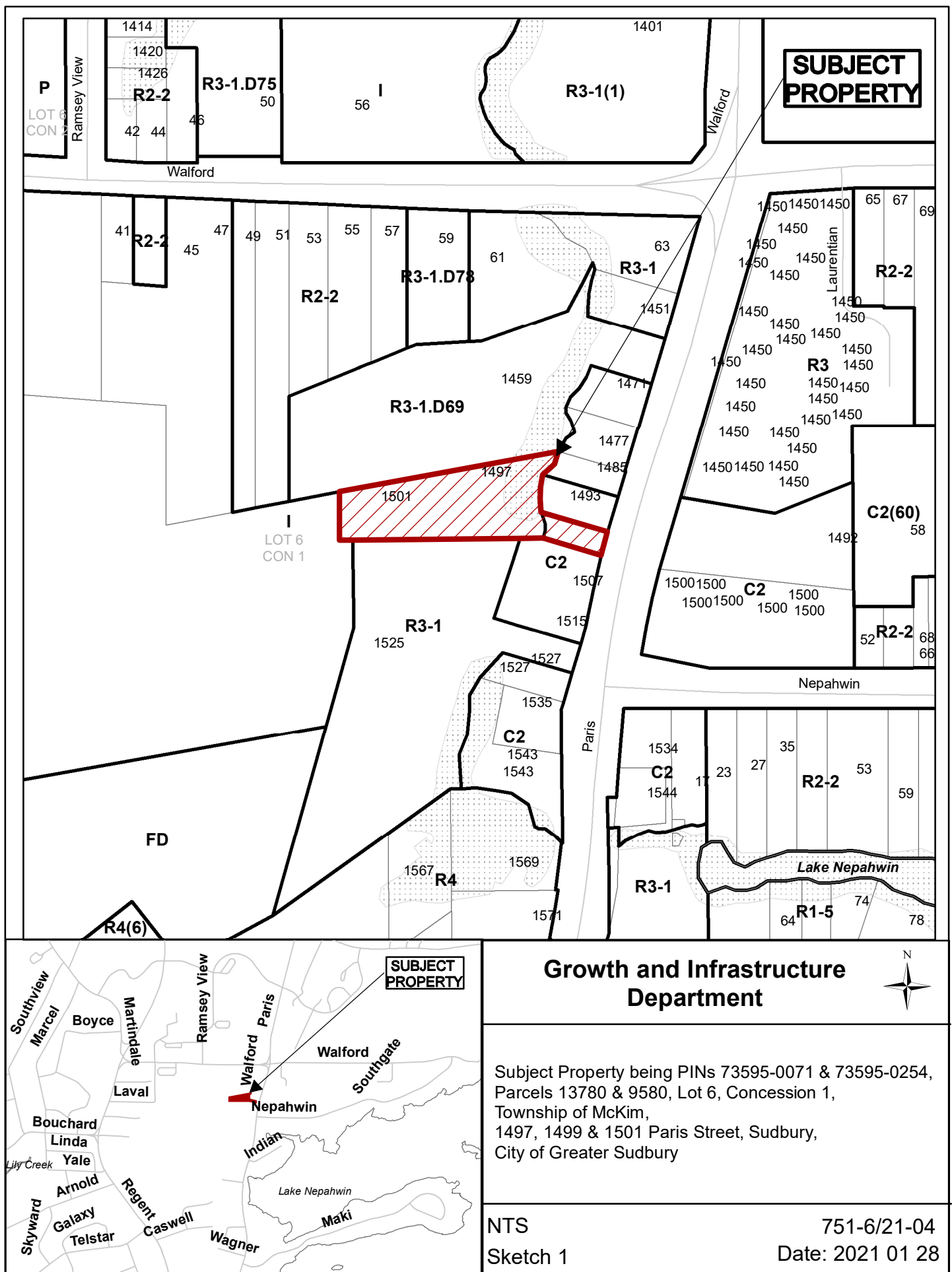
“That development, as defined by the Conservation Authorities Act, R.S.O. 1990, c. C.27, be prohibited in the regulatory flood plain, unless otherwise approved by Conservation Sudbury.”

The proponent is advised that works within an area regulated by Ontario Regulation 156/06 will require a permit pursuant to Section 28 of the Conservation Authorities Act. Works include, but are not limited to, alteration of a watercourse, grading, placement or removal of fill, and the erection of a building or structure. Scientific studies and/or technical reports may be required to support the permit application, the cost of which will be borne by the applicant. Any permit issued may include conditions of development and permits are not guaranteed.

Finally, the proponent is advised that Conservation Sudbury regulates the hazards associated with natural features and uses the attached mapping as a tool to identify those hazards for the public. Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the applicant must halt works immediately and contact Conservation Sudbury directly at 705.674.5249. Regulated natural hazards include flood plains, watercourses, shorelines, wetlands, and valley slopes.
















#### Greater Sudbury Transit

No concerns.





### Legend

-  NDCA Jurisdiction
-  Parcels (File NO)
-  Subwatersheds
-  Roads\_CGS\_2021
-  Floodplain
-  Waterbody
-  Wetland
-  Active Municipal Drains
-  Watercourse
-  Parcels (NDCA Owner)
-  Regulation Limits
-  Municipal Boundary (CGS)
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery

### Notes

Although Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on-site that have not yet been identified. Should a feature be identified, the applicant must halt works immediately and contact Conservation Sudbury at 705.674.5249. Regulated hazards include floodplains, watercourses, shorelines, wetlands, and valley slopes.

57.3 0 28.66 57.3 Meters



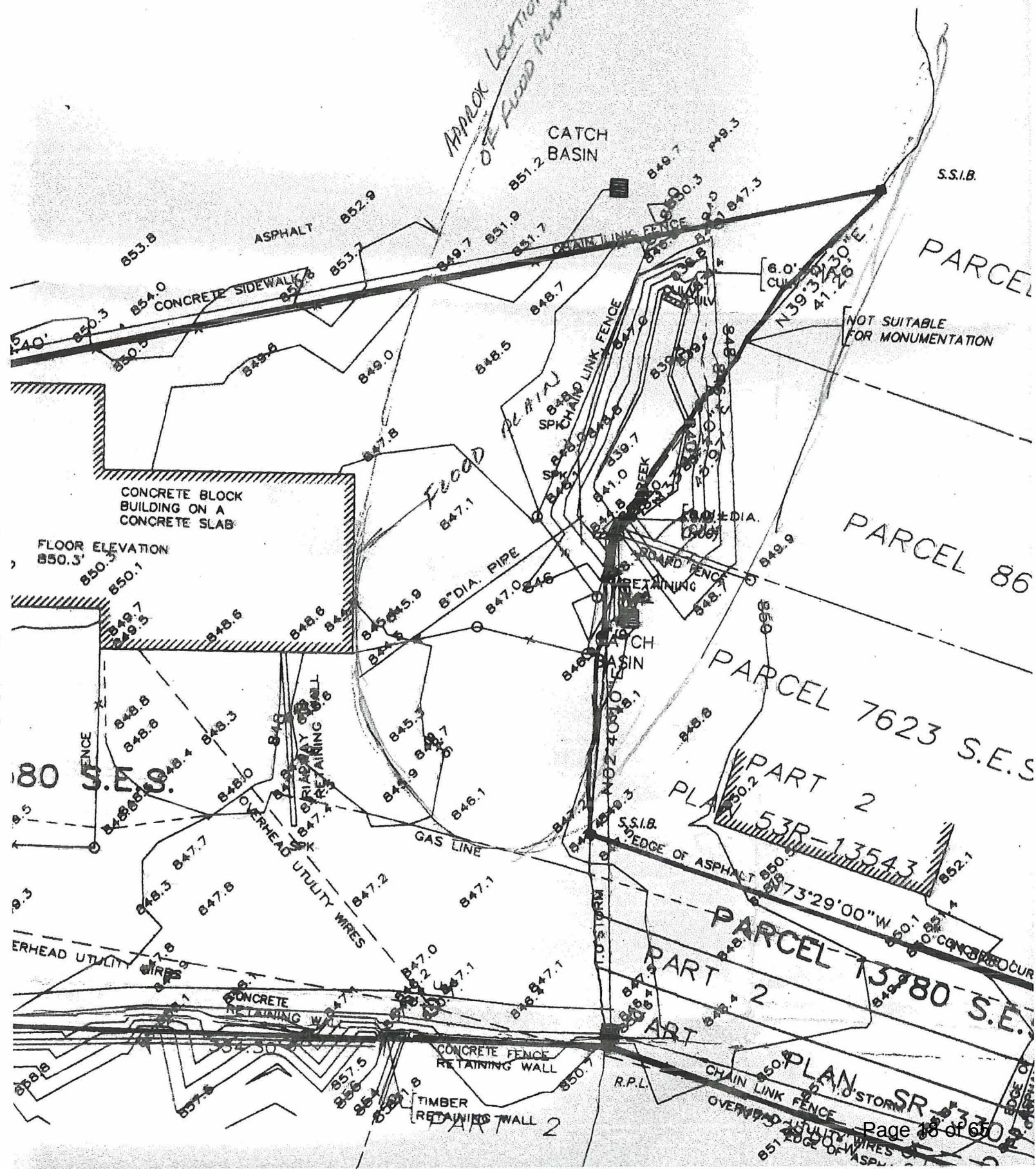




## CONCESSION

7

APPROX LOCATION  
OF HEAD (arrow)





File: 751-6/21-04  
1497, 1499, 1501 Paris St.  
Sudbury  
2017 Orthophotography



**Subject Property**

Nepahwin Avenue

Paris Street





Photo 1: 1497, 1499 & 1501 Paris Street, Sudbury  
View of commercial building (trailer sales and service)  
File 751-6/21-04 Photography: February 11, 2021



Photo 2: 1497, 1499 & 1501 Paris Street, Sudbury  
Triplex and duplex dwellings located on westerly portion of site  
File 751-6/21-04 Photography: February 11, 2021





Photo 3: 1497, 1499 & 1501 Paris Street, Sudbury  
Outdoor storage area adjacent to commercial building  
File 751-6/21-04 Photography: February 11, 2021



Photo 4: 1497, 1499 & 1501 Paris Street, Sudbury  
View of westerly rear yard including shipping container  
File 751-6/21-04 Photography: February 11, 2021



Photo 5: 1497, 1499 & 1501 Paris Street, Sudbury  
Interface with Banyan Apartment building to the south  
File 751-6/21-04 Photography: February 11, 2021



Photo 6: 1497, 1499 & 1501 Paris Street, Sudbury  
Raised parking area of Banyan Apartments abutting south limit of subject land  
File 751-6/21-04 Photography: February 11, 2021





Photo 7: 1497, 1499 & 1501 Paris Street, Sudbury  
 Northerly view of open portion of Nepahwin Creek  
 File 751-6/21-04 Photography: February 11, 2021



Photo 8: 1497, 1499 & 1501 Paris Street, Sudbury  
 Interface with Robin's Nest complex abutting to the north  
 File 751-6/21-04 Photography: February 11, 2021



Photo 9: 1497, 1499 & 1501 Paris Street, Sudbury  
Small office building abutting driveway entrance to the north  
File 751-6/21-04 Photography: February 11, 2021



Photo 10: 1497, 1499 & 1501 Paris Street, Sudbury  
Office and retail uses abutting driveway entrance to the south  
File 751-6/21-04 Photography: February 11, 2021

**Mauro Manzoni - Trailer business on Paris Street**


---

**From:** B Minor <[REDACTED]>  
**To:** <mauro.manzoni@greatersudbury.ca>  
**Date:** 4/19/2021 11:46 AM  
**Subject:** Trailer business on Paris Street  
**Attachments:** IMG\_20201011\_105722.jpg; IMG\_20210418\_130422.jpg; IMG\_20201023\_081014.jpg

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RECEIVED

APR 19 2021

PLANNING SERVICES

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My name is Rebecca Major and I live at Robin's Nest Co-Op and am opposed to there being a trailer business, or any business next door between our building and other apartment complexes. My neighbours have voiced the same concerns.

The property next to my dwelling should not be recognized as a trailer business as they did not ask for "Change of use" and have been operating without a permit. This property should not be "Rezoned" as they did not ask for minor variance to a trailer business.

Commercial business is not permitted at that address but they were grandfathered in under a different type of business.

I love my apartment because it faces the woods and I spend many hours on my balcony enjoying the scenery and lots of wildlife that lives in these woods, not to mention many species of birds. Since the nicer weather, there has been days where there is lots of noise coming from our trailer business neighbours but yesterday was the worst.

The landscape has changed and the noise amount has increased. They are in between apartment buildings and are very disruptive to people who work at the hospital and are trying to sleep for their graveyard shift and to pets.

I've attached pictures and will be sending you more with videos from yesterday's 5 hours construction session. You will see what it looked like before and now.

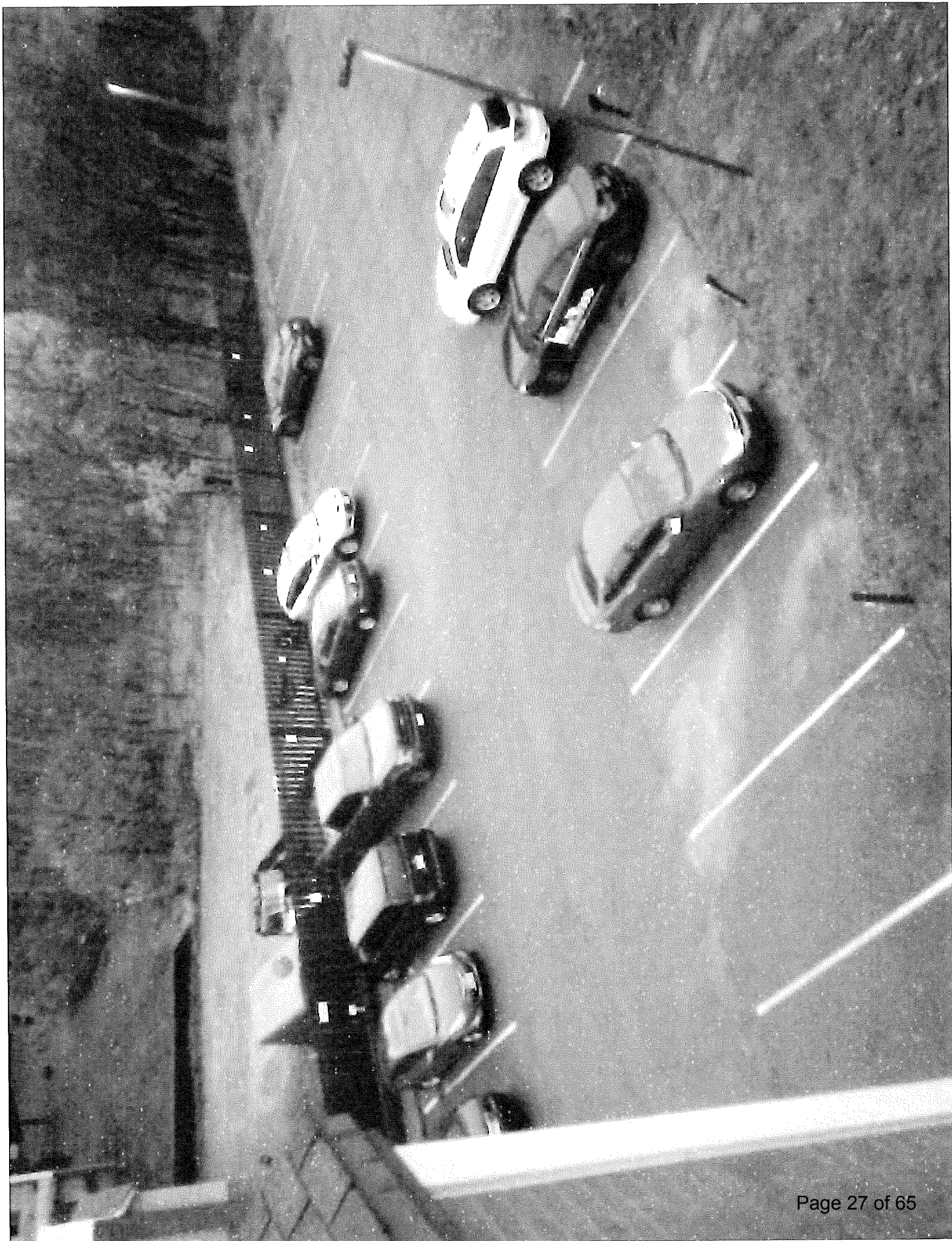
Respectfully,

Reba Major  
 1459 Paris Street  
 Unit 602  
 Sudbury, ON  
 [REDACTED]











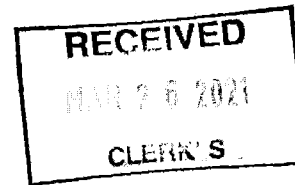






✓ AS  
mm

Deborah Tkachyk  
1-1499 Paris St.  
Sudbury, ON  
P3E 3B7



March 19, 2021

RECEIVED

MAR 26 2021

PLANNING SERVICES

City of Greater Sudbury  
City Clerk  
P.O. Box 5000, Station A  
200 Bradly Street  
Sudbury, ON, P3A 5P3

Re: File: 751-6/21-04

As per the letter of February 19, 2021. I am writing to request that I be notified of the decision on the "proposed zoning by-law amendment".

Thank you,

*Deborah Tkachyk*

Deborah Tkachyk

## 3500 Falconbridge Highway, Garson

Presented To:	Planning Committee
Meeting Date:	May 26, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-3/21-01

## Report Summary

This report provides a recommendation regarding an application for rezoning in order to permit a one-storey multiple dwelling with four (4) units.

This report is presented by Mauro Manzon, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by TJ Herault to amend Zoning By-law 2010-100Z by changing the zoning classification from “R2-2”, Low Density Residential Two to “R3-Special”, Medium Density Residential Special on lands described as PIN 73495-0233, Parcel 7194 S.E.S., in Lot 5, Concession 2, Township of Garson, as outlined in the report entitled “3500 Falconbridge Highway, Garson”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 26, 2021, subject to the following conditions:

- a) That prior to the adoption of the amending by-law, the following condition shall be addressed:
  - i) That the owner submit a design lot grading plan to the satisfaction of the Director of Planning Services;
- b) That the amending by-law includes the following site-specific provisions:
  - i) Uncovered decks shall not encroach into the required front yard;
  - ii) Uncovered decks greater than 1.2 metres in height may encroach 2 metres into the required rear yard but not closer than 1.4 metres to the rear lot line;
  - iii) The minimum rear yard setback shall be 3.4 metres;
  - iv) The width of the required planting strip along the easterly and westerly interior side yards may be reduced to 1.2 metres provided the planting strip is installed in conjunction with a minimum 1.5 metre-high opaque fence;
  - v) The width of the required planting strip along the rear lot line may be reduced to 1.4 metres provided the planting strip is installed in conjunction with a minimum 1.5 metre-high opaque fence; and,

- vi) A refuse storage area may be permitted in the required rear yard provided it maintains a minimum setback of 1.4 metres from the rear lot line.
- c) Conditional approval shall lapse on June 15, 2023 unless Condition a) above has been met or an extension has been granted by Council.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal will further diversify the supply of new housing and is therefore consistent with the goals and objectives of the Strategic Plan. As a form of infill development in a built-up urban area, the proposal aligns with the recommendations of the Community Energy & Emissions Plan.

## **Financial Implications**

If the rezoning is approved, staff estimates approximately \$10,000 in taxation revenue in the supplemental tax year only, based on the assumption of 4 multiple dwelling units, offset by the demolition of the existing single detached dwelling, 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 \$24,000 based on the assumption of 4 multiple dwelling units reduced by the credit from demolition of the existing single detached dwelling unit based on the rates in effect as of this report.

### **Report Summary:**

An application for rezoning has been submitted in order to permit a fourplex dwelling on the property municipally known as 3500 Falconbridge Highway, Garson. Staff support the proposal and the necessary relief to accommodate the fourplex, with the exception of the deck encroachment into the required front yard, which would comprise future road improvements including the implementation of complete streets.

## **Staff Report**

### **Proposal:**

An application for rezoning has been submitted in order to permit a one-storey multiple dwelling with four (4) ground-oriented dwelling units. Site-specific relief is required for the rear yard setback, deck encroachments into the required front and rear yards, reduced planting strips along all lot lines, and a refuse storage area in the rear yard.

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

R2-2 zoning permits single detached, duplex and semi-detached dwellings.

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



R3 zoning permits a range of residential use, including low density housing types (singles, semis and duplexes), as well as medium density residential uses (multiples dwellings, row dwellings, street townhouses). Site-specific relief is required in order to accommodate a fourplex due to the depth and width of the subject lot.

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

PIN 73495-0233, Parcel 7194 S.E.S., in Lot 5, Concession 2, Township of Garson (3500 Falconbridge Highway, Garson)

The subject property is located on the south side of Falconbridge Highway in the community of Garson. The area is fully serviced by municipal water and sanitary sewer. Falconbridge Highway (Municipal Road 86) is designated as a Primary Arterial Road and is constructed to an urban standard with a sidewalk on both sides of the road. There is no centre-turn lane on this portion of MR86. The closest public transit stops are located approximately 270 metres to the west on Orell Street.

Total lot area is 818 m<sup>2</sup>, with 26.8 metres of frontage and 30.48 metres of depth. The lot is occupied by a vacant single detached dwelling and a detached garage that are intended to be demolished. The subject property is located in a vulnerable area under the Source Protection Plan (WHPA B & C of Garson Wells 1 & 3).

Single detached dwellings abut to the east and west (3488 & 3504 Falconbridge Highway). The rear lot line abuts a City-owned park (Catherine Park) and a single detached dwelling (240 Catherine Drive). The surrounding area comprises a mix of low and medium density housing and commercial uses.

### **Surrounding Land Uses:**

The area surrounding the site includes:

East: Single detached dwelling (3504 Falconbridge Highway)

West: Single detached dwelling (3488 Falconbridge Highway)

North: Commercial building (3493 Falconbridge Highway) and a single detached dwelling (3505 Falconbridge Highway)

South: City-owned park and a single detached dwelling (240 Catherine Drive)

### **Public Consultation:**

The notice of complete application was circulated to the public and surrounding property owners on February 11, 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 May 8, 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.

The application indicates that the owner will distribute letters to adjacent properties.

As of the date of this report, one (1) phone call seeking clarification has been received.

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

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

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

- [Zoning By-law 2010-100Z](#)

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

### **Provincial Policy Statement:**

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

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

### **Growth Plan for Northern Ontario:**

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

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

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

#### **Living Area 1**

The subject land is designated as Living Area 1, which permits a range of residential uses including medium density housing types. Medium and high density residential uses should be located on sites in close proximity to Arterial Roads, public transit, main employment and commercial areas, open space areas, and community/recreational services. The following criteria under Section 3.2.1 of the Official Plan are to be considered:

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

#### **Residential intensification**

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

- a. the suitability of the site in terms of the size and shape of the lot, soil conditions, topography and drainage;
- b. compatibility with the existing and planned character of the area;
- c. the provision of on-site landscaping, fencing, planting and other measures to lessen any impact the proposed development may have on the character of the area;
- d. the availability of existing and planned infrastructure and public service facilities;
- e. the provision of adequate ingress/egress, off-street parking and loading facilities, and safe and convenient vehicular circulation;

- f. the impact of traffic generated by the proposed development on the road network and surrounding land uses;
- g. the availability of existing or planned, or potential to enhance, public transit and active transportation infrastructure;
- h. the level of sun-shadowing and wind impact on the surrounding public realm;
- i. impacts of the proposed development on surrounding natural features and areas and cultural heritage resources;
- j. the relationship between the proposed development and any natural or man-made hazards; and,
- k. the provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act.

#### **Community and neighbourhood design: complete streets**

Chapter 14 contains various policies related to urban design, including complete streets. As outlined under Section 14.3, streets are significant public realm elements that provide connectivity, serve pedestrians, cyclists, public transit and vehicles, provide space for stormwater management and other municipal services and private utilities, trees and other amenities. Streets will be designed to perform these diverse roles balancing the needs of various users within the right-of-way.

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

The following site-specific relief is required in order to accommodate the proposed fourplex on the subject lot:

- a rear yard setback of 3.47 metres where a minimum 7.5 metres is required;
- a deck encroachment of 2 metres into the reduced rear yard where the deck will be 1.47 metres from the rear lot line where a minimum of 3 metres is required;
- a deck encroachment of 2 metres into the required front yard where no encroachment is permitted for decks greater than 1.2 metres in height;
- a reduced planting strip width of 1.2 metres in conjunction with a 1.5 metre-high opaque fence along the easterly and westerly interior side yards where a minimum 1.8 metres of landscaped area is required;
- a reduced planting strip width of 1.47 metres in conjunction with a 1.5 metre-high opaque fence along the rear lot line where a minimum 1.8 metres of landscaped area is required; and,
- a refuse storage area in the rear yard that encroaches into the required planting strip where such facilities are permitted in interior yards only and are not permitted to occupy any area of required landscaped open space.

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

A fourplex dwelling is not subject to site plan control.

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

Development Engineer advised that a design lot grading plan is required prior to the adoption of the amending by-law in order to ensure that there are no negative drainage impacts on abutting properties.

ICPS (Transportation & Innovation Section) advised of the need for 6.5 metres of land for future road improvements and that the proposed decks and walkway encroach into this area.

Building Services indicated that the front yard setback of the existing dwelling needs to be verified at the building permit stage in order to determine the established building line.

#### **Planning Analysis:**

The main land use considerations related to this proposed infill development concern the reduced front and

rear yard setbacks and the interface with abutting properties including the right-of-way. The depth of the lot serves as a constraint given the building format, being four (4) ground-oriented dwelling units with exterior access.

#### Land use compatibility

##### a) Density

The residential density is calculated at 49 dwelling units per hectare (du/ha), which is less than the maximum density permitted on medium density sites under the Official Plan (90 du/ha). The size of the lot and the proposed one-storey built form essentially limit the intensity of use.

##### b) Built form

The owner is proposing a one-storey dwelling with four (4) ground-oriented dwelling units with exterior access to a deck. The decks will serve as the main entrance to each unit. There are no common areas within the building. A footprint of 484 m<sup>2</sup> represents a lot coverage of 30% where a maximum of 40% is permitted.

Site-specific relief is required to accommodate the preferred design as detailed above in the section on zoning compliance. For the information of the Committee, the owner/developer constructed similar buildings at 1203 and 1209 Howey Drive (rezoning not required).

##### c) Traffic impact

The subject site is located on a Primary Arterial Road with an average annual daily traffic (AADT) volume of 10,949 vehicles per day (2016 data). There is no significant traffic impact based on the small number of units.

##### d) Interface with abutting properties

The existing lot depth has been identified as a constraint. In order to accommodate the preferred built form, relief is required for the rear yard setback. The owner is also utilizing the established building line provisions of the Zoning By-law to implement a reduced front yard setback along Falconbridge Highway: 7.5 metres is provided where a minimum 15 metres is required along Primary Arterial Roads. In both cases, the proposed decks encroach into the reduced yards. The owner advised that the proposed decks will be approximately 1.4 metres in height above finished grade to the top of the finished deck floor.

##### i) Front yard

Transportation & Innovation Section have identified a need to acquire a maximum 6.5 metres of land along the street line for future road improvements. The future road widening will facilitate the construction of complete streets, including active transportation components such as improved pedestrian facilities and bike lanes.

Currently the sketch indicates a 2-metre encroachment into the required front yard. It is the staff recommendation that no deck encroachment be permitted into the required front yard, as this would directly compromise future improvements within the right-of-way. Conventional access in the form of steps should be considered as an alternative for the street-oriented units.

##### ii) Rear yard

The building is oriented towards the southeast corner of the lot, where the subject land abuts a City park. Staff have no concerns related to the reduced rear yard setback along this portion



of the property. The proposed decks will face an open space area under public ownership. A planting strip will be required along the full length of the rear lot line, including the portion that abuts a low density residential use on Catherine Drive.

iii) Refuse storage area and reduced planting strips

Site-specific relief is required for the width of the planting strips along the interior and rear lot lines and the location of the refuse storage area, which is permitted in interior yards only and shall not occupy any area of required landscaped open space. Staff can support the reduced landscaped areas provided the planting strips are installed in conjunction with a minimum 1.5 metre-high opaque fence.

Given the site layout, there is no other feasible location for the refuse storage area other than the rear yard. A minimum setback of 1.4 metres is therefore recommended, which aligns with the reduced width of the proposed planting strip along the rear lot line.

### Parking

Six (6) parking spaces are required for a four-unit multiple dwelling. In this case, parking can be accommodated in the westerly interior side yard with the vehicles parked perpendicular to the building. In order to provide parking, a planting strip with a reduced landscaped area of 1.2 metres is required in conjunction with an opaque fence.

The applicant has demonstrated that minimum parking requirements can be addressed on-site and there are no concerns related to on-site circulation. The relocated driveway entrance must be appropriately sited to avoid an existing hydro pole, which is approximately 10.5 metres from the westerly limit of the subject land at the street line based on the City's as-built drawing. A driveway entrance permit will be required at the building permit stage, at which time the location of the hydro pole shall be verified.

### Drainage

Given that a significant portion of the site will be occupied by a building and a parking area, there are concerns related to site drainage and the potential impact on abutting properties. In this case, there are single detached dwellings located to the east and west. The parking area in particular increases the amount of impervious area, which has direct implications for urban runoff.

Given the more intensive use, it is recommended that a design lot grading plan be required as a condition of approval in order to ensure drainage requirements can be addressed prior to rezoning the property in final form.

### Source Protection

The subject property is located within Wellhead Protection Areas (WHPA) B & C of Garson Wells 1 & 3. Given that the development will be fully serviced, there are no significant drinking water threats that have been identified. The owner is advised that a Section 59 application under the [Clean Water Act](#) will be required at the building permit stage.

### Official Plan conformity

The proposal conforms to Official Plan policies related to residential intensification as follows:

- There are no major concerns related to land use compatibility provided planting strips are installed as recommended;
- The subject lot is located on a Primary Arterial Road serviced by public transit;
- There is close proximity to commercial and community services, including a grocery store that is

located approximately 900 metres to the west;

- Sewer and water services including fire flows are adequate;
- The traffic impact is negligible based on the small number of units;
- On-site parking and circulation are adequate based on the submitted plan;
- Potential drainage impacts can be addressed by requiring a design lot grading plan as a condition of approval;
- Future right-of-way improvements intended to achieve complete streets are protected by restricting deck encroachments into the required front yard; and,
- the proposal will contribute towards residential intensification targets within the built boundary of Garson.

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

The subject property is located within settlement area boundaries in a fully serviced area designated for residential development and serviced by public transit. The proposal aligns with Provincial policies aimed at increasing the range of housing options within the community. As infill development, the project will contribute towards residential intensification targets within built-up areas required under the PPS. Furthermore, existing infrastructure is adequate to support development including sewer and water services. The development will be fully serviced and does not represent a significant drinking water threat within a vulnerable area.

The proposal will contribute towards the diversification of the housing supply, in keeping with Greater Sudbury's designation as an Economic and Service Hub under the GPNO.

The application is consistent with the 2020 Provincial Policy Statement and conforms to the 2011 Growth Plan for Northern Ontario.

### **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: 751-3/21-01

**RE:** Application for Rezoning – TJ Herault  
PIN 73495-0233, Parcel 7194 S.E.S., in Lot 5, Concession 2, Township of Garson (3500 Falconbridge Highway, Garson)

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### Development Engineering

This site is presently serviced with municipal water and sanitary sewer. Based on the amount of impervious surface proposed, and the need to have reduced setbacks to accommodate development on this lot, a design lot grading plan will be required as a condition for the zoning by-law amendment. We have no objection to changing the zoning classification to “R3-Special”, Medium Density Residential Special provided that a design lot grading plan is provided and accepted by the City.

### Infrastructure Capital Planning Services

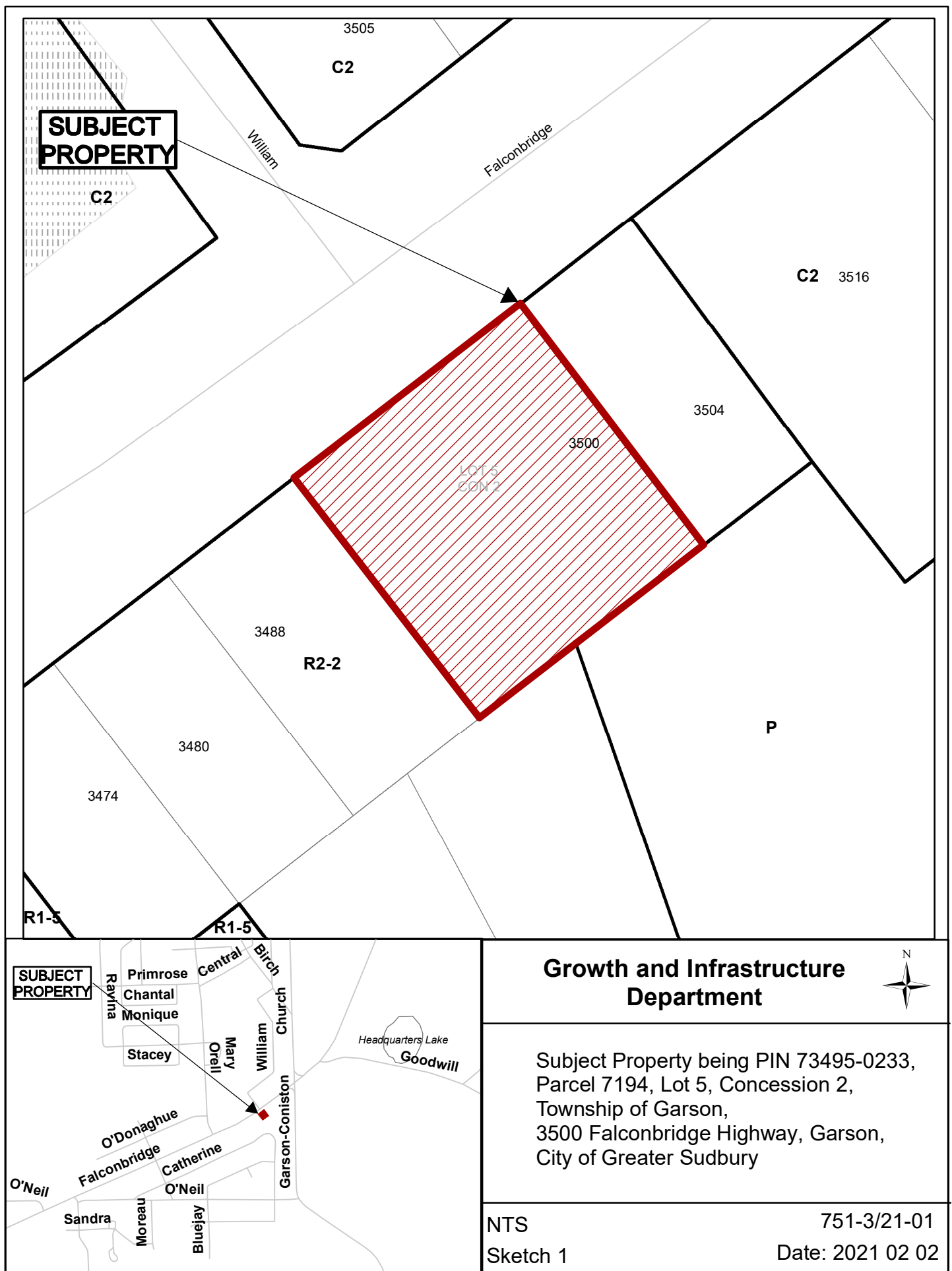
Based on the City’s Official Plan there is a requirement for 6.5 metres of property for future road improvements through this section of Falconbridge Highway. The property will accommodate upgrades through the area such as the need for a centre left turn lane. The owner should be aware that the 6.5 metres extends into deck and walkway of the proposed development.

### Building Services

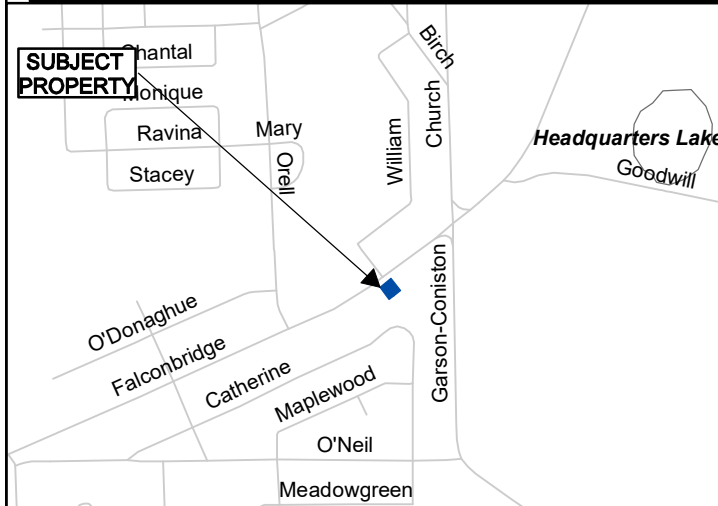
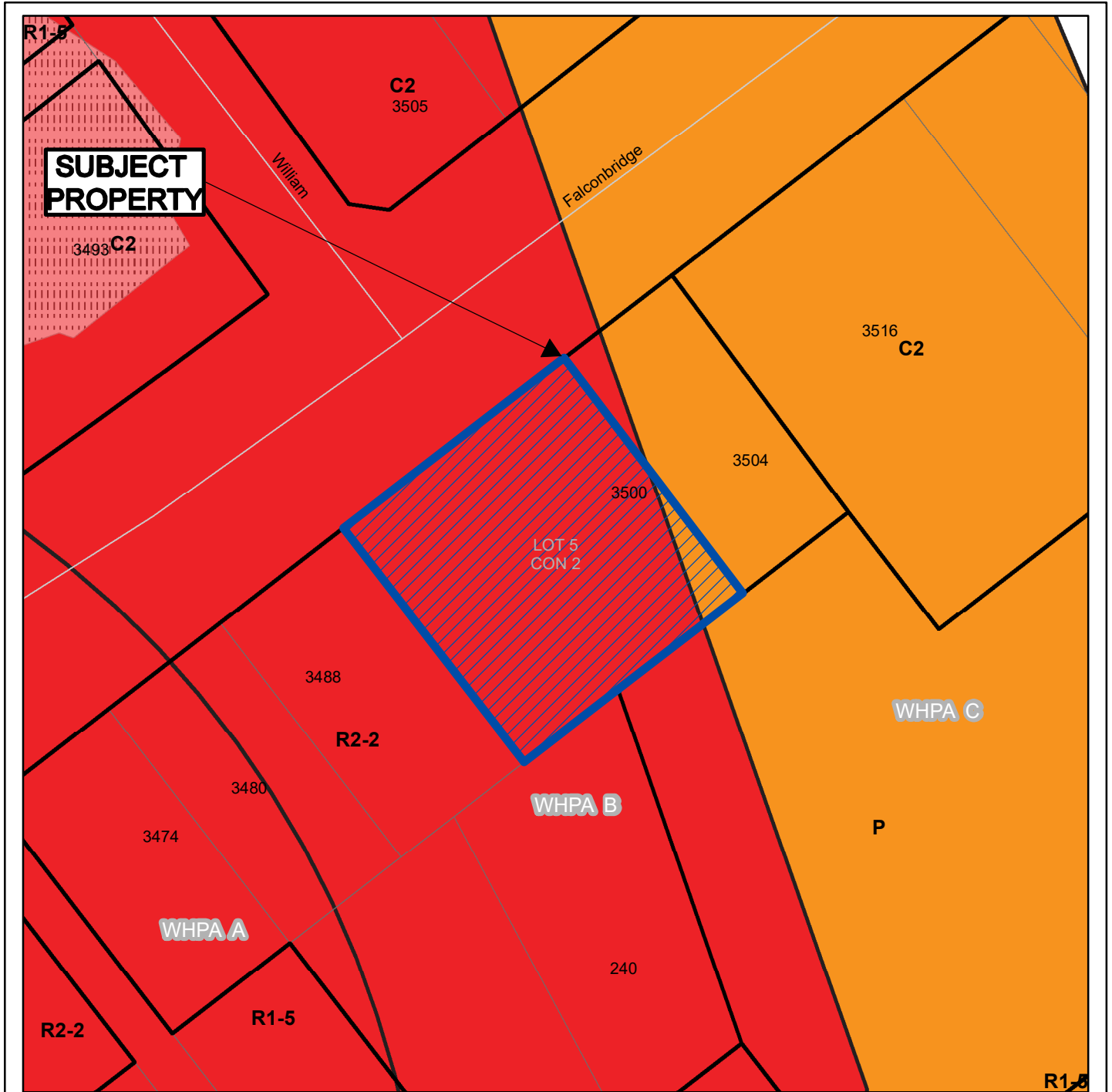
- 1) As outlined in the memo, we acknowledge the site-specific relief for the reduced rear yard setback and reduced planting strips and have no concerns.
- 2) In accordance with Section 4.8 of the CGS Zoning By-Law, as to verify the established building line of the required front yard for the proposed building, the owner is to provide the front yard setback of the existing dwelling. A minor variance or site-specific alleviation may be required if the minimum front yard cannot be met.
- 3) Owner to be informed the decks located on the northerly side of the building are not permitted to encroach into the required front yard more than 1.2 m in accordance with Section 4.1 of the CGS Zoning By-Law.
- 4) Our research indicates there is an existing garage on the property. Please ensure the garage is included in the Application for Demolition at the time of building permit submission.
- 5) Owner to be advised that the subject property is located in a vulnerable area under Source Water Protection (WHPA B & C of Garson Wells 1&3). For this reason, a Section 59 Notice will be required at the time of building permit.

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

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



# Source Protection Plan Map



## Growth and Infrastructure Department



Subject Property being PIN 73495-0233,  
Parcel 7194, Lot 5, Concession 2,  
Township of Garson,  
3500 Falconbridge Highway, Garson,  
City of Greater Sudbury

SPP: Well Head Protection Area B & C

Sketch 1  
NTS

751-3/21-01  
Date: 2021.02.02  
Page 41 of 65

#### 4.8 ESTABLISHED BUILDING LINE

a) Notwithstanding any other provision hereof to the contrary, where:

i) a vacant interior lot exists between legal existing buildings on the same side of a street; and

ii) where none of the three lots exceed 30.0 metres in lot frontage,

the minimum front yard required on the said interior lot when vacant shall be the average of the established building lines on the said two abutting lots but shall not be greater than the minimum front yard depth required for the zone in which such lot is located, and, where the said interior lot contains an existing main building, the minimum front yard required shall be the average established building lines of all three lots.

b) Notwithstanding the above paragraph, if one of the two abutting lots is vacant, the established building line will be established using the next abutting developed lot provided it is located within 30.0 metres of the subject lot.

#### SITE DATA:

ADDRESS: 3500 FALCONBRIDGE ROAD (REGIONAL ROAD 86)

LOT AREA: 817.54 m<sup>2</sup>

BUILDING AREA: 242.24 m<sup>2</sup>

LOT COVERAGE: 29.6 %

GROSS FLOOR AREA: 484.48 m<sup>2</sup>

PERCENTAGE OF LOT AREA: 59.2 %

TOTAL LANDSCAPE AREA: 391.9 m<sup>2</sup>

FRONT YARD AREA: 220.74 m<sup>2</sup>

FRONT YARD LANDSCAPE AREA: 175.68 m<sup>2</sup>

PERCENTAGE OF FRONT YARD: 79.4 %

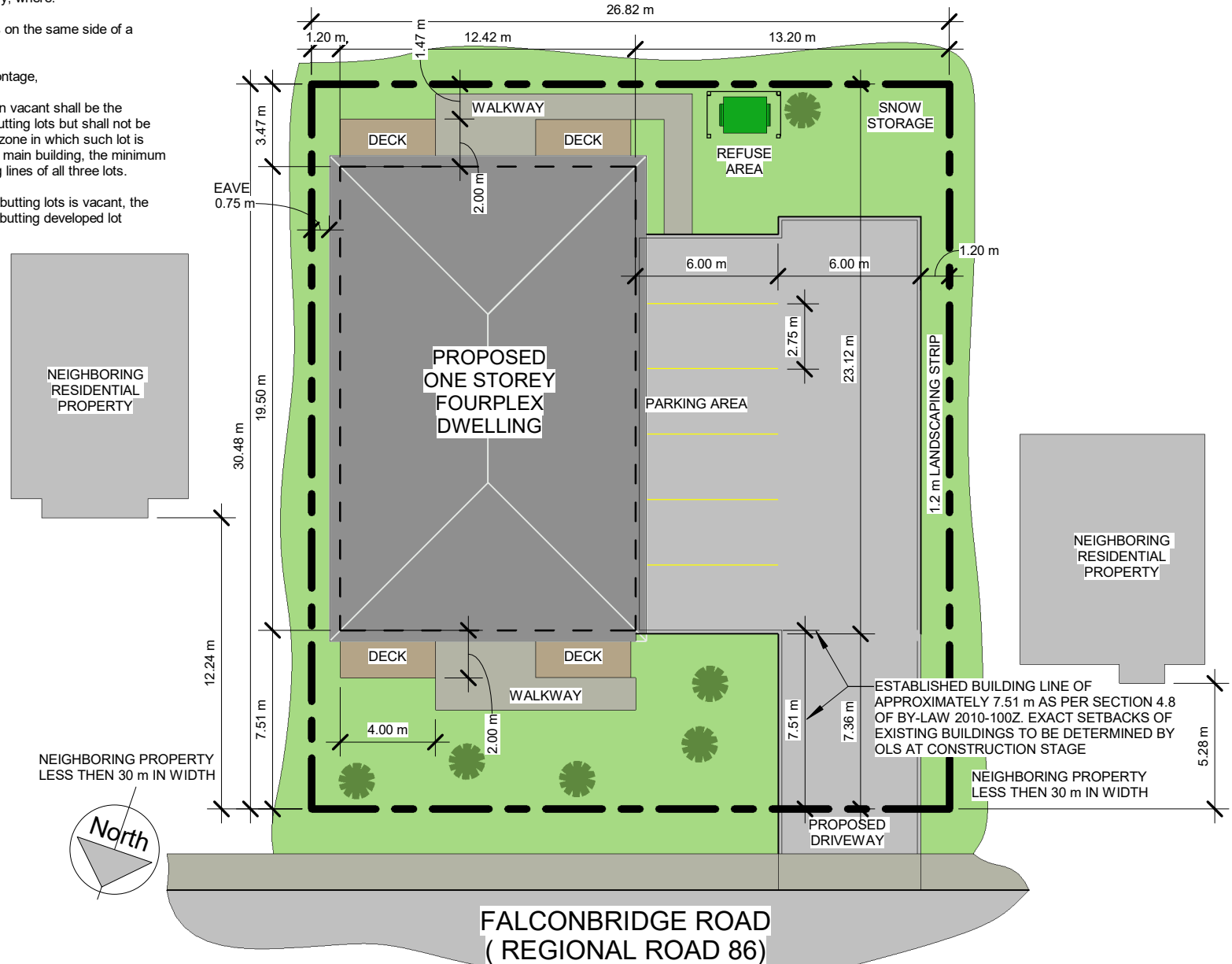
FRONT YARD SETBACK: 7.51 m

SIDE YARD SETBACK: EAST 1.22 m WEST 13.20 m

REAR YARD SETBACK: 3.47 m

PARKING SPACES REQUIRED: 6 SPACES

PARKING SPACES PROVIDED: 6 SPACES



SITE PLAN  
1:250



Photo 1: 3500 Falconbridge Highway, Garson  
View of subject property from north side of road  
File 751-3/21-01 Photography February 17, 2021





Photo 2: 3504 & 3516 Falconbridge Highway, Garson  
Single detached dwelling and commercial building located east of subject property  
File 751-3/21-01 Photography February 17, 2021





Photo 3: 3488 Falconbridge Highway, Garson  
Single detached dwelling abutting westerly  
File 751-3/21-01 Photography February 17, 2021



Photo 4: 3500 Falconbridge Highway, Garson  
View of rear yard abutting park  
File 751-3/21-01 Photography February 17, 2021



Photo 5: 3500 Falconbridge Highway, Garson  
View of easterly interior side yard and abutting single detached dwelling  
File 751-3/21-01 Photography February 17, 2021



## Twin Lake Subdivision Extension - April 2021

Presented To:	Planning Committee
Meeting Date:	May 26, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	780-6/03001

## Report Summary

This report provides a recommendation regarding a request to extend a conditional approval on a draft plan of subdivision, Twin Lake Subdivision, Sudbury - Dalron Construction.

## 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 Parcel 49532 SES, Lots 163-165, Plan M-423, Lot 2, Concession 2, Township of McKim, File # 780-6/03001, as outlined in the report entitled "Twin Lake Subdivision Extension - April 2021", from the General Manager of Growth and Infrastructure, presented at the meeting of May 26, 2021, as follows:

1. By deleting Condition #20 and replacing it with the following:

"20. That this draft approval shall lapse on March 24, 2023.";

2. By deleting Condition #29 and replacing it with the following:

"29. The owner shall provide to the City, as part of the submission of servicing plans an erosion and sediment control plan detailing the location and types of sediment and erosion control measures to be implemented during the construction of each phase of the project. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All erosion and sediment 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 erosion and/or sediment problem is addressed."; and,

3. By deleting the introductory and first paragraph in Condition #45 and replacing it with the following:

- “45. A storm-water management report and associated plans must be submitted by the owner’s consulting engineer for approval by the City to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The report must address the following requirements:”.

## **Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)**

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 draft approved plan of subdivision approval is extended, staff estimates approximately \$482,000 in taxation revenue in the supplemental tax year only, based on the assumption of 72 single detached dwelling units at an estimated assessed value of \$500,000 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 \$1.3 million based on the assumption of 72 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 (ie. roads, water/wastewater linear pipes, etc).

## **Report Summary**

The owner has requested an extension to the draft plan of subdivision approval for the Twin Lakes Subdivision in the community of Sudbury for a period of two years until March 24, 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 two years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval.

Conservation Sudbury has requested that existing conditions related to erosion and sediment control, as well as storm-water management be revised in order to reflect current standard draft approval condition verbiage. Conservation Sudbury has also requested new conditions 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. Staff has reviewed the proposed additional conditions 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 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 two years until March 24, 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:

Dalron Construction Ltd.

## Location:

Parcel 49532 SES, Lots 163-165, Plan M-423, Lot 2, Concession 2, Township of McKim (Twin Lakes Subdivision, Sudbury)

## Application:

To extend the draft approval conditions for a plan of subdivision which were approved initially by Council on March 24, 2004. The draft approval was most recently extended by Council on June 23, 2020, until March 24, 2021, for a plan of subdivision on those lands described as Parcel 49532 SES, Lots 163-165, Plan M-423, Lot 2, Concession 2, Township of McKim (ie. Twin Lakes Subdivision). There was an administrative extension issued by the Director of Planning Services having the effect of establishing a new lapsing date of July 24, 2021, in order to allow for agencies and departments to complete their review of the request. The most recent administrative extension was also granted in order to also afford staff the opportunity to schedule the item to a meeting of Planning Committee that is appropriate given the emerging and changing best practices for scheduling meetings due to the Covid-19 global pandemic.

## Proposal:

The owner is requesting that the draft approval conditions for the above noted lands be extended for a period of two years until March 24, 2023.

## Background:

The City received a written request via email from Dalron Construction Ltd. on February 17, 2021, to extend the draft approval on a plan of subdivision for a period of three years on those lands described as Parcel 49532 SES, Lots 163-165, Plan M-423, Lot 2, Concession 2, Township of McKim. The draft approved plan of subdivision was initially approved by Council for a total of 72 urban residential lots to the north of South Bay Road and to the south of Bethel Lake in the community of Sudbury. The lots are to be accessed from Lakewood Drive and South Bay Road. Staff notes that no phases of the draft approved plan of subdivision have been registered since the initial draft approval granted by Council on March 24, 2004.

The draft approval is set to expire again on July 24, 2021, following the issuance of an administrative extension. Staff has circulated the request to relevant agencies and departments and is now bringing forward this report to extend the draft approval to March 24, 2023.

## Departmental & Agency Circulation:

Active Transportation, Building Services, the City's Drainage Section, Fire Services, Leisure Services, Operations, Roads, Transportation and Innovation, and Transit Services 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 noted that a floodplain associated with Bethel Lake present on portions of the subject lands. Those portions of the lands that are within said floodplain are therefore regulated by [Ontario Regulation 156/06](#). The owner is advised that development will not be permitted within the floodplain as there is sufficient land outside of the flood hazard to accommodate the development proposal. Conservation

Sudbury has requested that Condition #29 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 in part of Conservation Sudbury. Conservation Sudbury is also requesting that Condition #45 be amended to add the Nickel District Conservation Authority (NDCA) as a review and approval body as it relates to the required storm-water management report and associated plans. Conservation Sudbury is also requesting that several 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.

Development Engineering has no concerns with the current draft approval extension request, but has noted that no construction drawings have been received with respect to the draft approved plan of subdivision since May 2013. Development Engineering would further note that all required changes from their areas of interest were addressed in the last draft plan approval extension request that was approved by Council previously on June 23, 2020.

Environmental Initiatives noted in the most recent (ie. June 2020) draft plan approval extension request that there are no significant environmental concerns arising from this application that are not already addressed by the existing draft approval conditions for the Twin Lakes Subdivision. Environmental Planning Initiatives further noted at that time and advised the owner that they are solely responsible for ensuring that activities relating to vegetation removal, site alteration and development undertaken on the subject lands do not result in a contravention of the [Endangered Species Act](#).

## **Planning 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 (eg. 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 March 24, 2004, and at the time of writing this report, there have been no phases or lots registered within the Twin Lakes Subdivision. Staff therefore advises that all 72 lots that were originally draft approved by Council remain unregistered within the draft approved Twin Lakes Subdivision.

The owner did note in their draft approval extension request that they remain committed to fully developing the subdivision and that they are engaged in ongoing talks with the landowner to the east with respect to cost-sharing the required extension of municipal services along South Bay Road in order to accommodate the development of the Twin Lakes 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. Staff through this process 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 #20 should be deleted entirely and replaced with a sentence referring to March 24, 2023, as the revised date on which the subject draft plan of subdivision approval shall lapse.

Conservation Sudbury has requested that Condition #29 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 NDCA. Conservation Sudbury is also requesting that they be added to Condition #45 as a reviewing and approval body with respect to those standard storm-water management report and associated plans that are required for the proper development of the Twin Lakes Subdivision. Conservation Sudbury is also requesting that several 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. [Staff has reviewed the proposed additional conditions 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. The requested changes to Condition #29 and #45 that were requested by Conservation Sudbury and these changes are incorporated into the Resolution section of this report.

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.

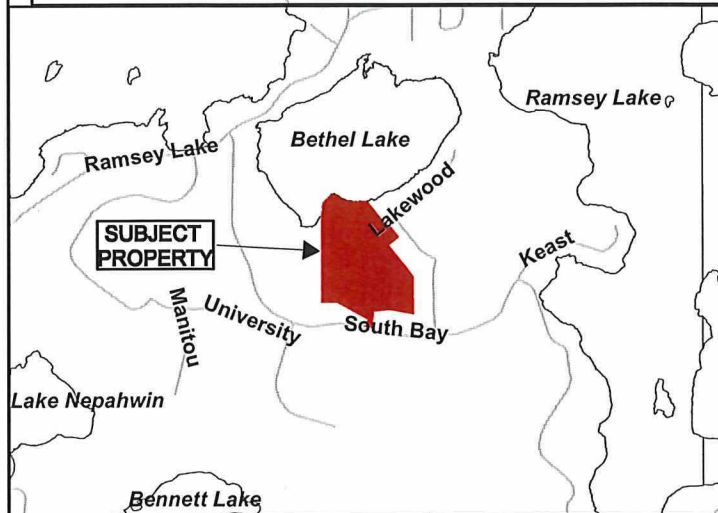
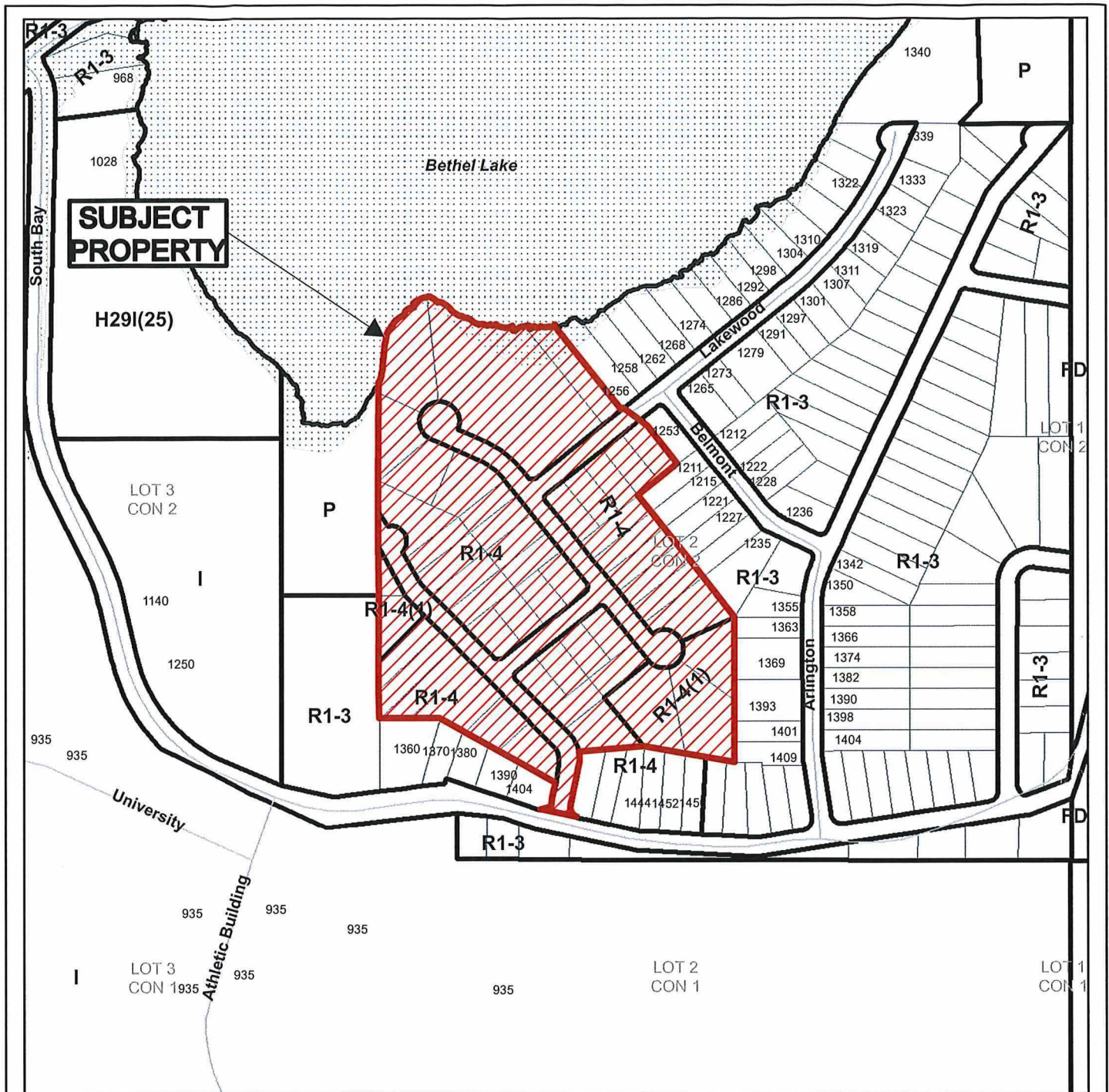
The existing draft approval conditions are attached to this report along with a copy of the draft approved plan of subdivision for reference purposes.

#### Processing Fees

The owner has provided the applicable processing fee in the indexed amount of \$2,335.85. This amount was calculated as per [By-law 2020-26](#) being the indexed 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 have reviewed the request to extend the subject draft approved plan of subdivision and have no objections to the requested extension for a period of two years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft 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 Twin Lakes Subdivision for a period of two years until March 24, 2023, be approved as outlined in the Resolution section of this report.



## Growth and Development Department



Subject Property being PINs 73592-0402, -0404, -0405, -0406, -0407, -0079, -0201, -0055, part of PINs 73592-0403 & -0345, -0408, Pcl. 49532 SES, Lots 71 - 91, 159 - 190, Plan M-423, Lot 2, Con. 2, Twp. of McKim, South Bay Road, City of Greater Sudbury

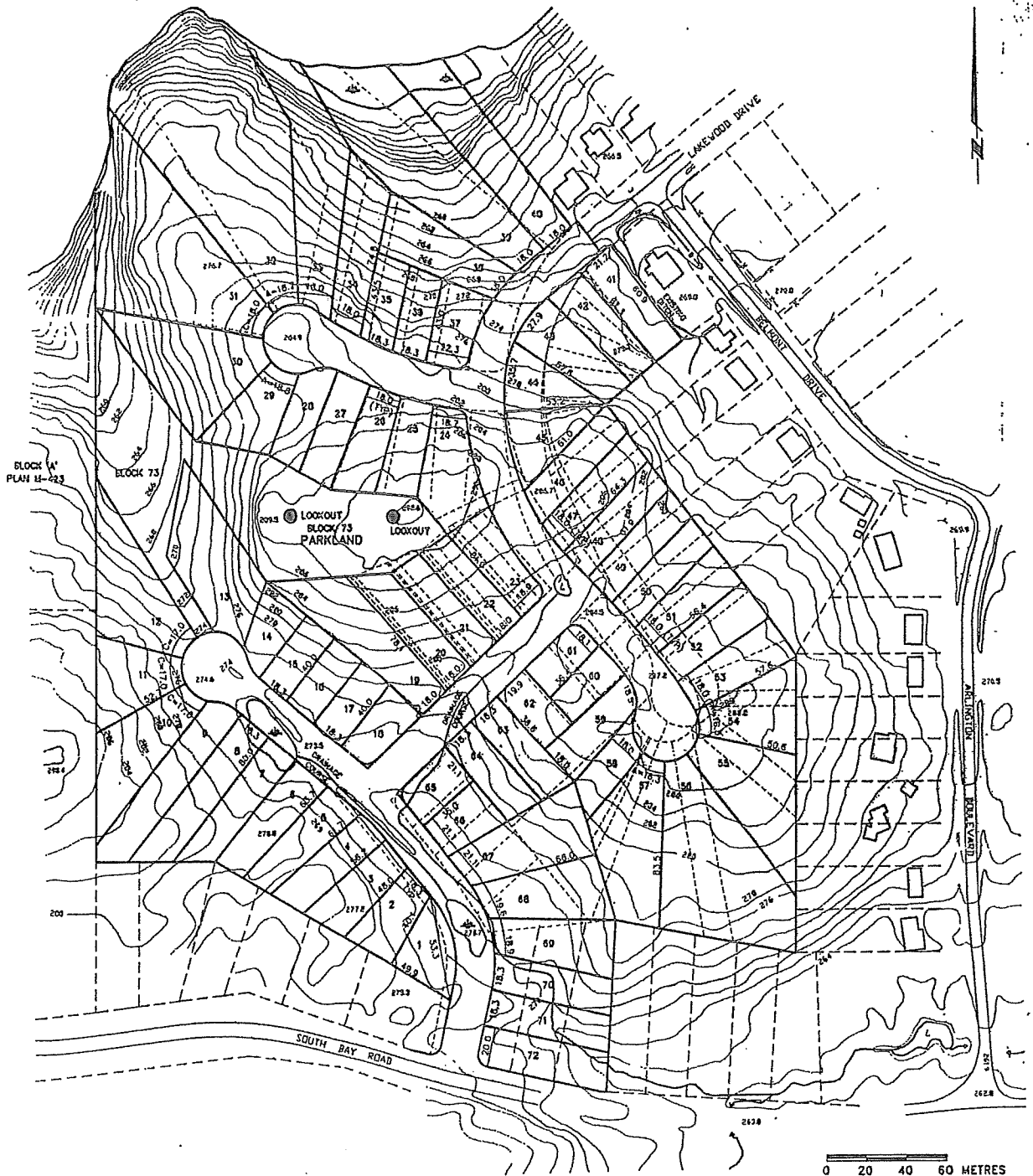
Sketch 1  
NTS

751-6/03-01 & 780-6/03001

Date: 2013 10 28

BETHEL

LAKE



**DALRON HOMES**

## TWIN LAKES SUBDIVISION

### REVISED LAYOUT

2003-04-30  
2003-05-05  
2003-05-27  
2004-02-20



**DENNIS CONSULTANTS**  
CIVIL ENGINEERS  
a division of R.V. Anderson Associates Limited

*Issued Mar. 29/04*

#### PARKLAND DATA

BLOCK 'A' = 179 ha.  
BLOCK 73 = 0.95 ha.

TOTAL PARKLAND DEDICATION = 2.74 ha.  
OR 21% OF THE AREA OF APPLICATION

PREVIOUS PARKLAND DEDICATION = 1.98 ha.  
OR 8% OF THE AREA OF APPLICATION

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

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1. That this draft approval applies to the draft plan of subdivision of Part of Parcel 49532, Lots 163 to 165, Plan M-423, and Part of Lakewood Drive, all in Lot 2, Concession 2, McKim Township as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., dated December 24<sup>th</sup>, 2002, as amended by Dennis Consultants on May 21<sup>st</sup>, 2003 and attached to the staff report dated May 21<sup>st</sup>, 2003, and as further amended by a plan issued by Dennis Consultants on March 29, 2004 under the title 'Twin Lakes Subdivision - Revised Layout'.
2. That the street(s) shall be named to the satisfaction of the City of Greater Sudbury.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
8. That 5% of the land, or alternatively 5% of the cash value of the land, included in the plan of subdivision be deeded or provided to the City of Greater Sudbury for parks purposes in accordance with Section 50.1(1) of The Planning Act.
9. 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.



10. 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. The report should also include design information and recommend construction procedures for 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. In addition, included in this report must be details regarding remove of substandard soils, if any, and placement of engineered fill, if required, for the construction of new residential dwellings. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement, if required, shall also be registered on title, to the satisfaction of the Chief Building Official and the City Solicitor.
11. The owner 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 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.
12. As part of the submission of servicing plans, the owner/applicant shall have rear yard 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. Deleted.
14. Deleted.
15. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, storm sewers and related appurtenances.
16. 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.

17. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development.
18. The developer will be required to construct a 300 mm watermain along Street "A" to Street "B", along Street "B" and then along Lakeview Drive to the easterly boundary of the subdivision.
19. The developer shall be required to provide a 1.6 m walkway and associated works on Block 73 to the satisfaction of the General Manager of Growth and Infrastructure.
20. That this draft approval shall lapse on July 24, 2021.
21.
  - a) That prior to any drilling and blasting work being conducted on the subject property the owner shall investigate all private wells used for domestic water sources for all properties abutting the subject property; that during and following blasting these same wells be monitored by the owner of the subject property for any loss of quantity or quality of water; and, that the owner agree to the satisfaction of the General Manager of Growth and Infrastructure to rectify any situations where there is a loss in quantity and/or quality of water in an existing well.
  - b) That a peer review be undertaken of the above described study, by a qualified consultant, chosen by the municipality, at the cost of the owner.
  - c) The agreement in a) shall contain provisions for deposits for financial guarantees and suitable time limits for the resolution of water problems should they occur as a result of the subdivision development.
22. That in accordance with the phasing as shown on the Revised Draft Plan dated May 21, 2003 only Phase 1 shall be permitted prior to June, 2005.
23. That in accordance with the phasing as shown on the Revised Draft Plan dated May 21, 2003, Phase 4 shall not be permitted until such time as municipal sanitary sewer and water services have been extended to service the opened portion of Arlington Drive and Belmont Drive and Lakewood Drive west of Belmont Drive.
24. 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, #11, #12, #14, #16, #21, #31 and #32 have been complied with to his satisfaction.
25. Deleted.

26. The owner/applicant shall provide Utilities Servicing Plans, 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/applicant shall be responsible for all costs associated with the installation of said services.
27. 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 Services. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
28. The owner/applicant 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 Services. All costs associated with upgrading the existing collection system and/or sewage lift stations to service this subdivision will be borne totally by the owner/applicant.
29. The owner shall provide to the City, as part of the submission of servicing plans a Siltation Control Plan. The Siltation Control Plan must show the location and types of sediment and erosion control measures to be implemented. The siltation controls shall remain in place until all disturbed areas have been stabilized. All implemented. The siltation controls 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 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. 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. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority.
30. The roadways connecting South Bay Road to Lakewood Drive be constructed to an urban residential standard with a sidewalk on one side. It is recommended that a sidewalk be constructed along one side of the most southerly cul-de-sac to connect with the walkway that is required on Block 73.
31. The owner shall to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post agree in the subdivision agreement to include in all offers of purchase and sale, a statement:

- i. That advises the prospective purchaser that the home/business mail delivery will be from a designated Centralized Mail Box; and,
  - ii. That the owner be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.”
32. The owner further agrees in the subdivision agreement to:
  - a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
  - b) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes;
  - c) Identify the pad above on the engineering servicing drawings. The pad is to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,
  - d) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.”
33. The owner shall provide a geotechnical report to the satisfaction of the Chief Building Official on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.
34. A blasting consultant shall be retained by the owner and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in their report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
35. Prior to the commencement of any removal of rock by blasting the owner shall submit a geotechnical report to the satisfaction of the Chief Building Official which will provide recommendations and specifications on the following activity as a minimum but not limited to:
  - i. Pre-blast survey of surface structures and infrastructure within affected area;
  - ii. Trial blast activities;
  - iii. Procedures during blasting;
  - iv. Procedures for addressing blasting damage complaints;



- v. Blast notification mechanism to adjoining residences; and,
  - vi. Structural stability of exposed rock faces.”
36. Should the developer’s schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury’s By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
37. Deleted.
38. Deleted.
39. Deleted.
40. Deleted.
41. Deleted.
42. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services provided that:
- i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and,
  - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
43. 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.
44. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.
45. A storm-water management report and associated plans must be submitted by the owner’s consulting engineer for approval by the City to the satisfaction of the General Manager of Growth and Infrastructure. The 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 two year design storm. The permissible minor storm discharge from the subject development must be limited to 20% below the existing pre-development site runoff resulting from a two 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 20% below 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 Ramsey Lake 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; and,
  - i) The owner shall be responsible for the design and construction of any required storm-water management works 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.
46. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner/applicant.

47. The owner shall provide Master Servicing Plans to the satisfaction of the General Manager of Growth and Infrastructure for both the sanitary and storm sewer as well as water-mains as they pertain to the new subdivision layout. 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.

**NOTES:**

1. In accordance with Planning Committee Recommendation #2003-95, which was ratified by Council on June 12, 2003, this draft approval shall not come into effect until Official Plan Amendment # 220 to the Official Plan for the Sudbury Planning Area comes into affect.

March 03, 2021

Alex Singbush, MCIP, RPP  
Manager of Development Approvals  
Planning Services  
The City of Greater Sudbury

Reference: File 780-6/03001, Lakewood Dr.

M. Singbush

Thank you for contacting Canada Post regarding plans for a new subdivision at Twin Lakes—Lakewood Dr.

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. The sites are listed below.
  - a. **North – East of lot 65**
  - b. **North – East of lot 23**
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*

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## **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]**