



Planning Committee Agenda

Wednesday, October 13, 2021

Tom Davies Square

Councillor Kirwan, Chair

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

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

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

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

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

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

1.	Call to Order	
2.	Roll Call	
3.	Declarations of Pecuniary Interest and the General Nature Thereof	
4.	Public Hearings	
4.1.	0 Remington Road, Sudbury	4
	This report provides recommendations regarding an application for rezoning to “M1” Mixed Light Industrial/Service Commercial in order to resolve a split zoning from a proposed consent.	
	This report is presented by Glen Ferguson, Senior Planner.	
4.2.	4045 Elmview Drive, Hanmer	16
	This report provides a recommendation regarding an application for rezoning to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing four dwelling units on the subject lands.	
	This report is presented by Glen Ferguson, Senior Planner.	
5.	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.	
5.1.	Routine Management Reports	
5.1.1.	2309 Regent Street, Sudbury	63
	This report provides a recommendation regarding a position of concurrence.	
5.1.2.	Unopened Road Allowance West of Falconbridge Road, Sudbury – Road Closure and Declaration of Surplus Land	74
	This report provides a recommendation to close and declare surplus the	

unopened road allowance west of Falconbridge Road, Sudbury.

5.1.3. Unopened Roads, Lanes and Vacant Land, Kitchener Avenue, Sudbury – Road Closure and Declaration of Surplus Land

77

This report provides a recommendation to close and declare surplus various unopened roads, lanes and vacant land located east and west of Kitchener Avenue, Sudbury.

6. Referred & Deferred Matters

6.1. South Bay Road, Sudbury

81

This report provides a recommendation regarding an application to amend the City of Greater Sudbury Official Plan by providing a site-specific exception to the lot creation policies of Section 20.5: South Peninsula of the Ramsey Lake Policy Area - Dalron Construction Limited.

This report is presented by Mauro Manzon, Senior Planner.

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

This item is referred from the City Council meeting of September 28, 2021.

7. Members' Motions

8. Addendum

9. Civic Petitions

10. Question Period

11. Adjournment

0 Remington Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/21-14 & 751-6/21-15

Report Summary

This report provides recommendations regarding an application for rezoning to “M1” Mixed Light Industrial/Service Commercial in order to resolve a split zoning from a proposed consent.

This report is presented by Glen Ferguson, Senior Planner.

Resolutions

Resolution 1:

Resolution for File # 751-6/21-14:

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial on those lands described as Part of PIN 73478-1049, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Remington Road, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law the owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
2. That conditional approval shall lapse on October 26, 2023 unless Condition #1 above has been met or an extension has been granted by Council.

Resolution 2:

Resolution for File # 751-6/21-15:

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on a portion of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial on those lands described as Part of PIN 73478-1049, Lot 4, Concession 6, Township of Broder, as outlined in the report entitled “0 Remington Road,

Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of October 13, 2021, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
 - a) The owner shall submit a registered survey plan describing the lands to be rezoned to the satisfaction of the Director of Planning Services; and,
 - b) The owner shall have applied to amend the existing site plan control agreement applicable to the benefitting lands and have entered into an amended site plan control agreement that has been registered on-title to the satisfaction of the Director of Planning Services.
2. That conditional approval shall lapse on October 26, 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 City’s Zoning By-law is an operational matter under the Planning Act to which the City is responding.

Financial Implications

There are no financial implications associated with this report for rezoning as there is no anticipated new buildings to be constructed at this time.

Report Overview

This report reviews two applications for Zoning By-law Amendment on two portions of the subject lands that each seek to change the zoning classification on each portion from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial in order to prevent split-zonings. The split-zonings would result from two proposed future consents that are intended to facilitate two separate lot additions to existing mixed light industrial/service commercial lots (ie. 2555 & 2601 Regent Street) at the north-west and south-west corners of Remington Road and Regent Street in Sudbury. The benefitting lands in each case are presently zoned “M1”, Mixed Light Industrial/Service Commercial. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would in each case address an anticipated condition of provisional consent related to the above noted lot additions once formal consent applications are submitted to the City. In this particular case, the “M2” Zone applicable to the benefitting lands is more restrictive from a permitted land uses perspective than the “M1” Zone that is applicable to the benefitting lands. Staff would further note that an automotive sales establishment is not permitted in the “M2” Zone and the lands being severed are to be added to two existing lots containing automotive sales establishments. Staff notes that the lands to be severed are therefore required to be rezoned in order to prevent the creation of a lot fabric containing land use permissions that do not comply with the City’s Zoning By-law. The Planning Services Division is recommending that the applications be approved as outlined and noted in the Resolution section of this report.

Staff Report

PROPOSAL:

The applications for Zoning By-law Amendment both seek to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on two portions of the subject lands from “M2”, Light Industrial to “M1”, Mixed Light Industrial/Service Commercial in order to prevent split-zonings, which would result from two proposed future consents that are intended to facilitate two separate lot additions to existing mixed light industrial/service commercial lots (ie. 2555 & 2601 Regent Street) at the north-west and south-west corners of Remington Road and Regent Street in Sudbury. If approved, the rezoning of the lands to be severed and consolidated with the benefitting lands would in each case address an anticipated condition of provisional consent related to the above noted lot additions once formal consent applications are submitted to the City.

The owner’s agent has submitted a Concept Plan in support of both the proposed rezonings that would facilitate the above noted lot additions, which in each case amounts to a lot boundary re-alignment between two abutting properties (ie. 2555 & 2601 Regent Street and 0 Remington Road).

Existing Zoning: “M2”, Light Industrial

The “M2” Zone permits a range of light industrial land uses that are listed under Section 8.2, Table 8.1 of the City’s Zoning By-law. Those development standards that are applicable to the “M2” Zone are also found under Section 8.2, Table 8.2 of the City’s Zoning By-law.

Requested Zoning: “M1”, Mixed Light Industrial/Service Commercial

The proposed rezoning seeks to prevent a split-zoning, which would result from anticipated future consent applications that would facilitate two separate lot additions to two existing mixed light industrial/service commercial lots to the east having frontage on Regent Street in Sudbury. The “M1” Zone permits a range of light industrial land uses that are listed under Section 8.2, Table 8.1 of the City’s Zoning By-law. Those development standards that are applicable to the “M1” Zone are also found under Section 8.2, Table 8.2 of the City’s Zoning By-law.

Location and Site Description:

The subject lands are located to the west of Regent Street and generally situated between the westerly and easterly termination points (ie. Algonquin Road and Regent Street) of existing traveled portions of Remington Road. The lands to be rezoned at present have no public road frontage onto Remington Road.

The lands to be rezoned have areas measuring approximately 0.8 ha (1.98 acres) that would be added to 2555 Regent Street and 0.3 ha (0.74 acres) that would be added to 2601 Regent Street respectively. The northerly portion of the lands to be rezoned are presently vacant. The southerly portion of the lands to be rezoned presently contain a parking area associated with the automotive sales establishment located on those lands known municipally as 2601 Regent Street.

Surrounding Land Uses:

North: Vacant lands zoned to permit mixed light industrial/service commercial land uses between Remington Road at Algonquin Road and Regent Street, existing general commercial and mixed light industrial/service commercial land uses along Regent Street, and vacant lands situated to the north-east and zoned to permit mixed light industrial/service commercial land uses having frontage on Regent Street.

- East: Two automotive sales establishments (ie. the benefitting lands – known as Southside Chevrolet, Buick & GMC and Doyle Chrysler Dodge Jeep Ram respectively), Regent Street and a cluster of limited general commercial land uses fronting Armstrong Street.
- South: Existing medium density residential development containing 19 rowhouse dwelling units, lower density urban residential land uses with the pre-dominant built-form being single-detached dwellings and semi-detached dwellings, and a large block of land zoned for park and future development purposes.
- West: Vacant lands zoned to permit mixed light industrial/service commercial land uses between Remington Road at Algonquin Road and Regent Street, existing low and medium density residential land uses along Algonquin Road, and existing mixed light industrial/service commercial land uses along Algonquin Road.

The existing zoning and location map attached to this report indicates the location of the subject lands that are to be rezoned, as well as the applicable zoning in the immediate area. Aerial photography of the subject lands depicting the two specific portions of the lands that are to be rezoned is also attached to this report for reference purposes.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on June 3, 2021. The statutory Notice of Public Hearing dated September 23, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent was also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the applications prior to the public hearing. The owner's agent indicated on their application form that they would be circulating a letter describing the development proposal to nearby landowners ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning.

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

POLICY AND REGULATORY FRAMEWORK:

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

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

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

2020 Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement 2020 (PPS). Staff has reviewed the PPS 2020 and is satisfied that no matters of provincial interest are impacted should the rezoning applications be approved.

Growth Plan for Northern Ontario:

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

Official Plan for the City of Greater Sudbury:

The subject lands are designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury. The Mixed Use Commercial land use designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General industrial land uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on a mixed use corridor. Heavy industrial uses are not permitted. Those land uses permitted in the Mixed Use Commercial land use designation are intended to provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

New development within a Mixed Use Commercial designation may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads are to be permitted where reasonable alternate access exists;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for new development will be provided by the owner;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The development proposal satisfies applicable transit-supportive, accessibility and urban design policies set out under Sections 11.3.2, 11.8 and 14.0 of the City's Official Plan.

Staff in general has no concerns with respect to the proposed rezonings conforming to the applicable Mixed Use Commercial policies in the Official Plan for the City of Greater Sudbury. Staff acknowledges that the proposed rezonings are largely technical in nature (ie. to facilitate two lot boundary re-alignments) and both applications are intended to prevent a split-zoning from occurring as a result of anticipated future consent applications.

Zoning By-law 2010-100Z:

The lands are presently zoned "M2", Light Industrial in the City's Zoning By-law. The owner is requesting that the two portions of the lands subject to the two rezoning applications be rezoned to "M1", Mixed Light Industrial/Service Commercial in order to prevent a split-zoning, which would result from anticipated future consent applications that would be intended to facilitate two separate lot additions to two existing mixed light industrial/service commercial lots to the east having frontage on Regent Street. The benefitting lands to the east are in each case situated within an existing "M1" Zone. No further site-specific relief from any general or parking provisions or from the development standards of the "M1" Zone is being requested by the owner's agent.

Department/Agency Review:

The applications including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the applications and to formulate appropriate development standards in an amending zoning by-law should the applications be approved.

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

Building Services has advised and would caution the owner that any further and additional changes to the lands beyond those changes authorized by a site alteration permit that was issued in August 2020 will require a new application for a site alteration permit.

Conservation Sudbury has noted that the subject lands contain a number of small wetland features and said portions of the subject lands are therefore regulated by [Ontario Regulation 156/06](#). The owner is cautioned that works within an area regulated by Ontario Regulation 156/06 may require a permit pursuant to Section 28 of the [Conservation Authorities Act](#). Further to this, Conservation Sudbury has advised that 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. The owner may be required at their own cost to provide scientific studies and/or technical reports in support of a permit application. Any permit issued by Conservation Sudbury may also include conditions of development and permits are not guaranteed. Conservation Sudbury also noted during pre-consultation that the owner must demonstrate that there are no hazardous lands on-site via the submission of a geotechnical/soils study. As a result, Conservation Sudbury is requesting that the rezoning applications be approved with a condition requiring the site plan control be required for both areas to be rezoned and that a geotechnical/soils study be provided as part of a complete site plan control application.

Development Engineering has noted that the subject lands are not currently serviced with municipal water and sanitary sewer infrastructure. It is noted however that both municipal water and sanitary sewer infrastructure is available within the road allowance of Regent Street. It is further noted that the benefitting lands are both already serviced by municipal water and sanitary sewer infrastructure located within the road allowance of Regent Street. Development Engineering has no concerns with the two proposed rezonings on the basis that future development continue to proceed by way of amendments to existing site plan control agreements that are presently applicable to the benefitting lands.

Environmental Planning Initiatives has advised that there are no significant environmental concerns associated with the applications.

Site Plan Control staff have noted that a site plan control agreement (SPCA) amendment is required for those lands known municipally as 2601 Regent Street. The amended SPCA is required in order to permit the existing parking lot expansion located on the lands that are to be rezoned and added to the lands at 2601 Regent Street. It is further noted that any proposed expansions or building additions associated with those benefitting lands known municipally as 2555 Regent Street may also require an amendment to the existing SPCA that is applicable to those lands.

PLANNING ANALYSIS:

The 2014 PPS, the 2011 Growth Plan, and the City of Greater Sudbury Official Plan, and other relevant policies and supporting guidelines were reviewed in their entirety. The following section provides a planning analysis of the applications with respect to applicable policies, including issues raised through agency and department circulation.

As noted previously in this report, the owner is requesting that two separate portions of the subject lands be rezoned from "M2", Light Industrial to "M1", Mixed Light Industrial/Service Commercial. Staff has no concerns in each case with respect to the requested zone category and would note that the two portions of the lands to be rezoned would each act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignments. It is noted that Section 4.23 – Multiple Zones on One Lot of the City's Zoning By-law outlines where a lot is divided into more than one zone that the lot area and lot frontage requirements of the most restrictive zone on the lot shall be applied to the entirety of the lot. Further to this, it should be noted that where a lot is divided into more than one zone that each such portion of the lot shall be used in accordance with the permitted uses and zone provisions of the applicable zone as if it were a separate lot. In this particular case, the "M2" Zone applicable to the benefitting lands is more restrictive from a permitted land

uses perspective than the “M1” Zone that is applicable to the benefitting lands. Staff would further note that an automotive sales establishment is not permitted in the “M2” Zone and the lands being severed are to be added to two existing lots containing automotive sales establishments. Staff notes that the lands to be severed in each case are therefore required to be rezoned in order to prevent the creation of a lot fabric that does not comply with the City’s Zoning By-law.

Staff notes that there is an existing site plan control agreement applicable to those lands known municipally as 2601 Regent Street (ie. Southside Chevrolet, Buick & GMC) that will need to be amended in order to address the existing parking area expansion that has already occurred on the lands being severed and added to the benefitting lands. It is therefore being recommended that the owner be required to apply to amend the existing site plan control agreement applicable to the benefitting lands and have entered into an amended site plan control agreement that has been registered on-title to the satisfaction of the Director of Planning Services prior to the passing of an amending zoning by-law.

It is on this basis that staff has no concerns with the requested zone category, but would note that a registered survey delineating the lands to be rezoned should be required as a condition of the rezoning applications being approved.

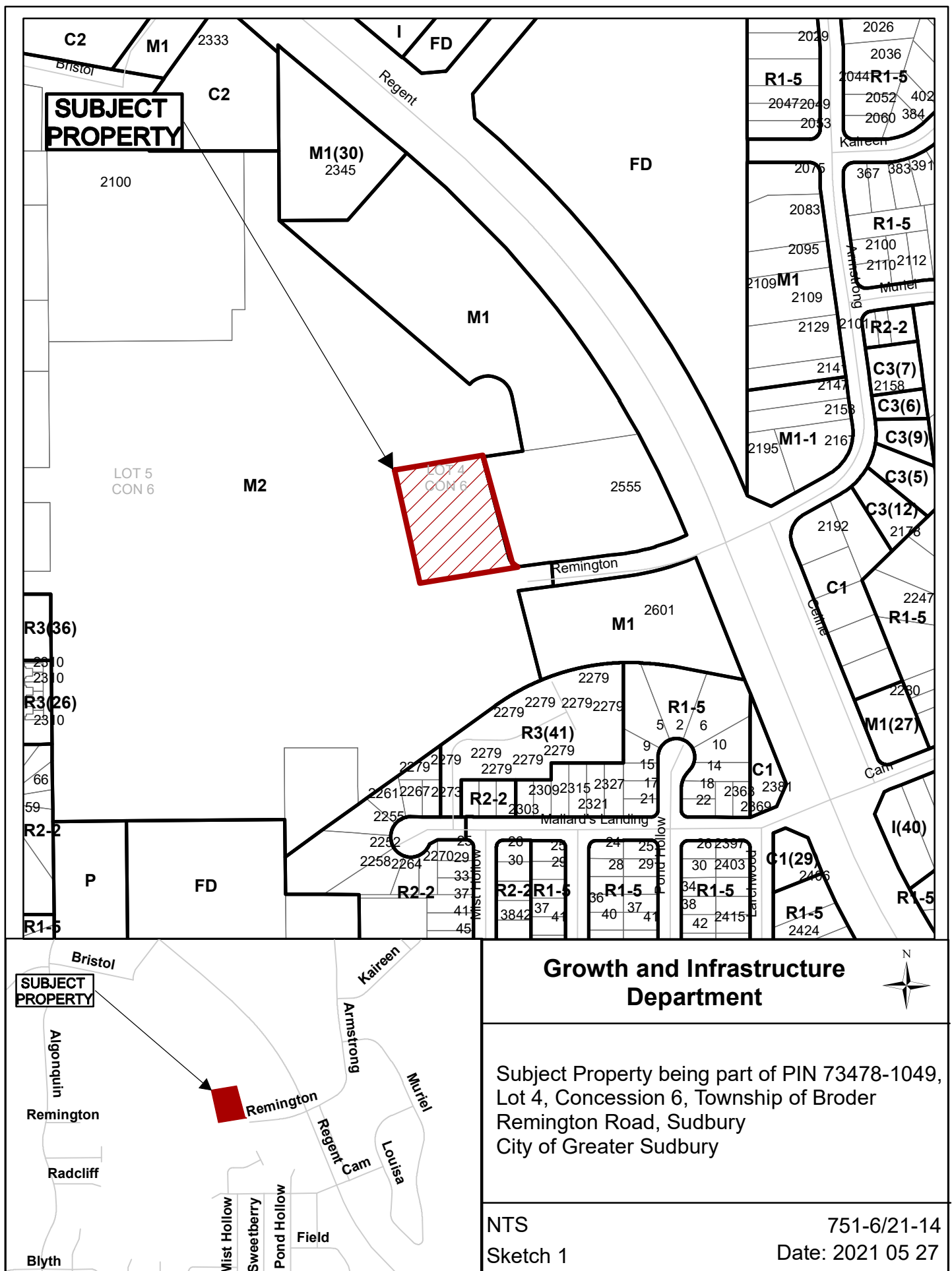
CONCLUSION:

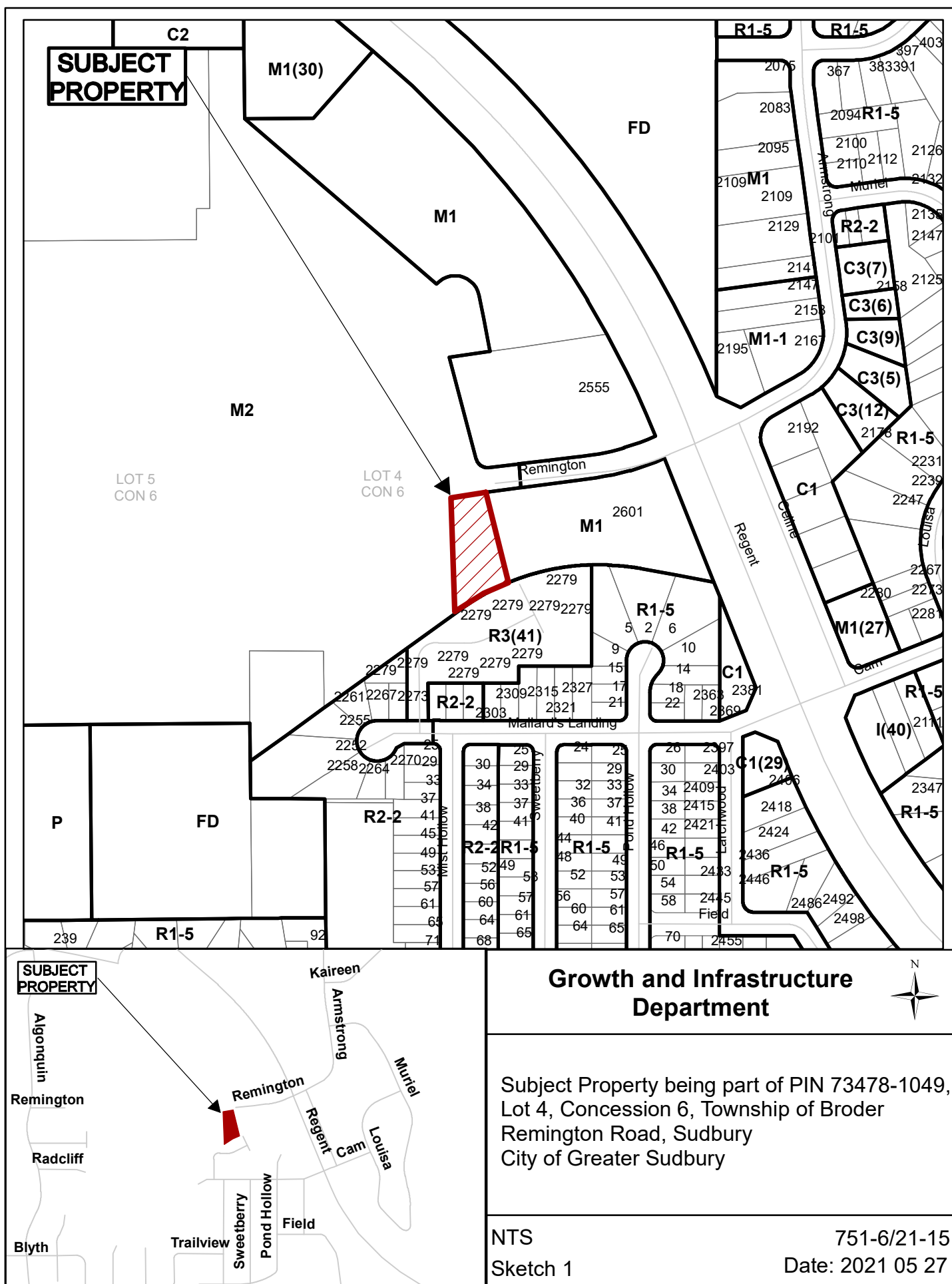
Staff has reviewed the development proposal and is satisfied that it conforms with the Official Plan for the City of Greater Sudbury. The development proposal is also generally consistent with the land use planning policy directions identified in PPS and further there would be no matters of provincial interest impacted should the rezoning applications be approved. Staff also notes that the applications both conform to and do not conflict with the Growth Plan for Northern Ontario.

Staff has no concerns with the requested zone category and would note that the two separate portions of the lands to be rezoned would act to prevent a split-zoning from occurring as a result of the proposed lot boundary re-alignments. If approved, the amending zoning by-law would prevent said split-zonings from occurring, which would result from anticipated future consent applications that would be intended to facilitate two separate lot additions to two existing mixed light industrial/service commercials lots having frontage on Regent Street in Sudbury.

Staff notes however that there is an existing site plan control agreement applicable to those lands known municipally as 2601 Regent Street (ie. Southside Chevrolet, Buick & GMC) that will need to be amended in order to address the existing parking area expansion that has already occurred on the lands being severed and added to the benefitting lands.

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







Subject Property

Remington Road

Regent Street

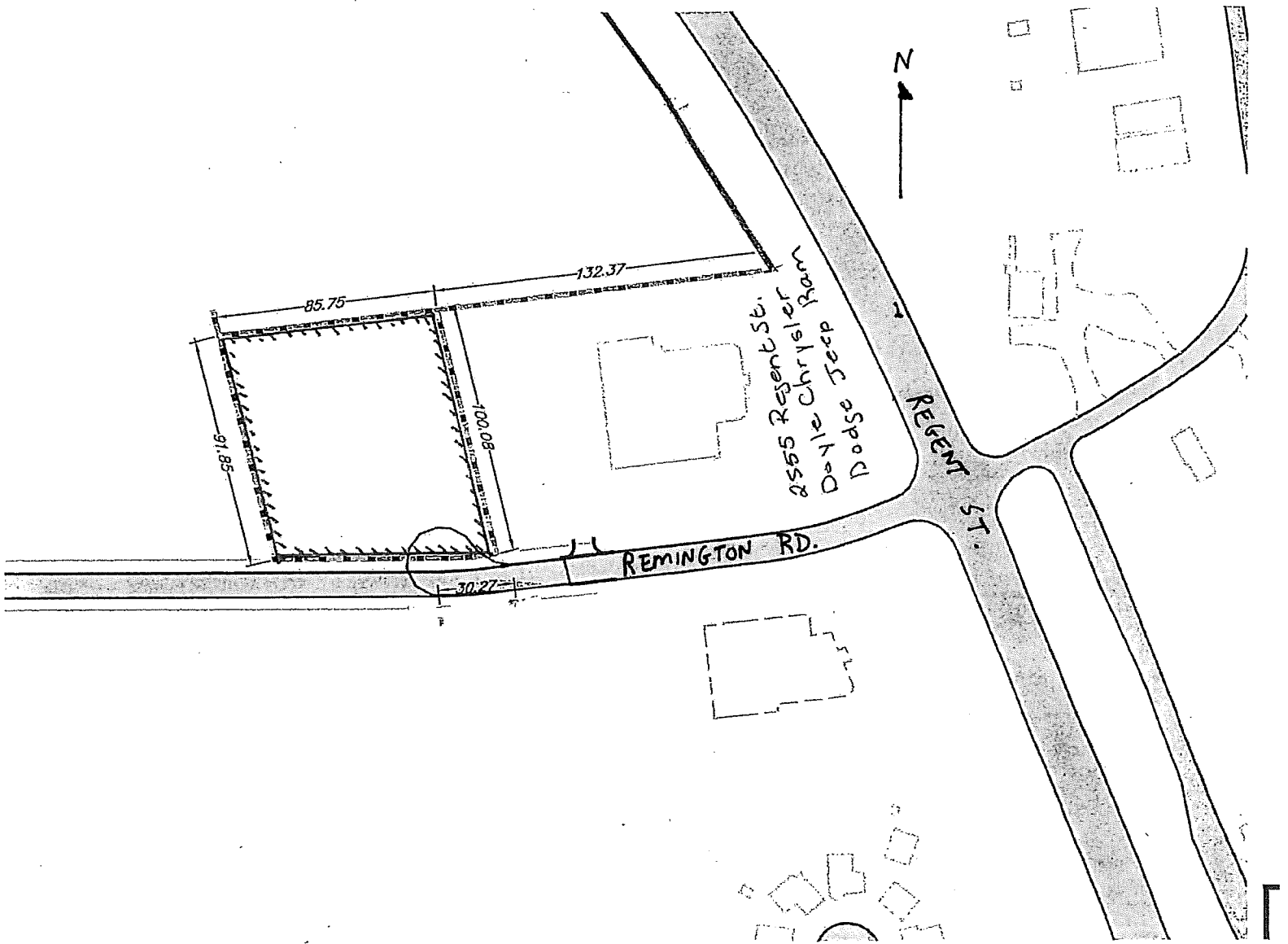
Mallard's Landing Drive

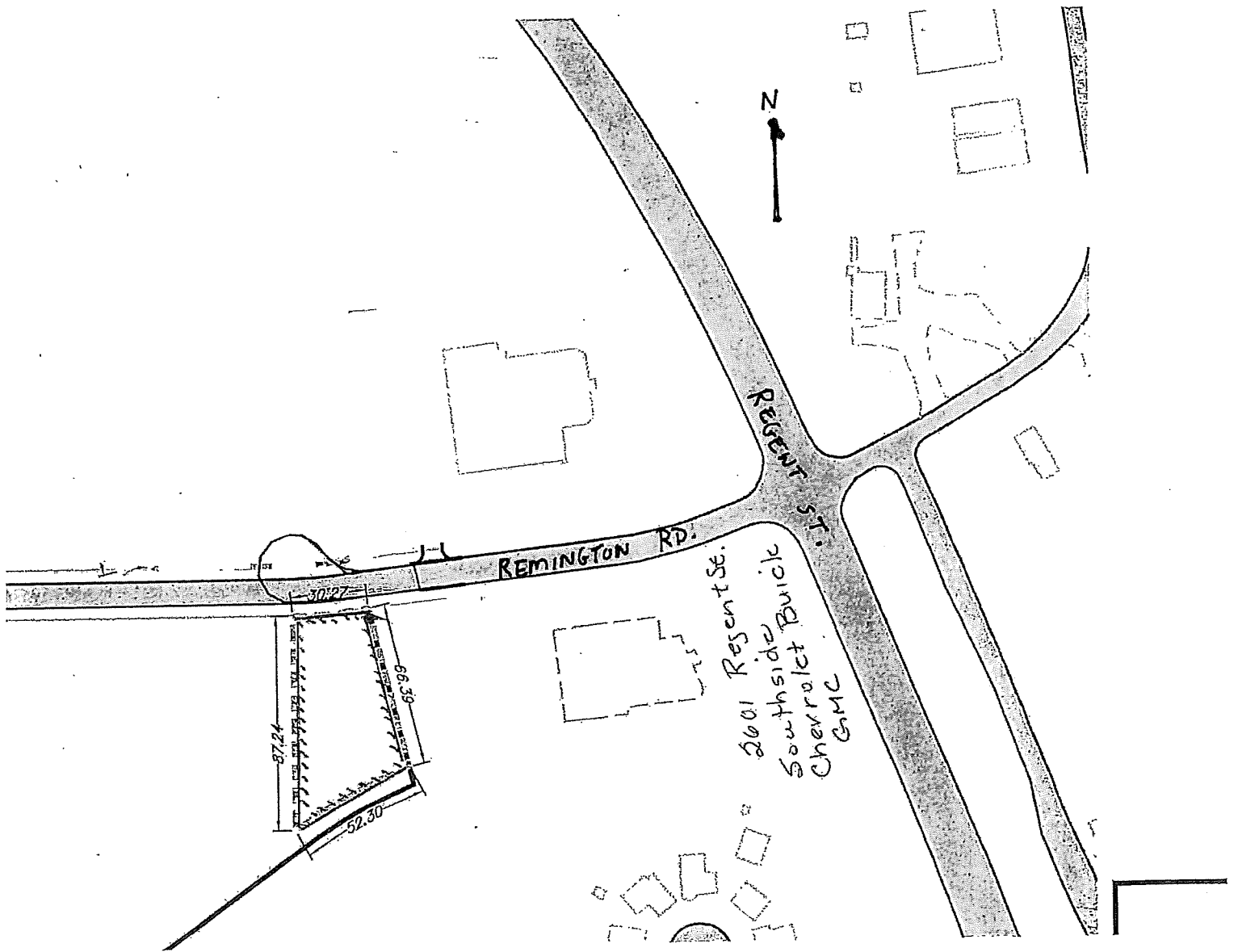
Mist Hollow Drive

Sweetberry Drive

Pond Hollow Drive

Larchwood Drive





4045 Elmview Drive, Hanmer

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-7/21-5

Report Summary

This report provides a recommendation regarding an application for rezoning to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing four dwelling units on the subject lands.

This report is presented by Glen Ferguson, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Blanchette Hardware Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification on the subject lands from “C1(24)”, Local Commercial Special to “R3(S)”, Medium Density Residential Special on those lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, as outlined in the report entitled “4045 Elmview Drive, Hanmer”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021 subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
 - a) The owner shall apply for all required building permits to the satisfaction of the Chief Building Official;
 - b) The owner shall relocate the existing refuse storage area situated in the front yard to a location in compliance with the City’s Zoning By-law to the satisfaction of the Director of Planning Services; and,
 - c) The owner shall remove the existing accessory structures in the westerly interior side yard and restore the planting strip in this location to the satisfaction of the Director of Planning Services.
2. That the amending zoning by-law include the following site-specific provisions:
 - a) That the only permitted use on the subject lands be a multiple dwelling containing a maximum of four residential dwelling units;
 - b) That a minimum rear yard of 7.5 metres be required; and,
 - c) That a planting strip along the northerly lot line having a minimum width of 0 metres together with an opaque fence having a minimum height of 1.5 metres be required.

3. That the existing site plan control agreement applicable to the lands shall be discharged from title once the amending zoning by-law is enacted and is final and binding to the satisfaction of the City Solicitor and the Director of Planning Services; and,
4. That conditional approval shall lapse on October 26, 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 City's Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The development proposal will further diversify the supply of new housing options in this part of the City and is therefore consistent with the goals and objectives of the Strategic Plan.

As a form of residential intensification in an existing built-up urban area in Hanmer, the development proposal aligns with the recommendations of the CEEP.

Financial Implications

If the rezoning application is approved, staff is unable to estimate the taxation revenue as changes in assessed value for this existing building would be determined by Municipal Property Assessment Corporation (MPAC).

If there is additional taxation revenue, it 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.

Report Overview

This report reviews a re-application for Zoning By-law Amendment that seeks to change the zoning classification of the subject lands from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing four dwelling units on the subject lands. Site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed. The owner has also requested that the existing site plan control agreement that is applicable to the lands be discharged from title.

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

Staff is therefore generally supportive of the development proposal and have noted that three conditions of approval should be satisfied prior to the enactment of an amending zoning by-law. Staff has also identified site-specific relief that would be required in an amending zoning by-law in order to properly facilitate and permit the development proposal on the subject lands. Staff also have no concerns with respect to discharging the existing site plan control agreement provided that the amending zoning by-law is in full force

and effect.

The Planning Services Division is recommending that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.

Staff Report

PROPOSAL:

This application for Zoning By-law Amendment seeks to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing four dwelling units on the subject lands. Site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed. In order to accommodate the proposed multiple dwelling containing four residential dwelling units as permitted use on the lands, the proposed rezoning would change the zoning classification of the subject lands from “C1(24)”, Local Commercial Special to “R3(S)”, Medium Density Residential Special. The owner has also requested that the existing site plan control agreement that was registered on November 16, 1994 be discharged as there would no longer be any permitted commercial uses on the lands and multiple dwellings containing four or less residential dwelling units are generally exempt from site plan control under [By-law 2010-220](#) being the Site Plan Control Area By-law for the City of Greater Sudbury.

The owner's agent confirmed with staff on May 4, 2021 that no application for pre-consultation would be required as the proposed rezoning of the subject lands amounted to a re-application. The request was considered by staff and it was determined that the current development proposal did not materially depart from the previous conditional rezoning approval and therefore the re-application did not need to be considered by the Sudbury Planning Application Review Team (SPART) ahead of submitting a formal re-application to rezone the lands.

The re-application for Zoning By-law Amendment was subsequently then submitted by the owner's agent to the City on June 1, 2021, and deemed to be complete on June 17, 2021. The re-application included the submission of a Concept Plan in support of the request to rezone the subject lands. Details with respect to the owner's public consultation strategy ahead of a public hearing at the Planning Committee was also provided.

Previous Rezoning Approval:

As background, it should be noted that the current application for rezoning is generally seeking the same planning approval that was formerly approved by the City's Planning Committee on September 12, 2016 ([PL2016-137](#)), which was then ratified by Council on October 18, 2016 (File # 751-7/16-12). There were two conditions of approval on the above noted first rezoning application that were not satisfied and said previous rezoning approval has since lapsed. The first condition required the submission of a satisfactory building permit application to the satisfaction of the Chief Building Official. The second condition required that the owner apply for and receive final approval for an amended site plan control agreement that is to be registered on title to the satisfaction of the Director of Planning Services.

The application was then brought back for reconsideration to the City's Planning Committee on June 12, 2017, and the condition to enter into an amended site plan control agreement was removed as the owner expressed an intention to only seek approval for a multiple dwelling containing four residential dwelling units as opposed to five residential dwelling units ([PL2017-96](#)). The updated conditional approval also added two conditions requiring that, firstly, the existing driveway entrance onto Dominion Drive be removed entirely and, secondly, that a refuse storage area be re-located in compliance with the City's Zoning By-law. As a result of these changes, the existing site plan control agreement applicable to the lands was to be removed once the amending zoning by-law had been enacted and was final and binding. Site-specific relief was granted in

order to only permit a multiple dwelling having four residential dwelling units on the lands, to recognize the existing rear yard setback to the existing building and to allow for a minimum of 22% landscaped open space on the lands. The changes to the conditional rezoning approval were then subsequently ratified by Council on June 13, 2017.

The revised conditions of approval were not cleared and therefore said previous conditional rezoning approval lapsed on October 18, 2018. It is on this basis that no amending zoning by-law was therefore enacted by Council. A copy of both [staff reports](#) and both resolutions (ie. PL2016-137 & PL2017-96) that had the effect of conditionally approving the former rezoning application are attached to this report for reference purposes.

Staff notes in particular that the City's Official Plan has been since been amended to broaden and strengthen intensification policies through the now complete first phase of the City's Official Plan Review. In particular, the strengthened intensification policies revolve around a general theme that facilitating intensification is essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and ensuring the efficient movement of goods.

Staff would therefore emphasize that the current rezoning application before the Planning Committee has been reviewed against the currently applicable policy and regulatory framework that is in place today and not against the formerly applicable policy and regulatory environment that existed at the time of the first and now lapsed rezoning application.

Existing Zoning: "C1(24)", Local Commercial Special

The "C1(24)" Zone permits retail stores, bake shops, restaurants and residential dwelling units above permitted non-residential uses in addition to the full range of land uses permitted in the standard "C1" Zone. The standard "C1" Zone permits a convenience store, day care centre, medical office, personal service shop, pet grooming establishment, and a pharmacy up to a maximum net floor area of 150 m² (1,614.59 ft²) per lot. Permitted residential uses in the parent "C1" Zone include any dwelling containing not more than two residential dwelling units, a group home type 1 within a single-detached dwelling having a maximum of ten beds, and a private home daycare. Those development standards associated with the "C1(24)" Zone are outlined under Section 7.3, Table 7.3 – Standards for Commercial Zones.

Requested Zoning: "R3(S)", Medium Density Residential Special

The proposed rezoning to "R3(S)" is intended to permit a multiple dwelling containing four residential dwelling units. The rezoning of the lands is also proposed to include site-specific relief in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. Those development standards associated with the "R3" Zone are outlined under Section 6.3, Table 6.5 – Standards for Medium Density Residential (R3 and R3-1) Zones. Staff would note that in order to implement the requested site-specific relief the lands would need to be rezoned to "R3(S)" as the standard "R3" Zone does not provide for relief being requested.

Location and Site Description:

The subject lands are located at the north-west corner of Dominion Drive and Elmview Drive in the community of Hanmer. The lands have a total lot area of approximately 1,461 m² (15,737 ft²) with approximately 32 m (104.99 ft) of lot frontage on Dominion Drive. The lands form a corner lot and also have an exterior side line of approximately 45 m (150 ft) along Elmview Drive.

The lands contain an existing building which is to contain a multiple dwelling containing four residential dwelling units. The lands are now exclusively accessed via an existing driveway from Elmview Drive. It is noted that formerly there was a second driveway access onto Dominion Drive that has now been removed. The proposed rezoning would recognize and permit uses that have already been established on the lands within the existing building.

Surrounding Land Uses:

North:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings.
East:	Howard Armstrong Recreation Centre, Howard's Nature Trail, and low density urban residential land uses along Frost Avenue with the pre-dominant built-form being single-detached dwellings.
South:	Rural residential land uses and several vacant rural lots.
West:	Low density urban residential land uses with the pre-dominant built-form being single-detached dwellings and a large tract of vacant land zoned for future development.

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

Site photos depict the existing building at the corner of Elmview Drive and Dominion Drive along with a parking area in the front and corner side yards that is accessed via an existing driveway onto Elmview Drive. Photos of the immediately surrounding area also generally illustrate the lower density urban and rural residential built-forms having frontages on both Elmview Drive and Dominion Drive.

Public Consultation:

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands on June 17, 2021. The statutory Notice of Public Hearing dated September 23, 2021 was provided to the public by newspaper and to nearby landowners and tenants located within 120 m (400 ft) of the subject lands.

The owner and agent were also advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents of the application prior to the public hearing. The owner's agent indicated on their application form that they would not be conducting any public consultation beyond speaking with directly abutting landowners ahead of a statutory public meeting before the City's Planning Committee given the minor and technical nature of the proposed rezoning. Staff would also note here that the proposed rezoning also amounts to a re-application.

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

POLICY AND REGULATORY FRAMEWORK:

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

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

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

2020 Provincial Policy Statement:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2020 PPS. The following PPS policies are pertinent to the application for Zoning By-law Amendment:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas shall be the focus of growth and development;
2. Section 1.1.3.2 outlines that land use patterns within settlement areas shall have a mix of densities and land uses that efficiently uses land and resources, are appropriate for and efficiently use the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, are supportive of active transportation, are transit-supportive where transit is planned, exists or may be developed, and are freight-supportive;
3. Section 1.1.3.2 further outlines that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment;
4. Section 1.1.3.3 outlines that intensification is to be promoted and opportunities for transit-supportive development, accommodating for a supply and range of housing options through intensification while taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities to accommodate needs are encouraged;
5. Section 1.1.3.4 outlines that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
6. Section 1.1.3.5 outlines that municipalities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions; and,
7. With respect to Housing Policies, Section 1.4.3 outlines that municipalities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - a) Permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities, as well as all types of residential intensification, including additional residential units, and redevelopment;
 - b) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - c) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed;
 - d) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,
 - e) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Growth Plan for Northern Ontario:

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

Official Plan for the City of Greater Sudbury:

The subject lands are designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury. The Mixed Use Commercial land use designation permits a mix of uses including commercial, institutional, residential, and parks and open space. General industrial land uses may also be permitted subject to their compatibility with surrounding uses and their overall visual impact on a mixed use corridor. Heavy industrial uses are not permitted. Those land uses permitted in the Mixed Use Commercial land use designation are intended to provide for a broad range of uses that serve the needs of the surrounding neighbourhoods at a lesser density and concentration than Regional Corridors.

New development within a Mixed Use Commercial designation may be permitted provided that:

1. Sewer and water capacities are adequate for the site;
2. Parking can be adequately provided;
3. No new access to Arterial Roads are to be permitted where reasonable alternate access exists;
4. The traffic carrying capacity of the Arterial Road is not significantly affected;
5. Traffic improvements, such as turning lanes, where required for new development will be provided by the owner;
6. Landscaping along the entire length of road frontages and buffering between non-residential and residential uses will be provided; and,
7. The development proposal satisfies applicable transit-supportive, accessibility and urban design policies set out under Sections 11.3.2, 11.8 and 14.0 of the City's Official Plan.

Section 2.3.2 notes that the subject lands are within both a Settlement Area and the City's Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. Settlement Area land use patterns are to be based on densities and land uses that make the most efficient use of land, resources, infrastructure and public service facilities, minimize negative impacts on air quality and climate change, promote energy efficiency and support public transit, active transportation and the efficient movement of goods. Intensification and development within the Built Boundary is to be encouraged, while development outside of the Built Boundary may be considered in accordance with the policies of the Official Plan.

Section 2.3.3 of the Official Plan generally acknowledges that intensification of a property at a higher density than what currently exists through the development of vacant or underutilized lots is encouraged throughout the City. Intensification is considered to be essential to completing communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and climate change, promoting energy efficiency and supporting public transit, active transportation and the efficient movement of goods. The key to intensification is to ensure that it occurs in a context sensitive manner. Intensification must be compatible with and reinforced the existing and planned character of an area.

Specifically, Section 2.3.3 includes the following applicable intensification policies:

1. All forms of intensification are encouraged in accordance with the policies of the Official Plan;
2. The City will aim to accommodate 20% of future residential growth and development through intensification within the Built Boundary;
3. Large scale intensification and development is permitted in strategic core areas such as the Downtown, Regional Centres and major public institutions, in accordance with the policies of the Official Plan;
4. Medium scale intensification and development is permitted in Town Centres and Mixed Use Commercial corridors, in accordance with the policies of the Official Plan;

5. Intensification and development is permitted in established Living Area 1 lands, in accordance with the policies of the Official Plan;
6. Intensification will be encouraged on sites that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites. It will also be encouraged where the present use is maintained but the addition of residential uses can be added in a complementary manner;
7. Intensification will be encouraged on sites with suitable existing or planned infrastructure and public service facilities;
8. Intensification will be compatible with the existing and planned character of an area in terms of the size and shape of the lot, as well as the siting, coverage, massing, height, traffic, parking, servicing, landscaping and amenity areas of the proposal; and,
9. The following criteria, amongst other matters, may be used to evaluate applications for intensification:
 - a. The suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
 - b. The compatibility proposed development on 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 of surrounding natural features and areas and cultural heritage resources;
 - j. The relationship between the proposed development and any natural or man-made hazards;
 - k. The provision of any facilities, services and matters if the application is made pursuant to Section 37 of the Planning Act. Where applicable, applications for intensification of difficult sites may be subject to Section 19.7; and,
 - l. Residential intensification proposals will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 17.2 of the City's Official Plan generally encourages diversity in housing types and forms, including the provision of affordable housing. Specifically, Section 17.2.1 encourages a greater mix of housing types and tenure through applicable housing policies. Specifically, it is the policy of the City's Official Plan:

- a. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
- b. To encourage production of smaller (ie. one and two bedroom) units to accommodate the growing number of smaller households;
- c. To promote a range of housing types suitable to the needs of senior citizens;
- d. To discourage downzoning to support increased diversity of housing options; and,
- e. To support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities designed to have a mix of land uses, supportive of

transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.

Zoning By-law 2010-100Z:

The owner is requesting that the subject lands be rezoned to “R3(S)”, Medium Density Residential Special in order to permit a multiple dwelling containing four dwelling units on the subject lands. As was mentioned previously in this report, site-specific relief is also being requested in order to recognize an existing rear yard setback, to reduce the minimum amount of required landscaped open space and to provide a reduced planting strip along the northerly lot line. No additions to the existing building are proposed.

Department/Agency Review:

The application including relevant accompanying materials has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to inform and identify appropriate development standards in an amending zoning by-law should the application be approved.

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

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

Building Services notes that they have no concerns with the site-specific relief that is being requested. The owner is advised that a building permit and building permit documents will be required to the satisfaction of the Chief Building Official. Building Services has also indicated that their research indicates there will be a conversion of commercial space to residential use and for this reason drawings for the building permit application must be prepared by a qualified designer and shall include all required fire separations, exits, interior floor plans including all rooms and windows, heating and ventilation systems, and plumbing layouts. It is noted that the existing refuse storage area is situated in the required front yard. In this regard, the owner is advised that refuse storage areas shall be located in an interior yard only. The owner is required to relocate the refuse storage area to an interior side yard unless site-specific relief is granted allowing the existing refuse storage area to remain in its current location.

Conservation Sudbury advises that it would appear that a permit pursuant to Section 28 of the [Conservation Authorities Act](#) is not required as the subject lands do not contain any obvious floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features. The owner is advised however that Conservation Sudbury regulates the hazards associated with natural features and uses mapping as a tool to identify said hazards. It is noted then that while Conservation Sudbury makes every effort to ensure accurate mapping, regulated natural hazards may exist on the subject lands that have not yet been identified. Should a regulated natural hazard be discovered as the site is developed, the owner must halt works immediately and contact Conservation Sudbury directly. For the owner's information, regulated natural hazards include floodplains, watercourses, shorelines, wetlands and valley slopes.

The City's Drainage Section notes that the submitted sketch does not clearly illustrate ditching that exists along both the Elmview Drive and Dominion Drive street-lines. The owner is cautioned that the existing ditching is to be maintained.

Development Engineering advises that the lands are serviced with municipal water and sanitary sewer infrastructure. It is noted that all costs associated with any upgrades to the existing water and sanitary sewer infrastructure that is deemed to be necessary in order to properly service the lands will be borne entirely by the owner. It is further noted that the driveway entrance onto Dominion Drive has now been removed and should be replaced with landscaped open space.

PLANNING ANALYSIS:

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

The proposed rezoning is consistent with the PPS for the following reasons:

1. The community of Hanmer is an identified settlement area in the City's Official Plan. The development proposal involving the recognition of an existing multiple dwelling containing a total of four residential dwelling units within the existing building should be generally promoted and is considered to be good land use planning;
2. Staff is of the opinion that the proposed development contributes positively to improving the mix of residential densities and land uses that would be permitted in this particular area along Elmview Drive and at the corner of Dominion Drive which is designated in the City's Official Plan as a Collector Road within the community of Hanmer. Staff notes that the lands are serviced with municipal water and sanitary sewer from Dominion Drive. Access to the GOVA public transportation network is available along both Elmview Drive and Dominion Drive (ie. Route 105 – Valley) giving direct routing access to the Downtown Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of Elmview Drive providing a pedestrian connection to the larger surrounding area. There are also a number of public open spaces (eg. playgrounds, soccer fields, Howard's Nature Trail, etc.) and community facilities (eg. Centre Pivot du Triangle Magique Daycare, Howard Armstrong Recreation Centre, Valley East Public Library, etc.) in close proximity to the subject lands across Elmview Drive that can be accessed through the active transportation infrastructure that exists in the general area. Staff is of the opinion that the proposed rezoning will result in a good intensified use of the subject lands from a good land use planning perspective;
3. Staff is of the opinion that the application to rezone the lands will improve the possible mix of land use patterns in the general area and will serve to encourage and provide for increased and available housing opportunities on the housing continuum (ie. affordable rental housing) via the promotion of the intensification of an existing residential building that is located within the Hanmer settlement area and built boundary;
4. Staff is generally supportive of this opportunity for residential intensification and notes that the subject lands are immediately abutting two roads (ie. Elmview Drive and Dominion Drive) that are presently serviced by existing GOVA public transit routes. The proposed residential intensification in this instance would facilitate an additional two residential dwelling units within the existing building whereas at present only two residential dwelling units are permitted. The addition of two residential dwelling units would result in the lands being permitted a multiple dwelling having a total of four residential dwelling units and would therefore contribute positively toward improving the supply and range of housing options made available through intensification and redevelopment in the area. Staff is further satisfied that the proposed multiple dwelling having a total of four residential dwelling units within the existing building can be reasonably accommodated on the lands with minimal disruption to abutting residential land uses provided certain development standards are utilized in an amending zoning by-law. Suitable municipal infrastructure is also generally available within the Dominion Drive road allowance and staff would therefore encourage intensification in this location;
5. Staff is of the opinion that appropriate development standards can be achieved through the rezoning process that facilitates good intensification and compact built-form in this particular location, while at the same time avoiding or mitigating risks to public health and safety. Those development standards that would be appropriate in order to properly accommodate the proposed multiple dwelling containing four dwelling units on the subject lands are discussed in more detail later in this report;
6. Staff notes that the subject lands are within an existing and identified settlement area being that of the Hanmer community. It is further noted that the lands are also within the City's existing built-boundary. Staff is therefore of the opinion that the proposed rezoning would facilitate and encourage the possibility of additional residential development proceeding in this area that has a more compact built-

form by permitting a multiple dwelling having four residential dwelling units within the existing building and at an overall site density that will utilize the subject lands efficiently from a land, infrastructure and public service facilities perspective. Staff would also generally note that the development proposal will contribute positively toward minimum targets for intensification and redevelopment within built-up areas that are identified in the City's Official Plan; and,

7. With respect to housing policies in the PPS, staff would highlight and note the following:

- a) The proposed residential dwelling units that are proposed within the existing building would in general provide for an expanded range and potential mix of housing options and densities in the community of Hanmer. With the proper use of development standards as noted later in this report, staff is satisfied that no negative impacts would be generated should the rezoning to permit residential intensification in this location be approved from a social, health, economic and well-being perspective in terms of current and future residents living in the local community;
- b) Staff is satisfied through their review and circulation of the rezoning application that the proposed new housing option being that of a multiple dwelling containing four residential dwelling units within the existing building can and should be appropriately directed to the subject lands as appropriate levels of infrastructure (eg. active transportation, municipal sanitary sewer and water infrastructure, public transportation, etc.) are presently available in this particular location at the corner of Elmview Drive and Dominion Drive in Hanmer;
- c) Staff is of the opinion that the development proposal would generally result in the more efficient use of the subject lands, the existing building, and available municipal infrastructure in this location. The lands are also presently underutilized from a local commercial perspective. It is further noted that the resulting improved housing options in this area would also positively contribute to and encourage the use of public transportation in the immediate area;
- d) Staff notes that there are at present no identified issues with respect to prioritization of intensification in the immediate area. The development proposal in general being that of a multiple dwelling containing four residential dwelling units within the existing building on the subject lands would not negatively impact other intensification opportunities that may exist in the area; and,
- e) Staff is satisfied that appropriate development standards can be utilized in an amending zoning by-law to accommodate the proposed development and residential intensification of the subject lands without negatively impacting the cost of housing and the existing character of the area. In particular, the proposed rezoning would facilitate the addition of two residential dwelling units beyond the two residential dwelling units that are already permitted in this location and staff is satisfied that doing so would not be excessive or unreasonable in nature. Staff notes that the resulting multiple dwelling containing four residential dwelling units can be reasonably expected to provide additional affordable rental dwelling units in the area. No negative impacts on public health and safety were identified through the review and circulation of the rezoning application.

With respect to the City's Official Plan, staff in general have no concerns with respect to the proposed rezoning conforming to the applicable policies in the Official Plan for the City of Greater Sudbury. Those policies relevant to the development proposal that would recognize and permit a multiple dwelling containing four residential dwelling units within the existing building are discussed below.

With respect to general policies under the Mixed Use Commercial land use designation in the Official Plan, staff notes that a multiple dwelling containing four residential dwelling units is a permitted use provided that it is compatible with surrounding land uses. Staff also do not anticipate any negative impacts from a visual perspective on the Mixed Use Commercial corridor and would note that the proposed multiple dwelling would be entirely contained within the existing building that is situated on the lands. The residential density on the lands would amount to 28 residential dwelling units per hectare, which is at a density and concentration lower than what would generally be expected on lands designated Regional Corridor.

With respect to new development that is proposed within the Mixed Use Commercial land use designation, staff have the following comments:

1. Development Engineering has reviewed the application and has not indicated that there are any concerns with respect to municipal water and sanitary sewer infrastructure capacities in this location. Staff would also note that the existing building is already connected to the existing municipal water and sanitary sewer infrastructure that is available along Dominion Drive;
2. Roads, Transportation and Innovation have reviewed the application and have not indicated that there are any concerns with respect to parking areas on the subject lands. Staff is satisfied that parking can be adequately provided on the lands and will discuss the existing parking layout in more detail later in this report. Roads, Transportation and Innovation have also not identified the need or requirement for any traffic improvements in order to accommodate the proposed multiple dwelling containing four residential dwelling units;
3. Staff would note that no new access onto an Arterial Road is required in order to accommodate the development proposal and it is further noted that Dominion Drive is identified as being a Collector Road in the City's Official Plan. It is on the same basis that staff would advise that there are no concerns with respect to negatively impacting the traffic carrying capacity of an Arterial Road should the rezoning be approved;
4. It is noted that the previous rezoning sought approval to permit five residential dwelling units whereas the current development proposal would reduce the residential dwelling unit count below the threshold (ie. four units or less) for imposing site plan control on the lands. As such, staff will need to address on-site landscaped open space via the amending zoning by-law as opposed to the site planning process. The amount of landscaped open space on the lands and opportunities to improve upon the availability of outdoor amenity space is discussed in detail later in this report. Staff would also note however that the development proposal would not result in non-residential land uses abutting residential land uses, however, there would be a transition between low and medium density residential development should the rezoning be approved; and,
5. Staff have no concerns with respect to the overall development proposal conflicting with or not being in conformity with those applicable transit-supportive, accessibility and urban design policies contained in the City's Official Plan. It is noted from the above perspective that the proposed land use would be contained within the existing building and appropriate development standards will be utilized to ensure the proposed use is best integrated with the surrounding area.

With respect to Section 2.3.2 of the Official Plan, staff notes that the subject lands are identified as being located within the Settlement Area and Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary to the City's Official Plan. Staff advises that the proposed rezoning that would recognize a multiple dwelling containing four residential dwelling units within the existing building on the lands represents an opportunity to make efficient use of the existing urban land supply, municipal infrastructure and other services that are already provided for within the City's Settlement Area and Built Boundary. Staff is also satisfied that a site-specific amending zoning by-law can include development standards that would be appropriate for the subject lands. Those development standards that would be appropriate in this setting are discussed in detail later in this report and are included in the Resolution section of this report.

With respect to applicable intensification policies set out under Section 2.3.3 of the Official Plan, staff has the following comments:

1. Staff notes that in general all forms of residential intensification are encouraged in the City's Official Plan. Staff further notes in this instance that the subject lands contain an existing and underutilized mixed-use building that now only includes residential uses and as such the development proposal represents an opportunity to increase the mix and range of available housing options in a residential neighbourhood that at present contains mostly lower residential densities and built-forms. Provided that appropriate development standards are applied to the lands, staff is of the opinion that this form of residential intensification can be reasonably accommodated on the subject lands without negatively impacting the existing and planned character of the general area;
2. Staff advises that the portion of the development proposal involving the recognition of a multiple dwelling containing a total of four residential dwelling units that are all within the existing building on the lands would contribute positively to the City's aim of accommodating 20% of all future residential

growth and development through intensification within the Built Boundary;

3. Staff advise that the development proposal does not amount to large or medium scale intensification that would be otherwise directed to strategic core areas, such as the Downtown or Town Centre land use designations. Staff notes that the Mixed Use Commercial land use designation does not include any specific references to permitted residential densities, however, the resulting residential density of approximately 28 residential dwelling units per hectare would not generally be considered to be large of medium scale intensification within the context of the community of Hanmer;
4. It is noted that intensification is permitted within the Mixed Use Commercial land use designation in accordance with the policies of the City's Official Plan. Staff notes that this section of the report provides a land use planning analysis that includes a review of the applicable residential intensification policies set against the Mixed Use Commercial land use designation policies. Staff can advise that from a Mixed Use Commercial land use designation perspective, no concerns with respect to conformity in relation to the overall development proposal were identified during the review of the rezoning application;
5. Staff notes that the proposed intensification would involve the redevelopment of a local commercial site that is in a general sense no longer viable for said local commercial purposes. This form of residential intensification does however represent a good opportunity to maintain the existing footprint of the building on the lands, while at the same time facilitating additional residential use permissions (ie. two additional residential dwelling units) and without negatively impacting the overall use of the lands or abutting residential properties. The additional two residential dwelling units are also to be accommodated in a manner that requires no additions to the existing building. Staff are satisfied that the proposed residential intensification is therefore being added in a manner that is complimentary to both the existing building as well as the surrounding residential area;
6. Staff notes that the rezoning application was circulated to Development Engineering and in their review there were no issues identified with respect to utilizing existing municipal water and sanitary sewer infrastructure that exists along Dominion Drive. Staff would further note that the existing building is already connected to said municipal infrastructure;
7. Staff notes that the existing building and how it is situated on the lands in terms of size and shape of the lot, as well as the siting, coverage, massing, height, servicing, and available outdoor amenity areas would remain largely unchanged. Staff in general have no concerns with the above matters from a land use compatibility perspective apart from noting that there would appear to be an opportunity to improve upon the amount of outdoor amenity space that is presently available on the lands to tenants living in the proposed multiple dwelling containing four residential dwelling units. In this regard, it is recommended that the amending zoning by-law not provide for any site-specific relief with respect to a reduced amount of landscaped open space on the lands. Staff would also encourage the owner to introduce a more appropriate level of landscaped open space on the lands given that the residential use of the lands would now extend throughout the entirety of the existing building. Staff in particular have identified in their review of the application that opportunities to add outdoor amenity areas in the form of landscaped open space appears to exist to both the north and the south of the existing building; and,
8. In particular, with respect to applicable criteria set out in Section 2.3.3 of the City's Official Plan that are to be considered when evaluating applications that propose intensification, staff has the following comments:
 - a) Staff are of the general opinion that the subject lands are of sufficient size and shape to accommodate a multiple dwelling containing four residential dwelling units all within the existing building. Staff notes that the rezoning application was circulated to appropriate agencies and departments and can advise that no concerns with respect to soil conditions and topography were identified. The City's Drainage Section was circulated the rezoning application and in their review did not identify any concerns with respect to drainage;
 - b) Staff have noted in this report that the subject lands are generally surrounded by lower density urban and rural residential land uses of which the predominant residential built-form is that of single-detached dwellings. Staff have no concerns with respect to the compatibility of the

development proposal given that the existing building on the lands has existed in this location since original construction approximately three decades ago (ie. 1991) and the proposed additional residential dwelling units would be contained entirely within the existing building and would therefore not involve any building additions. The appearance of the existing building from both Elmview Drive and Dominion Drive would be unchanged with the only discernable difference being the absence of ground-floor commercial uses;

- c) Staff is satisfied that the lands are generally capable of providing adequate on-site landscaping, fencing, planting and other measures that can reasonably be expected to have the effect of lessening any impacts that the development proposal would have on abutting residential properties, or the existing urban residential character that exists along Elmview Drive and Dominion Drive. It is also noted that landscaped open space not only provides privacy and buffering to abutting uses, but it also provides tenants living within the proposed multiple dwelling with outdoor amenity space. Staff would note however that multiple dwellings containing four or less residential dwelling units are generally exempt from site plan control. While staff are not recommending that site plan control be imposed here on a site-specific basis, it is being recommended by staff that additional landscaped open space and outdoor amenity areas be provided on the lands and that no site-specific relief be provided;
- d) Development Engineering was circulated the rezoning application and have noted that the lands are serviced with municipal water and sanitary sewer infrastructure. It is noted also that the lands are presently already connected to both municipal water and sanitary sewer infrastructure available along Dominion Drive;
- e) Staff notes that no new driveway entrances are necessary in order to facilitate access to the lands as the site contains an existing driveway entrance onto Elmview Drive. Staff further notes that there used to be a second driveway access onto Dominion Drive, which has since been removed. It is noted that Roads had noted in their review of the previous rezoning application that only one driveway access to the lands would be permitted and that one of the two driveway entrances would be required to be closed. The sketch that was submitted in support of the proposed rezoning depicts six parking spaces to the east of the existing building, which demonstrates compliance with respect to minimum require number of parking spaces for a multiple dwelling containing four residential dwelling units. There is also no requirement for a loading space as the proposed residential built-form does not amount to a multiple dwelling containing 50 or more residential dwelling units. Staff also have no concerns at this time with respect to safe and convenient vehicular circulation on the lands provided that the residential use of the lands is limited to that of a multiple dwelling containing a maximum of four residential dwelling units within the existing building;
- f) Roads, Transportation and Innovation have reviewed the rezoning application and did not express any concerns with respect to any negative impacts related to the traffic that would be generated by the development proposal on the local road network and surrounding land uses;
- g) As was noted previously in this report, the lands are well accessed by public transportation to the east on Burton Avenue (ie. Route 105 – Valley), which provides direct routing access to the Downtown Transit Hub. Active transportation is also an option as there is an existing sidewalk along both sides of Elmview Drive providing a pedestrian connection to the larger surrounding area;
- h) Staff notes that no additions to the existing building are proposed and therefore no negative sun-shadowing and/or wind impacts would be introduced or generated by recognizing the existing multiple dwelling having a maximum of four residential dwelling units on the subject lands. Staff also notes that the medium density residential built-form (ie. a two-storey multiple dwelling within an existing building) itself in this case did not generate the need for any sun-shadowing and/or wind impact studies as part of a complete rezoning application;
- i) Staff in their review of the application did not identify any areas of concern with respect to negative impacts of the development proposal on surrounding natural features and areas and cultural heritage resources;

- j) Staff have no concerns with respect to the relationship between the proposed development and any nearby identified natural or man-made hazards;
- k) There are no facilities, services or other matters associated with the development proposal that are subject to Section 37 of the Planning Act; and,
- l) It is on the above basis that staff generally concludes and would advise that the proposed residential intensification balances the concerns of the local community with the identified need for providing opportunities for residential intensification.

With respect to housing policies established under Section 17.0 of the Official Plan, staff would note that in general the development proposal would contribute positively to the range of housing types, tenures and built-forms that would be made available to meet the needs of both current and future residents of Hanmer. Further to this, staff would note the following with respect to applicable housing policies in the City's Official Plan:

- 1. The proposed multiple dwelling containing four residential dwelling units represents an opportunity to introduce smaller (ie. one and two bedroom) residential dwelling units into this part of Hanmer that can reasonably be expected to provide for an attractive housing option for the growing number of smaller household sizes;
- 2. The proposed multiple dwelling containing four residential dwelling units represents an opportunity to provide for additional housing types and options for senior citizens living in the community of Hanmer. It is noted in particular that no other multiple dwellings existing in terms of housing options within the immediately surrounding area;
- 3. Staff notes that the proposed rezoning does not amount to a residential downzoning and in fact the rezoning would contribute positively to the notion of improving upon the diversity of available housing options in the general area; and,
 - a. Staff is of the opinion that the development proposal will contribute positively to the notion of creating complete communities designed to have a mix of land uses, that are supportive of public transit, that ensures the provision of a full range of housing, including affordable housing, that is inclusive of all ages and abilities, and it represents a housing opportunity that can be expected to meet the daily and lifetime needs of all residents living in the community of Hanmer.

Staff is therefore of the opinion that the proposed rezoning to permit a multiple dwelling containing four residential dwelling units within the existing building on the lands conforms to the Official Plan for the City of Greater Sudbury.

With respect to the City's Zoning By-law, staff in general have no concerns with the requested zone category and have the following comments:

- 1. It is recommended that the amending zoning by-law permit a residential use that is limited to that of only a multiple dwelling having a total of four residential dwelling units within the existing building on the lands. Staff is of the opinion that the above will act to ensure that the proposed residential intensification of the lands occurs in a well-defined, clear and contextually sensitive manner;
- 2. Staff notes that the residential parking space requirement for a multiple dwelling in this location is to be calculated at 1.5 parking spaces per residential dwelling unit. It is noted then that the overall development proposal would be required to provide six parking spaces based on the proposed multiple dwelling having four residential dwelling units. Based on the submitted sketch, no site-specific relief is required in this regard as there would be six parking spaces provided to the east of the existing building on the lands. Staff would also note that the submitted sketch demonstrates compliance with respect to minimum parking space dimensions, minimum parking aisle widths and minimum driveway access widths. It is further noted that none of the required parking spaces would be situated within the required front yard. No accessible parking spaces or bicycle parking spaces are required based on the residential use that is being proposed;

3. Staff notes that a planting strip having a width of 3 m (9.84 ft) adjacent to the full length of a lot line is required where a lot zoned for medium density residential use (ie. "R3") abuts a lot zoned for low density residential use (ie. "R1-5"). The above noted planting strip may be reduced to a width of 1.8 m (5.91 ft) where said planting strip contains an opaque fence having a height of 1.5 m (4.92 ft) or more. Staff further notes that the same planting strip requirements apply where a non-residential lot abuts a residential lot. Staff notes then in this regard that there is an existing low density residential lot zoned "R1-5" to the immediate north of the subject lands. The owner has requested that site-specific relief be provided in the northerly interior side yard to permit a planting strip having a width of 0 m (0 ft) along with the existing fence having a height of 1.5 m (4.92 ft). Staff does acknowledge that this is largely an existing situation, but would recommend that the northerly interior side yard be explored further as a possible location for additional outdoor amenity space. If sufficient outdoor amenity space is provided elsewhere on the lands then staff would have no concerns recognizing this existing situation. The lands to the immediate west are zoned "C1", Local Commercial and are considered to be a non-residential lot and would also therefore the proposed rezoning to "R3" would trigger the need to provide for a planting strip and/or opaque fence along this interior side yard. Staff would note that the submitted sketch depicts a westerly interior side yard setback of 4.4 m (14.44 ft) and further that this area is landscaped open space. Staff confirmed during a site visit that there are accessory structures in this interior side yard and there is also a fence present along the westerly lot line. Section 4.15.6 c) requires that a planting strip be uninterrupted landscaped open space, which is not the case in the westerly interior side yard due to the presence of the accessory structures. Staff are unable to support any site-specific relief in the westerly interior side yard and would recommend that the accessory structures be removed prior to the passing of an amending zoning by-law. It is also noted that the submitted sketch depicts this area as being landscaped open space and said accessory structures are not depicted. The removal of said accessory structures will also positively contribute to an improved amount of landscaped open space on the lands;
4. It is further noted that the owner is requesting site-specific relief that would result in the lot providing for a minimum of 25% landscaped open space whereas the standard "R3" Zone requires that a minimum of 30% landscaped open space be provided. Staff noted during a site visit that very little outdoor amenity space for tenants living in the building exists presently on the lands. Staff are therefore recommending that landscaped open space be added in the front yard and/or rear yard and that no site-specific relief be provided. Staff would also encourage the owner to consider exceeding the minimum 30% landscaped open space requirement in order to provide for higher quality outdoor amenity spaces on the lands;
5. It is noted that the existing refuse storage area is located within the front yard. It is further noted that refuse storage areas are permitted only within interior side yards. Staff are not recommending that any site-specific relief be provided for in this regard and further to this the owner is advised that an alternative location demonstrating compliance with Section 4.2.9 of the City's Zoning By-law must be provided for accordingly. The refuse storage area should also be relocated prior to the enactment of an amending zoning by-law;
6. There are also no additions proposed to the existing building and therefore existing yard setbacks as they relate to the existing building will remain as they are at present. Staff have no concerns then with the request to recognize an existing rear yard setback of 7.15 m (23.46 ft) whereas a minimum rear yard setback of 7.5 m (24.61 ft) is required in the standard "R3" Zone;
7. Staff notes that apart from the above comments the submitted sketch otherwise would appear to demonstrate general compliance with all applicable development standards within the general provisions, parking provisions and the standard "R3" Zone; and,
8. Staff also notes that a registered survey plan is not required in order to prepare the amending zoning by-law as lands that subject to the rezoning are already described capably and legally as being PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer.

With respect to the request to discharge the existing site plan control agreement that is presently registered on title, staff have no concerns with the request provided that the site plan control agreement is only

discharged after the amending zoning by-law has been enacted and is final and binding without appeal. Staff would note that this approach is prudent given that commercial uses will continue to be permitted on the lands under the currently applicable “C1(24)” Zone until such time as the amending zoning by-law is final and binding, which would have the effect of removing commercial land use permissions from the lands. This approach is consistent with and would align with the City’s approach to site planning whereby multiple dwelling having four or less residential dwelling units are exempted from site plan control.

CONCLUSION:

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

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

1. That a residential use being that of a multiple dwelling containing a maximum of four residential dwelling units within the existing building be the only permitted uses on the lands;
2. That the existing rear yard setback of 7.15 m (23.46 ft) be permitted; and,
3. That a planting strip along the northerly lot line having a minimum width of 0 metres together with an opaque fence having a minimum height of 1.5 metres be required.

Staff is however recommending three conditions of approval that should be satisfied prior to the enactment of an amending zoning by-law. Specifically, the following conditions of approval are recommended:

1. That the owner be required to apply for all required building permits to the satisfaction of the Chief Building Official;
2. That the owner shall relocate the existing refuse storage area situated in the front yard to a location in compliance with the City’s Zoning By-law to the satisfaction of the Director of Planning Services; and,
3. That the owner shall remove the existing accessory structures in the westerly interior side yard and restore the planting strip in this location to the satisfaction of the Director of Planning Services.

The Planning Services Division therefore recommends that the application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.

CONCEPTUAL SKETCH FOR REZONING

4045 ELMVIEW DRIVE
SUDBURY
TULLOCH ENGINEERING INC.
SCALE 1:250

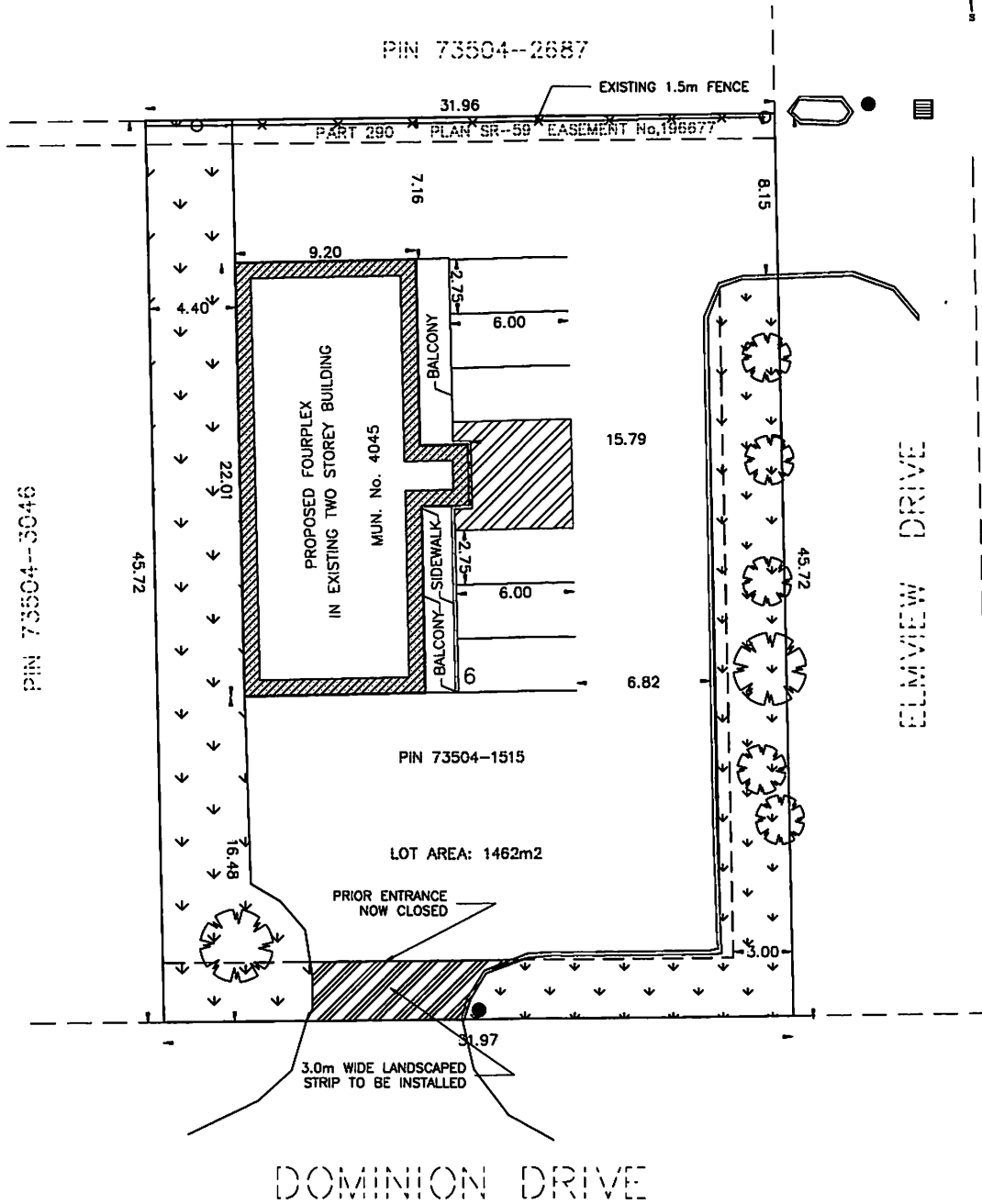




PHOTO #1 – Subject lands with existing building and parking area as viewed from Elmview Drive looking west.



PHOTO #2 – Subject lands with closed driveway access onto Dominion Drive and front yard parking area as viewed from Dominion Drive looking north.



PHOTO #3 – Existing accessory structures located in the westerly interior side yard on the subject lands looking south toward Dominion Drive.



PHOTO #4 – Existing low density urban residential development to the immediate north of the subject lands as viewed from Elmview Drive looking west.



PHOTO #5 – Howard Armstrong Recreation Centre as viewed from the subject lands looking east.



PHOTO #6 – Existing rural residential development to the immediate south of the subject lands as viewed from Dominion Drive looking south.



PHOTO #7 – Existing urban residential development to the immediate west of the subject lands as viewed from Dominon Drive looking north.

Moved By



No.

PL2016- 137

Seconded By



Date

Monday, September 12, 2016

THAT the City of Greater Sudbury approves the application by Blanchette Hardware Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five (5) dwelling units on the subject lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, subject to the following conditions:

1. That prior to the enactment of the amending by law:

- a. The owner shall apply for a building permit to the satisfaction of the Chief Building Official; and,
- b. The owner shall have entered into an amended site plan control agreement with the City to be registered on title to the satisfaction of the Director of Planning Services; and,

2. That the amending by-law contain the following site-specific provisions:

- a. That the only permitted use on the lands be a multiple dwelling containing a maximum of five (5) residential dwelling units;
- b. That a minimum rear yard setback of 7.15 metres be required; and,
- c. That the resulting minimum landscaped open space percentage applicable to the lands including any planting strip or fencing be incorporated into the amending by-law following the completion of the site planning process.

CARRIED
Monday, September 12, 2016


Councillor Cormier, Chair

*Committee Resolutions are not ratified
until approved by Council*

Yea
Dutrisac
McIntosh
Sizer
Cormier.

Bill 73 Requirements

Regarding Resolution No. PL2016- 137

Date Sept 12 / 2016

Option 1:

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

Option 2:

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

Option 3:

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

a) _____

b) _____

c) _____

d) _____

e) _____



Councillor Cormier, Chair

Moved By



No.

PL2017- 916

Seconded By



Date

Monday, June 12, 2017

WHEREAS the City of Greater Sudbury Planning Committee adopted Resolution PL2016-137 on September 12, 2016 approving a rezoning application by Blanchette Hardware Ltd. to permit a five unit multiple dwelling on those lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, subject to certain conditions;

AND WHEREAS Council for the City of Greater Sudbury on October 18, 2016 adopted Resolution CC2016-325PL01;

AND WHEREAS the conditions of approval have not yet been satisfied;

AND WHEREAS the owner has subsequently advised Planning Services that they are now seeking approval for a four unit multiple dwelling;

THEREFORE, BE IT RESOLVED that items 1a, b and 2 a, b, and c of Council Resolution CC2016-325PL01 that was ratified at the October 18, 2016 meeting shall be replaced and superceded with the following:

1. That prior to the enactment of the amending by-law:

- a) The owner shall apply for a building permit to the satisfaction of the Chief Building Official;
- b) The owner shall relocate the refuse storage area in compliance with the Zoning By-law to the satisfaction of the Director of Planning Services;
- c) The owner shall remove the driveway entrance onto Dominion Drive, to the satisfaction of the Director of Planning Services.

2. That the amending by-law contain the following site specific provisions:

- a) That the only permitted use on the lands be a multiple dwelling containing a maximum of four (4) residential dwelling units;
- b) That a minimum rear yard setback of 7.15 metres be required; and,
- c) That a minimum landscaped open space percentage of 22 percent be required.

3. That staff discharge from title the existing site plan control agreement applicable to the subject lands at such time as the amending zoning by-law is in full force and effect to the satisfaction of the Director of Planning Services.

AND THAT in accordance with Subsection 34(17) of the Planning Act no further notice is required to be provided for changes to the proposed by-law, as provided for in this resolution.

CARRIED
Monday, June 12, 2017



Councillor McIntosh, Chair

*Committee Resolutions are not ratified
until approved by Council*

Request for Decision

Blanchette Hardware Ltd. – Proposed change to an amending zoning by-law, 4045 Elmview Drive, Hanmer

Presented To:	Planning Committee
Presented:	Monday, Jun 12, 2017
Report Date	Tuesday, May 23, 2017
Type:	Routine Management Reports
File Number:	751-7/16-12

Resolution

WHEREAS the City of Greater Sudbury Planning Committee adopted Resolution PL2016-137 on September 12, 2016 approving a rezoning application by Blanchette Hardware Ltd. to permit a five unit multiple dwelling on those lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, subject to certain conditions;

AND WHEREAS Council for the City of Greater Sudbury on October 18, 2016 adopted Resolution CC2016-325PL01;

AND WHEREAS the conditions of approval have not yet been satisfied;

AND WHEREAS the owner has subsequently advised Planning Services that they are now seeking approval for a four unit multiple dwelling;

THEREFORE, BE IT RESOLVED that items 1a, b and 2 a, b, and c of Council Resolution CC2016-325PL01 that was ratified at the October 18, 2016 meeting shall be replaced and superceded with the following:

1. That prior to the enactment of the amending by-law:
 - a) The owner shall apply for a building permit to the satisfaction of the Chief Building Official;
 - b) The owner shall relocate the refuse storage area in compliance with the Zoning By-law to the satisfaction of the Director of Planning Services;
 - c) The owner shall remove the driveway entrance onto Dominion Drive, to the satisfaction of the Director of Planning Services.
2. That the amending by-law contain the following site specific provisions:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed May 23, 17

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed May 23, 17

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 23, 17

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 24, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed May 25, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 26, 17

a) That the only permitted use on the lands be a multiple dwelling containing a maximum of four (4) residential dwelling units;

b) That a minimum rear yard setback of 7.15 metres be required; and,

c) That a minimum landscaped open space percentage of 22 percent be required.

3. That staff discharge from title the existing site plan control agreement applicable to the subject lands at such time as the amending zoning by-law is in full force and effect to the satisfaction of the Director of Planning Services.

AND THAT in accordance with Subsection 34(17) of the Planning Act no further notice is required to be provided for changes to the proposed by-law, as provided for in this resolution.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This report summarizes changes requested by the owner to an amending zoning by-law approval that was considered by Planning Committee on September 12, 2016 and ratified by Council on October 18, 2016. The report includes a review of the request and recommendations from staff with respect to how the existing approval should be altered. The report also seeks direction from Planning Committee and Council that no further public notice is required as permitted under Subsection 34(17) of the Planning Act.

Financial Implications

If approved, staff estimate approximately \$12,200 in taxation revenue, based on the assumption of 4 multiple dwelling units (and estimated assessed value of \$275,000 per dwelling) at the 2016 property tax rates.

In addition, this development would result in total development charges of approximately \$60,000 based on assumption of 4 multiple dwelling units based on rates in effect as of this report.

Title: Blanchette Hardware

Date: May 17, 2017

STAFF REPORT

Applicant:

Blanchette Hardware Ltd.

Location:

PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer (4045 Elmview Drive, Hanmer)

Planning Considerations:

Background

Section 34(17) of the [Planning Act](#) allows Council to determine whether or not any further public notice is to be given with respect to a change in a proposed amending [Zoning By-law](#). This determination is final and not open to any review or appeal process. In order to pass an amending zoning by-law approval as outlined in this report, Council needs to determine whether or not further public notice is required.

Previous Rezoning Approval

City Council Recommendation [CC2016-325PL01](#) was passed on October 18, 2016, which approved the rezoning of the subject lands subject to a number of conditions. The lands would be rezoned from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses and to permit a multiple dwelling containing a maximum of five residential dwelling units. Specifically, the rezoning approval as recommended to Council by the Planning Committee on September 12, 2016, included the following conditions:

1. That prior to the enactment of the amending by-law:
 - a. The owner shall apply for a building permit to the satisfaction of the Chief Building Official; and,
 - b. The owner shall have entered into an amended site plan control agreement with the City to be registered on title to the satisfaction of the Director of Planning Services; and,
2. That the amending zoning by-law contain the following site-specific provisions:
 - a. That the only permitted use on the lands be a multiple dwelling containing a maximum of five residential dwelling units;
 - b. That a minimum rear yard setback of 7.15 metres be required; and,
 - c. That the resulting minimum landscaped open space percentage applicable to the lands including any planting strip or fencing be incorporated into the amending zoning by-law following the completion of the site planning process.

The prior [planning report](#) considered by Planning Committee is available online for reference purposes.

Requested Changes

The owner submitted a letter to the City on March 29, 2017 requesting a re-consideration of a prior rezoning approval which allowed for the removal of all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units. Specifically, the owner is now requesting the following:

1. That a multiple dwelling containing four residential dwelling units be permitted;
2. That the existing 7.15m rear yard setback continue to be recognized in the approval;
3. That a minimum side yard setback for accessory structures of 0.2 m (0.66 ft) be permitted;
4. That two driveway entrances be permitted;
5. That no landscaping strip be required along the rear lot line;
6. That a minimum landscaped open space of 22% be permitted; and,
7. That the existing refuse storage area be permitted to remain in its present location in the front yard.

The owner is also requesting that the existing site plan agreement be removed and discharged from title as a multiple dwelling containing four dwelling units is exempt from site plan control under the City's Site Plan Control By-law [2010-220](#).

Recommended Changes

Staff circulated the request to relevant departments for comment and has also completed a review of the requested changes. Staff has the following comments regarding the requested changes to the previous rezoning approval outlined above in this report:

1. Staff has no concerns with respect to reducing the maximum number of residential dwelling units within the existing building from five to four dwelling units. Building Services has noted that building permits to facilitate the conversion of the commercial units into residential dwelling units remain necessary and should remain as a condition of approval;
2. Staff have no concerns with deleting the requirement for an amended site plan control agreement as the City's Site Plan Control By-law would no longer be applied to a multiple dwelling containing four residential dwelling units;
3. Staff also has no concerns with the request to discharge from title the existing site plan control agreement which formerly addressed the commercial development of the subject lands. Staff recommend however that the site plan control agreement not be discharged from title until the amending zoning by-law is enacted and all other matters relating to the rezoning approval have been addressed;
4. Staff remains supportive of recognizing the existing rear yard setback of 7.15 metres and no change to the previous rezoning approval is therefore necessary;

5. Roads, Traffic and Transportation and Development Engineering have both previously recommended that the second driveway entrance be removed. The site planning process was expected to address the closure of the driveway entrance onto Dominion Drive. Roads, Traffic and Transportation have noted that the site would be well serviced from a single entrance. It's further noted that each entrance added to a roadway creates additional conflict points which reduces the overall safety and capacity of the roadway. Roads, Traffic and Transportation is requesting as a condition of approval that the owner be required to close the Dominion Drive entrance and restore the ditch and boulevard to City standard. As noted above, site plan approval will no longer be applicable to the development and staff are therefore recommending that the removal of the driveway entrance be completed prior to the passing of the amending zoning by-law;
6. The relocation of the refuse storage area from the front yard to an area on the lands in compliance with the Zoning By-law 2010-100Z was also expected to be dealt with through the site planning process. In the absence of an amended site plan, staff are recommending that no site-specific relief be provided for the existing refuse storage area in the front yard and that its relocation in compliance with the Zoning By-law be completed prior to the passing of an amending zoning by-law. The reduced setback being requested to permit the refuse storage area in its existing location is also seen as inappropriate given that refuse storage areas are not to be located in a required front yard;
7. Staff has no concerns with respect to altering the rezoning approval to permit a minimum landscaped open space area equal to 22% of the lot area. The site planning process was expected to identify the amount of landscaped open space however without site plan control being in place on the lands, staff has no concerns with amending the rezoning approval as noted above based on the information provided to the City by the owner's agent; and,
8. Staff notes that all other relevant and applicable parts of the Zoning By-law including all general provisions and parking provisions in the "R3" Zone shall continue to be applicable to the subject lands.

The resolution section of this report includes a resolution which would replace and supercede the previous rezoning approval should Planning Committee decide to proceed with an amended rezoning approval.

Summary

Staff is of the opinion that the change to the proposed by-law and rezoning approval is minor and is therefore recommending that pursuant to Section 34(17) of the Planning Act, no further public notice is necessary in this circumstance. The request to amend the approval was circulated to relevant departments and reviewed by the Planning Services Division for comments and changes to the approval are noted and detailed in the resolution section of this report.

Request for Decision

Blanchette Hardware Ltd. - Application for rezoning in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units, 4045 Elmview Drive, Hanmer

Presented To: Planning Committee
 Presented: Monday, Sep 12, 2016
 Report Date: Monday, Aug 22, 2016
 Type: Public Hearings
 File Number: 751-7/16-12

Resolution

THAT the City of Greater Sudbury approves the application by Blanchette Hardware Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five (5) dwelling units on the subject lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, subject to the following conditions:

1. That prior to the enactment of the amending by law:
 - a. The owner shall apply for a building permit to the satisfaction of the Chief Building Official; and,
 - b. The owner shall have entered into an amended site plan control agreement with the City to be registered on title to the satisfaction of the Director of Planning Services; and,
2. That the amending by-law contain the following site-specific provisions:
 - a. That the only permitted use on the lands be a multiple dwelling containing a maximum of five (5) residential dwelling units;
 - b. That a minimum rear yard setback of 7.15 metres be required; and,
 - c. That the resulting minimum landscaped open space percentage applicable to the lands including any planting strip or fencing be incorporated into the amending by-law following the completion of the site planning process.

Signed By

Report Prepared By

Glen Ferguson
 Senior Planner
Digitally Signed Aug 22, 16

Reviewed By

Eric Taylor
 Manager of Development Approvals
Digitally Signed Aug 22, 16

Recommended by the Division

Jason Ferrigan
 Director of Planning Services
Digitally Signed Aug 22, 16

Recommended by the Department

Tony Cecutti
 General Manager of Infrastructure Services
Digitally Signed Aug 24, 16

Recommended by the C.A.O.

Ed Archer
 Chief Administrative Officer
Digitally Signed Aug 26, 16

STAFF REPORT

Applicant:

Blanchette Hardware Ltd.

Location:

PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer (4045 Elmview Drive, Hanmer)

Application:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "C1(24)", Local Commercial Special to "R3", Medium Density Residential.

Proposal:

The application is intended to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units on the subject lands. The lands presently contain four residential dwelling units and the owner proposes to add one additional dwelling unit within the existing building.

Official Plan Conformity:

The subject lands are designated Mixed Use Commercial in the Official Plan for the City of Greater Sudbury. The Mixed Use Commercial designation contains a mix of land uses and is generally located along certain stretches of Arterial Roads. It is the intent of the Plan to permit a range of uses in the Mixed Use Commercial designation including commercial, institutional, residential, and parks and open space through the rezoning process. Given the high visibility of Mixed Use Commercial areas, special attention to urban design principles is considered to be essential. Siting buildings to create a sense of street enclosure, locating parking lots to the rear of buildings, screening service entrances and garbage storage, and effective landscaping is to be utilized to enhance the aesthetic appearance of mixed use corridors.

Within the Mixed Use Commercial designation, subject to rezoning, new development may be permitted provided that:

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

Section 18.2 of the Official Plan encourages a greater mix of house types and tenures. Providing for a wide range of housing types and forms suitable to meet the housing needs of the City is to be encouraged. Innovative forms of multiple housing may also involve alternative development standards where considered to be appropriate.

The application conforms to the Official Plan for the City of Greater Sudbury subject to a review of the above

noted land use planning considerations.

Site Description & Surrounding Land Uses:

The subject lands are located at the corner of Dominion Drive and Elmview Drive in the community of Hanmer. The lands have a total lot area of approximately 1,461 m² (15,737 ft²) with approximately 32 m (104.99 ft) of frontage on Dominion Drive and 45 m (150 ft) on Elmview Drive respectively. The lands contain an existing building which is to contain a total of five apartment dwelling units. The lands are primarily accessed from Elmview Drive as the owner has erected a metal gate across the existing Dominion Drive entrance.

Surrounding uses to the north are primarily urban residential in nature with pre-dominant built-form being that of single-detached dwellings. Rural land uses exist to the south along Dominion Drive. There are also several large vacant rural parcels in the immediate area. The Howard Armstrong Recreation Centre is located to the immediate east of the lands.

Departmental & Agency Comments:

Building Services

Building Services has the following comments:

1. Our records show that the original building was built containing three commercial and two residential units. As a condition of this rezoning, a building permit application, to the satisfaction of the Chief Building Official, will be required to convert the three commercial units into residential units; and,
2. As part of the building permit application drawings prepared by a qualified designer will be required. These plans must include but not be limited to all required fire separations, exits, heating, ventilation and plumbing layouts, floor plans and room and window dimensions.

Development Engineering

This site is presently serviced with municipal water and sanitary sewer. The property is subject to an existing site plan control agreement. The site plan control agreement should be updated as required.

Drainage

No concerns.

Operations

No concerns.

Roads, Traffic & Transportation

We note that the site currently has two driveway entrances to the property. The City's Zoning By-law for R3 zoning only allows one driveway per lot. Therefore the applicant is required to close one of the driveway entrances.

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property. The owner 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. At the time of writing this report, no phone calls and no written submissions objecting to the application have been received by the Planning Services Division.

Planning Considerations:

Provincial Policy Statement 2014

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

- a) Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The community of Hanmer is an identified settlement area in the City's Official Plan and permitting a multiple dwelling containing five dwelling units in this location should be promoted; and,
- b) Municipalities are required to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being need are to be encouraged. Staff is of the opinion that the proposed rezoning would allow for additional housing options for in the urban community of Hanmer.

Official Plan

Based on a review of the Mixed Use Commercial designation rezoning policies, staff is in support of the proposed rezoning within the Mixed Use Commercial designation for the following reasons:

- a) Development Engineering has indicated that the lands are presently serviced with municipal sewer and water infrastructure. The existing building is connected to the existing municipal sewer and water infrastructure. The rezoning would not result in the construction of a new mixed use building, but rather would recognize five residential dwelling units as permitted uses within the existing building that is situated on the lands;
- b) Staff notes that a multiple residential dwelling containing a total of five units would require eight parking spaces. The existing site plan control agreement which is applicable to the subject lands includes thirteen parking spaces. Staff is satisfied that adequate parking is available on-site given the former commercial use of the lands and the pre-existing parking configuration that exists on the lands;
- c) No new accesses onto either Dominion Drive or Elmview Drive are being proposed. Staff noted during a recent site visit that the owner has erected a metal gate blocking access to the site from Dominion Drive. It is further noted that Dominion Drive is not identified as an Arterial Road in the Official Plan;
- d) Staff is satisfied that the traffic carrying capacity of both Dominion Drive and Elmview Drive would not be significantly impacted should the rezoning be approved;
- e) Roads, Traffic and Transportation staff have not identified any required traffic improvements that would be required should the rezoning be approved. The subject lands have previously accommodated commercial traffic to and from the lands and the rezoning would remove all commercial land use permissions from the lands. It is also anticipated that the site planning process will also address the closure of the existing Dominion Drive driveway access; and,
- f) Staff is satisfied that through the site planning process that improved landscaping and buffering where appropriate between abutting residential uses can be provided. Staff noted on a recent site visit to the lands that fencing has been provided north and to the west of the subject lands and that several mature trees to the west provide some buffering from lower density residential uses.

With respect to housing policies, staff acknowledges that the development proposal would contribute positively to the mix of housing types and tenures in the immediate area as the predominant built-form to the north is that of single-detached dwellings. Staff considers the location at the corner of Dominion Drive and Elmview Drive as an appropriate location for a multiple dwelling on the edge of an existing residential

neighbourhood. Staff further understands that the new residential dwelling units will provide better one and two bedroom housing options in the neighbourhood which is capable of supporting smaller house-holds.

It is noted that the amending by-law will need to address site-specific matters in order to allow for the proposed uses on the subject lands. The site-specific relief that is required is outlined in detail in the zoning by-law section of this report.

Zoning By-law

Staff is recommending that a multiple dwelling containing five dwelling units as the only permitted uses on the subject lands and further that current land use permissions relating to retail stores, bake shops and restaurants be removed. The lands would accordingly be rezoned to a "R3(S)", Medium Density Residential Special in order to allow for the five unit multiple residential dwelling should the application be approved. Staff notes that site-specific provisions would also need to be incorporated in the amending zoning by-law:

- a) That the only permitted use on the lands be a multiple dwelling containing a maximum of five residential dwelling units;
- b) That a minimum rear yard setback of 7.15 m (23.46 ft) be required;
- c) That the resulting minimum landscaped open space percentage applicable to the lands including any planting strip or fencing be incorporated into the amending by-law following the completion of the site planning process.

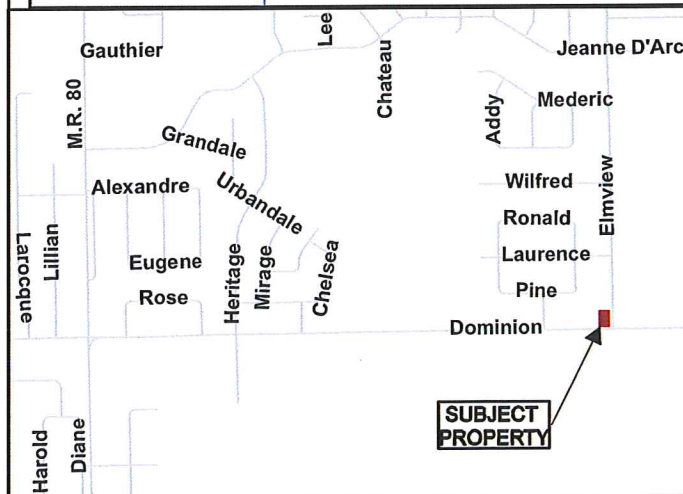
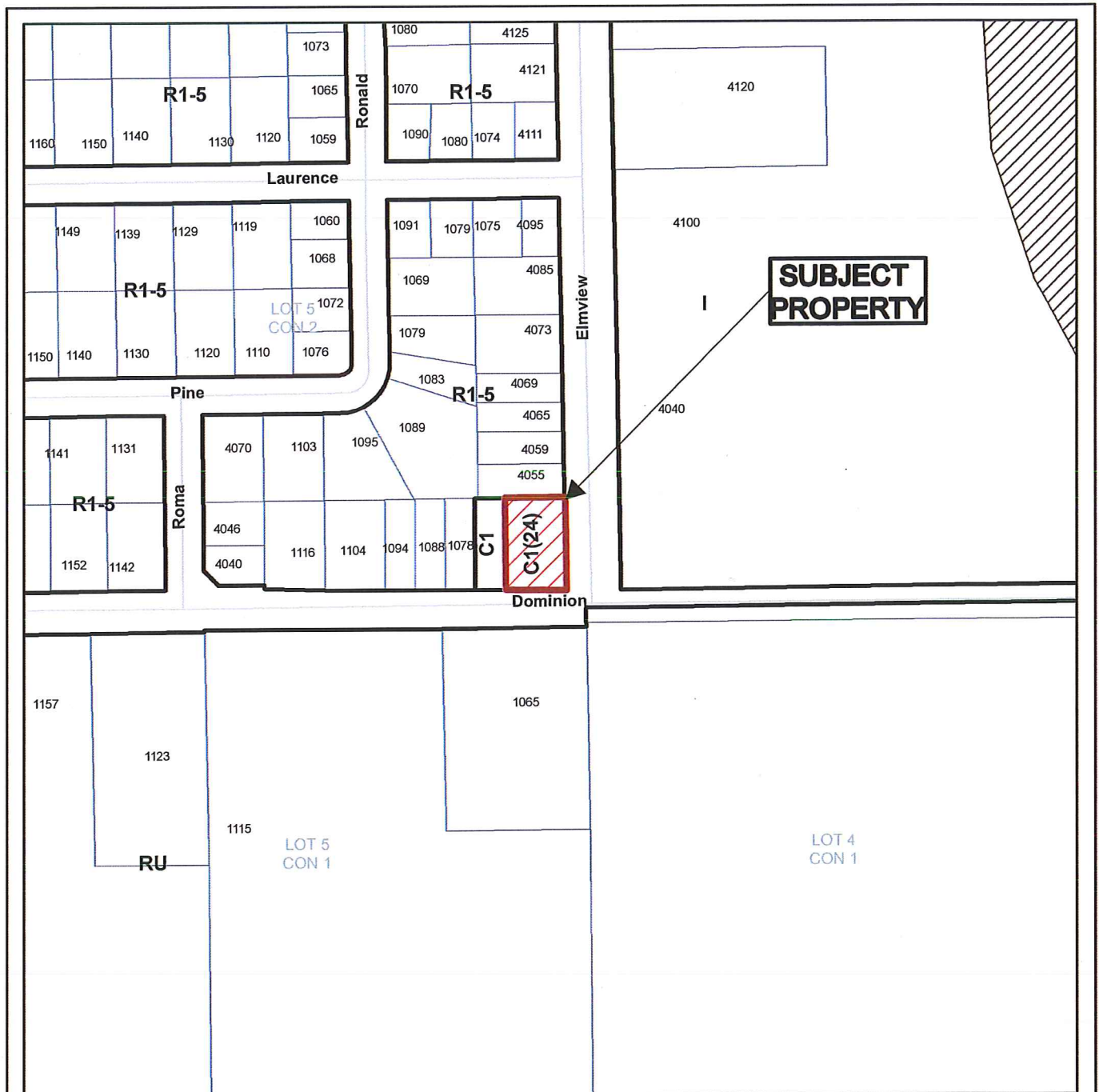
Staff also notes that refuse storage areas may not be located within a required front yard under Section 4.2.9 of the Zoning By-law. Staff would further note and recommend that there appears to be enough space in the rear yard to re-locate the garbage enclosure in compliance with Section 4.2.9. Re-locating the refuse storage area in the rear yard would also allow for upgraded landscaping along the Dominion Drive frontage as the lands presently have limited outdoor amenity space for tenants living in the building. The re-location of the refuse storage area would also better screen the area from the neighbourhood and views from the adjacent streets.

Site Plan Control

The existing site plan control agreement applicable to the subject lands was registered on October 18, 1991 (File # 1991-100). Staff notes that Schedule "A" to the existing site plan control agreement depicts a total of thirteen parking spaces on the lands with access being provided to the lands from both Dominion Drive and Elmview Drive. The existing site plan control agreement should be amended accordingly to reflect the intended new use of the lands as being that of a multiple residential dwelling with five dwelling units prior to the passing of the amending zoning by-law on the lands. It is anticipated that the amended site plan control agreement will also address landscaping, buffering, and access amongst other matters.

Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury and is consistent with the PPS. Staff is recommending that the existing site plan control agreement applicable to the lands be amended accordingly to address several site planning matters. The Planning Services Division therefore recommends that the application to amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units be approved subject to the conditions outlined in the recommendation section of this report.



Growth and Development Department



Subject Property being PIN 73504-1515,
Pcl. 37449, Lot 290, Plan M-641,
Lot 5, Con 2, Twp. of Hanmer,
4045 Elmview Drive, Hanmer,
City of Greater Sudbury

NTS
Sketch 1

751-7/16-12
Date: 2016 07 06

SURVEYOR'S REAL PROPERTY REPORT ON
LOT 290
REGISTERED PLAN M-641
GEOGRAPHIC TOWNSHIP OF HAMMER
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY
TERRY DEL BOSCO, O.L.S.
2016

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SB DENOTES STANDARD IRON BAR
- SB DENOTES SHORT STANDARD IRON BAR
- RB DENOTES ROCK BAR
- RB DENOTES ROCK PILE
- RPL DENOTES MEASURED SET
- M DENOTES NO VISIBLE MARKINGS
- S DENOTES SURVEY MONUMENT
- INM DENOTES PROPERTY IDENTIFIER NUMBER
- PROP DENOTES TERRY DEL BOSCO, O.L.S.
- PIN DENOTES D.S. DORLAND, O.L.S.
- 1655 DENOTES D.W. ENDERMAN, O.L.S.
- 1400 DENOTES D.R. BRUCE, O.L.S.
- 943 DENOTES D.R. BRUCE, O.L.S.
- 2220 DENOTES REG'D PLAN M-641
- P2 DENOTES REG'D PLAN M-641
- P3 DENOTES REG'D PLAN M-641

NOTES

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM

2) THIS SURVEY WAS COMPLETED ON THE 25th DAY OF APRIL, 2016

DATE APRIL 27, 2016

DESCRIPTION

PIN 73504-1515, BEING LOT 290, REGISTERED PLAN M-641 MUNICIPAL No. 4045

REGISTERED EASEMENTS

PART 290, PLAN SR-59: SUBJECT TO EASEMENT No.196677 IN FAVOUR OF BELL CANADA

NOTE

NONE

SCALE 1 : 300

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS

DOMINION DRIVE

PUBLIC ROAD (REG'D PLAN M-641)

NOTES

EXARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS AT STATIONS 'A' & 'B'

DISTANCES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOT CERTIFIED BY THIS REPORT.

ASSOCIATION OF ONTARIO LAND SURVEYORS
 PLAN M-641/2016/2016
 1965749

TULLOCH
 1942 REGENT STREET
 UNIT L P3E 5V5
 SUDBURY, ONTARIO
 705-671-2295
 FILE 165547 SRPR
 PREPARED BY TDB



PHOTO 1 SUBJECT LANDS AS VIEWED FROM ELMVIEW DRIVE
LOOKING WEST



PHOTO 2 SUBJECT LANDS AS VIEWED FROM DOMINION DRIVE
LOOKING NORTH

751-7/16-12 PHOTOGRAPHY AUGUST 15, 2016



PHOTO 3 EXISTING REFUSE STORAGE AREA LOCATED IN THE
REQUIRED FRONT YARD OF THE SUBJECT LANDS



PHOTO 4 EXISTING LOW DENSITY RESIDENTIAL DEVELOPMENT
TO THE WEST OF THE SUBJECT LANDS

751-7/16-12 PHOTOGRAPHY AUGUST 15, 2016



PHOTO 5 EXISTING RECREATION CENTRE TO THE IMMEDIATE EAST OF THE SUBJECT LANDS



PHOTO 6 EXISTING SINGLE DETACHED DWELLING TO THE IMMEDIATE NORTH OF THE SUBJECT LANDS

751-7/16-12 PHOTOGRAPHY AUGUST 15, 2016

MINUTES – SEPTEMBER 12, 2016
BLANCHETTE HARDWARE LTD.

Blanchette Hardware Ltd. - Application for rezoning in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units, 4045 Elmview Drive, Hanmer

Report dated August 22, 2016 from the General Manager of Infrastructure Services regarding Blanchette Hardware Ltd. - Application for rezoning in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five dwelling units, 4045 Elmview Drive, Hanmer.

Terry Del Bosco, agent for the applicant, was present.

Glen Ferguson, Senior Planner, outlined the application to the Committee.

Terry DelBosco noted he had reviewed the report with his client who is content with the conditions being asking for.

Terry DelBosco stated that closing an entrance is not an issue. There are longer lines of site on Elmview and less traffic than Dominion Drive. It will also make the property work better for parking.

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

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

The following resolution was presented:

PL2016-137 McIntosh/Sizer: THAT the City of Greater Sudbury approves the application by Blanchette Hardware Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "C1(24)", Local Commercial Special to "R3(S)", Medium Density Residential Special in order to remove all currently permitted commercial uses from the lands and to permit a multiple dwelling containing five (5) dwelling units on the subject lands described as PIN 73504-1515, Parcel 37449, Lot 290, Plan M-641, Lot 5, Concession 2, Township of Hanmer, subject to the following conditions:

1. That prior to the enactment of the amending by law:

a. The owner shall apply for a building permit to the satisfaction of the Chief Building Official; and,

b. The owner shall have entered into an amended site plan control agreement with the City to be registered on title to the satisfaction of the Director of Planning Services; and,

2. That the amending by-law contain the following site-specific provisions:

- a. That the only permitted use on the lands be a multiple dwelling containing a maximum of five (5) residential dwelling units;
- b. That a minimum rear yard setback of 7.15 metres be required; and,
- c. That the resulting minimum landscaped open space percentage applicable to the lands including any planting strip or fencing be incorporated into the amending by-law following the completion of the site planning process.

YEAS: Councillors Dutrisac, McIntosh, Sizer, Cormier

CARRIED

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

2309 Regent Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	705/21-1

Report Summary

This report provides a recommendation regarding a position of concurrence with respect to the antenna system at 2309 Regent Street, Sudbury.

Resolution

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is to be located on those lands known and described as Parcel 44969A, Parts 4 to 11, Plan 53R-15892, Concession 6, Lot 5, Township of Broder, as outlined in the report entitled "2309 Regent Street, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021.

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

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life and increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, the proponent has advised that there is an identified gap in their wireless service coverage and that they seek to improve said wireless service coverage for the mixed use commercial and industrial corridor along Regent Street, as well as those existing residential neighbourhoods that are located between the Paris Street and Regent Street intersection and the Highway #17 and Regent Street interchange.

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

Financial Implications

There are no financial implications associated with this report.

Report Overview

This report reviews an application for public consultation for a proposed antenna system to be located at 2309 Regent Street in the community of Sudbury. The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The proponent has indicated that the proposed antenna system will utilize MESO technology which in general allows for a smaller and more compact antenna system design or “footprint,” while at the same time not compromising or trading-off the desired level of wireless coverage and service. The proposed antenna system would be accessed via the existing driveway entrance onto Regent Street.

The application for public consultation was circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division. Staff is satisfied that in general the proposed freestanding antenna system meets the City’s development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a good land use planning perspective.

The Planning Services Division is therefore recommending that the City’s Designated Municipal Officer indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is described in this report.

Staff Report

Proponent:

Bell Mobility

Agent:

D.A. Williamson & Associates Inc. (c/o Deborah Williamson)

Location:

Parcel 44969A, Parts 4 to 11, Plan 53R-15892, Concession 6, Lot 5, Township of Broder (2309 Regent Street, Sudbury)

Application:

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

Proposal:

The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Regent Street.

Jurisdiction and Roles:

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

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

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

Site Description & Surrounding Uses:

The subject lands are located on the south side of Regent Street and to the east of Algonquin Road in the community of Sudbury. The lands have a total lot area of approximately 0.39 ha (0.97 acres) along with approximately 40 m (131.23 ft) of lot frontage on Regent Street. The lands contain an existing restaurant (ie. Swiss Chalet). The proposed antenna system would be located to the rear of the existing restaurant and behind an existing refuse storage area on a south-easterly portion of the lands and would be accessed from the existing driveway entrance onto Regent Street.

Surrounding uses are predominantly commercial and light industrial in nature along Regent Street. There are two schools located to the north (ie. R.L. Beattie Public School) and to the north-east (ie. Lo-Ellen Park Secondary School). There is also an established urban residential neighbourhood containing predominantly single-detached dwellings further to the north and to the east of the subject lands along with a tract of vacant future development lands to the immediate south of Lo-Ellen Park Secondary School.

Departmental/Agency Circulation:

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

1. Active Transportation, City's Drainage Section, Roads, Site Plan Control, Transit Services, Transportation and Innovation have each advised that they have no concerns with the proposed antenna system from the respective areas of interest and responsibilities;
2. Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m² (108 ft²) are subject to the Ontario Building Code and would require a building permit;
3. Conservation Sudbury has advised that the proposed antenna system is not located within an area regulated by [Ontario Regulation 156/06](#) and that an application under Section 28 of the [Conservation Authorities Act, R.S.O. 1990, c. C.27](#) therefore does not appear to be required; and,
4. Development Engineering has advised that the subject lands are serviced with municipal water and sanitary sewer infrastructure.

Staff advises the proponent of the above comments and would encourage that communication where

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

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by D.A. Williamson and Associates Inc. with City staff on March 25, 2021. The City's Development Approvals Section confirmed to the proponent on March 29, 2021, that the proposed antenna system was subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#). The letter of confirmation dated March 29, 2021, to the proponent also included an information package confirming the City's preferences and requirements for an application for public consultation should the proponent choose to proceed. The owner of the subject lands was also copied on this correspondence for information purposes.

The proponent has advised staff that the proposed freestanding antenna system is anticipated to improve wireless services to nearby urban residents and businesses situated along or in close proximity to the Regent Street corridor. In the general area, the proponent currently has a rooftop installation at the Four Corners (ie. Regent Street and Paris Street/Long Lake Road) and is also co-located on a freestanding antenna system to the east generally located at the interchange of Regent Street and Highway #17. The proponent has advised then that there is an identified gap in their wireless service coverage and they seek to improve said wireless service coverage for businesses and residential neighbourhoods that are located along or in close proximity to Regent Street between Highway #17 and the Four Corners intersection.

"Area B" – Public Consultation Requirements

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

Further Exemption Provided

Staff notes that the DMO provided an exemption from certain public consultation requirements (ie. written notice and the holding of a Public Information Session) as permitted under Section 4.3 of the City's Protocol and determined that only an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would be required. The exemption was provided on the basis that there was a limited number of residential properties located within the prescribed notification distance. The prescribed notification distance in this instance being four times the antenna system height as measured horizontally from the base of the proposed antenna system would amount to a written notification radius of 88 m (288.71 ft). In particular, the DMO noted in providing a further exemption that the nearest Residential Area are those lands to the north known municipally as 2260-2280 Regent Street. These lands are designated Living Area 1 in the City's Official Plan but contain a cluster of existing general commercial uses. The next closest Residential Area is to the east of the above noted lands and were estimated to be beyond 150 m (492.13 ft) from the proposed antenna system, which would reduce the amount and type of public consultation that would be required had this location been determined to be the closest Residential Area (ie. Areas "C" and "D" in the City's Protocol).

Internal Review

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

Land Use Planning Analysis:

Proposed Antenna System

The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The proponent has indicated that the proposed antenna system will utilize MESO technology which in general allows for a smaller and more compact antenna system design or "footprint," while at the same time not compromising or trading-off the desired level of wireless coverage and service. The proposed MESO antenna system does not as a result have the capacity to facilitate co-location. The proposed antenna system would have a painted, white matte finish. At the base of the antenna system, a lockable equipment cabinet having a footprint of 1.38 m² (14.85 ft²) is to be provided immediately adjacent to the MESO antenna system. The entire footprint of the proposed antenna system tower and ground-based equipment cabinet would maintain an area of approximately 18 m² (193.75 ft²). As a result of the small footprint and the use of MESO technology, there is no fencing or other forms of enclosures proposed.

The proponent has noted that the proposed antenna system would provide network capacity relief to two existing antenna systems that are currently providing wireless services to the area. The two existing antenna systems are generally located at Highway #17 and Regent Street being a freestanding, co-located antenna system, as well as a rooftop antenna system located generally at the intersection of Paris Street and Regent Street. The proposed antenna system would be accessed via the existing driveway entrance onto Regent Street.

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

Closest Residential Area

The City's Protocol defines a Residential Area as, "... the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury." The proponent has indicated in their application that the closest residential area is located approximately 130 m (426.51 ft) from the proposed antenna system. Staff has reviewed this measurement and would agree that the abutting lands to the north across Regent Street are in closest vicinity to the proposed antenna system and are satisfied that the measurement is correct. These lands to the north are designated Living Area 1 in the City's Official Plan and therefore meet the definition of a Residential Area in the City's Protocol despite being zoned "C2", General Commercial in the City's Zoning By-law. It is further noted that the above referenced lands are known municipally as 2260, 2270 and 2280 Regent Street and presently contain two hotels and a restaurant.

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

Development Guidelines

Section 6.0 of the City's Protocol outlines development guidelines for proponents to consider with respect to

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

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

1. With respect to Section 6.1 a) of the City's Protocol, co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within the targeted service area of the proposed new antenna system that could accommodate the physical infrastructure required to provide the intended access to improved wireless services. Staff would also note that the proponent has already co-located on a nearby ground-based antenna system at the Regent Street and Highway #17 interchange. In this regard, the closest antenna system structure having sufficient height that could accommodate more antennae is already being utilized and other possible co-location opportunities are therefore at a distance that would not accomplish the coverage objective of improving wireless service along the

Regent Street corridor. Staff is satisfied that co-location has been sufficiently explored and are of the opinion that the use of a freestanding MESO antenna system in this location would represent a good approach to improving wireless coverage from a good land use planning perspective;

2. With respect to preferred locations for antenna systems under Section 6.1 b) of the City's Protocol, staff notes that the proposed antenna system would be situated on lands within an identified mixed use commercial corridor. The subject lands also contain an existing restaurant. The lands are zoned to permit a range of mixed light industrial and service commercial land uses. Staff also note that immediately surrounding properties are zoned to permit general commercial and a mix of light industrial and service commercial land uses (ie. "C2", "M1" and "M2" Zones) apart from Lo-Ellen Park Secondary School, which is zoned to permit a range of institutional land uses (ie. "I" Zone). The proposed antenna system would also be located in the rear yard on a south-easterly portion of the subject lands and therefore as far away as possible from the closest existing urban residential land use to the north, which has frontage on Loach's Road (ie. 199 Loach's Road). Staff is satisfied that the proposed antenna system balances the desire to achieve the greatest possible distance between a proposed antenna system and nearby residences, while at the same time keeping in mind those residents and businesses for which a proposed antenna system is intended to service;
3. With respect to discouraged locations under Section 6.1 c) of the City's Protocol, staff are satisfied that the proposed freestanding antenna system is not proposed to be located directly in front of any doors, windows, balconies or residential frontages. The proposed antenna system is also not proposed to be situated on any ecologically significant natural land nor would it be located inappropriately within a park or open space area. There are no concerns with respect to any negative impacts on any nearby heritage or designated structures. The proposed antenna system is ground-based and therefore would not be situated atop a pitched roof of any kind; and,
4. With respect to Section 6.2 of the City's Protocol, staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system. Staff advises the proponent that signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. It is noted in this regard that the proponent has indicated in their submission package to the City that they do not anticipate that the proposed antenna system installation will require marking or lighting. The submission package received as part of this public consultation application also indicated that a land use proposal submission form was provided to NAV Canada for their assessment and a response letter confirming that NAV Canada has no concerns with the proposed antenna system was subsequently issued to the proponent. Staff would advise however that marking and lighting requirements are areas of federal jurisdiction and the proponent will be responsible for obtaining any and all necessary approvals for such. For informational purposes, the following web-link from Transport Canada's website provides details with respect to marking and lighting:

<https://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standard-standard621-3868.htm>. The proponent has not indicated that any security lighting is required however staff would advise and strongly recommend to the proponent that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

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

Position of Concurrence or Non-Concurrence

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

Staff notes that any position of concurrence may be rescinded, if following said issuance, it is determined that a misrepresentation or a failure to disclose all pertinent information has occurred. The duration of concurrence is a maximum of three years from the date that the City's DMO notifies ISEDC of said concurrence.

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

Summary:

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

Staff has also completed an internal review of the proposed antenna system from a land use planning perspective and has no concerns. The application for public consultation was also circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division. Staff is therefore satisfied that the proposed antenna system raises no areas of concern with respect to those development guidelines that are identified in the City's Protocol.

Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence from the City as it pertains to the subject lands referenced in this report and specifically the antenna system that was considered during this specific public consultation process.

APPENDIX “B” – AERIAL PHOTOGRAPHY



APPENDIX “C” – VISUAL RENDERINGS



PHOTO #1 – Visual rendering of the proposed antenna system as viewed from the rear yard of the subject lands looking north-east.



PHOTO #2 – Visual rendering of the proposed antenna system as viewed from Regent Street looking south.



PHOTO #3 – Visual rendering of the proposed antenna system as viewed from Regent Street looking west.



Unopened Road Allowance West of Falconbridge Road, Sudbury - Road Closure and Declaration of Surplus Land.docx

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Routine Management Reports
Prepared by:	Angela Roy Real Estate
Recommended by:	General Manager of Corporate Services
File Number:	N/A

Report Summary

This report provides a recommendation to close and declare surplus the unopened road allowance west of Falconbridge Road, Sudbury.

Resolution

THAT the City of Greater Sudbury close by by-law and declares surplus to the City's needs the unopened road allowance west of Falconbridge Road, Sudbury, legally described as PINs 73569-0002(LT), 73569-0003(LT) and 73569-0184(LT), part of Lot 10, Concession 5, Township of Neelon;

AND THAT the land be offered for sale to the abutting owner to the north, pursuant to the procedures governing the sale of limited marketability surplus land in accordance with Property By-law 2008-174, as outlined in the report entitled "Unopened Road Allowance West of Falconbridge Road, Sudbury - Road Closure and Declaration of Surplus Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on October 13, 2021.

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

This report refers to operational matters.

Financial Implications

There are no financial implications associated with this report.

Background

The subject road allowance measures approximately 2,510 square metres (27,000 square feet) in size and is zoned 'C2', General Commercial. The location of the subject road allowance is identified on the attached

Schedule 'A'.

In 1985, the former Region was entered as owner of the road allowance pursuant to an Order-in-Council.

In 1999, Council for the former Region authorized the subject road allowance to be leased to the owners of 1099 Falconbridge Road. The lease permitted the tenants to construct a prefabricated storage building, install a chain link fence and use the land for storage and parking purposes. The road allowance has been leased to the abutting owners since that time.

The City recently received a request to purchase the subject road allowance from the owners of 1099 Falconbridge Road.

The proposal was circulated to all City departments and outside agencies and the following responses were received:

- Bell Canada requested an easement to protect existing facilities traversing the subject road allowance, measuring 3 metres in width; and
- Greater Sudbury Hydro requested an easement measuring 4 metres in width along the frontage of the road allowance to protect existing infrastructure.

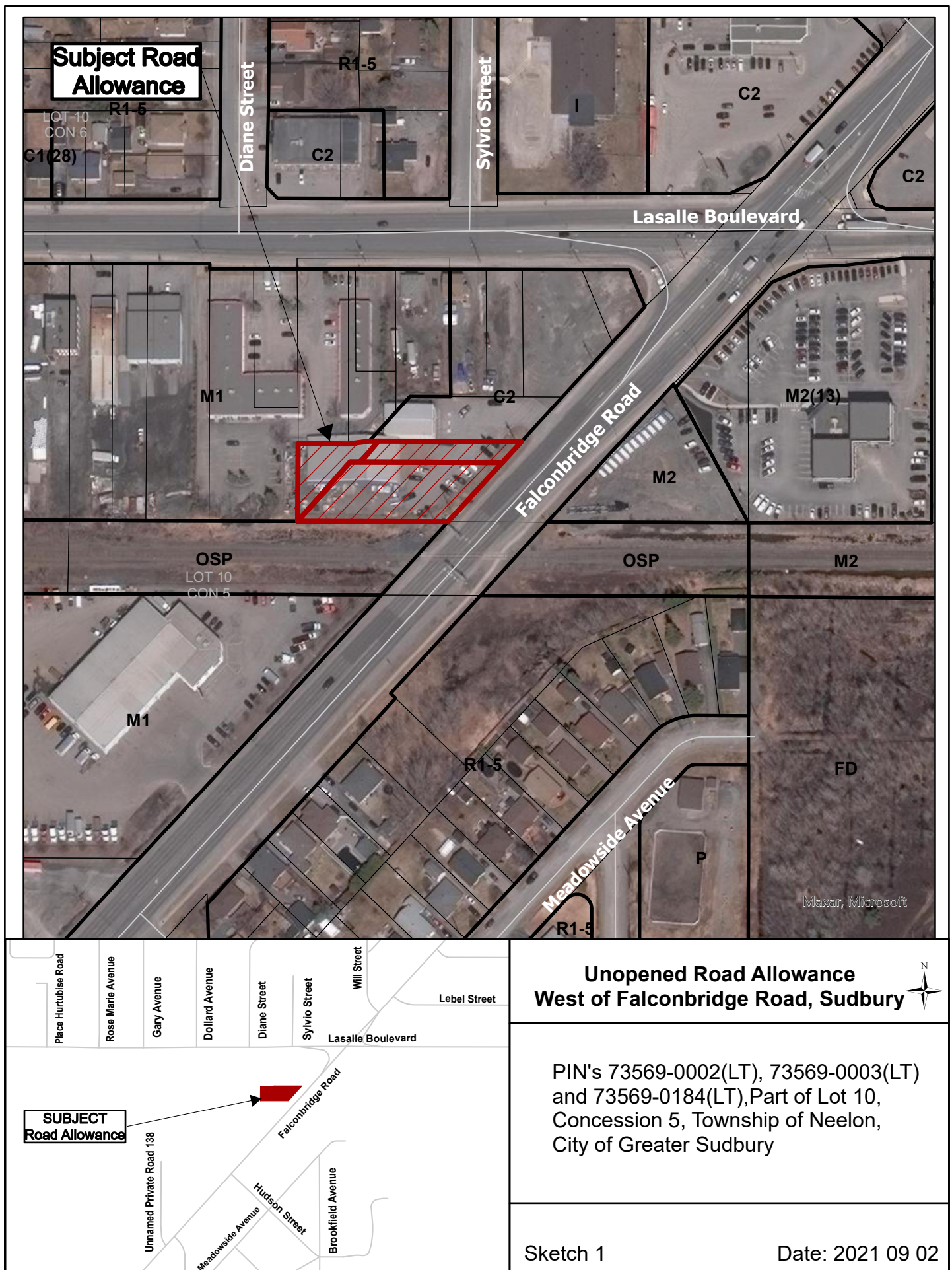
No further comments or objections were received.

Recommendation

It is recommended that the unopened road allowance west of Falconbridge Road, Sudbury, be closed by by-law, declared surplus to the City's needs and offered for sale to the owners of 1099 Falconbridge Road, Sudbury.

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

Schedule A





Unopened Roads, Lanes and Vacant Land, Kitchener Avenue, Sudbury – Road Closure and Declaration of Surplus Land

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Routine Management Reports
Prepared by:	Angela Roy Real Estate
Recommended by:	General Manager of Corporate Services
File Number:	N/A

Report Summary

This report provides a recommendation to close and declare surplus various unopened roads, lanes and vacant land located east and west of Kitchener Avenue, Sudbury.

Resolution

THAT the City of Greater Sudbury close by by-law and declares surplus to the City's needs the various unopened roads, lanes and vacant land in part of Lot 4, Concession 4, Township of Mckim, as identified in Schedule 'A' to this report;

AND THAT the land be marketed for sale to the general public, pursuant to the procedures governing the sale of full marketability surplus land in accordance with Property By-law 2008-174, as outlined in the report entitled "Unopened Roads, Lanes and Vacant Land, Kitchener Avenue, Sudbury – Road Closure and Declaration of Surplus Land", from the General Manager of Corporate Services, presented at the Planning Committee meeting on October 13, 2021.

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

This report refers to operational matters.

Financial Implications

There are no financial implications associated with this report.

Background

The subject lands measure approximately 10.12 hectares (25 acres) in size and are zoned 'FD', Future

Development. The subject is comprised of various unopened roads, lanes and vacant land, as outlined on the attached Schedule 'A' and the location of the subject lands are identified on the attached Schedule 'B'.

The unopened roads and lanes were transferred to the municipality having jurisdiction in 1913 as part of the subdivision process and the vacant lands were transferred to the former Corporation of the City of Sudbury between 1925 and 1933 for unpaid taxes.

The City was approached by an individual who is interested in purchasing the subject lands.

The proposal was circulated to all City departments and outside agencies and the following responses were received:

Linear Infrastructure Services advised that there is a trunk watermain traversing a section of the property and requested that a 20 metre wide easement centered on the watermain be secured along the entire length of the infrastructure.

No additional comments or objections were received.

Recommendation

It is recommended that the subject lands identified in the attached Schedule 'A', be closed by by-law, declared surplus to the City's needs and marketed for sale as one parcel of land to the general public.

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

Schedule 'A'

Legal Description of Subject Lands

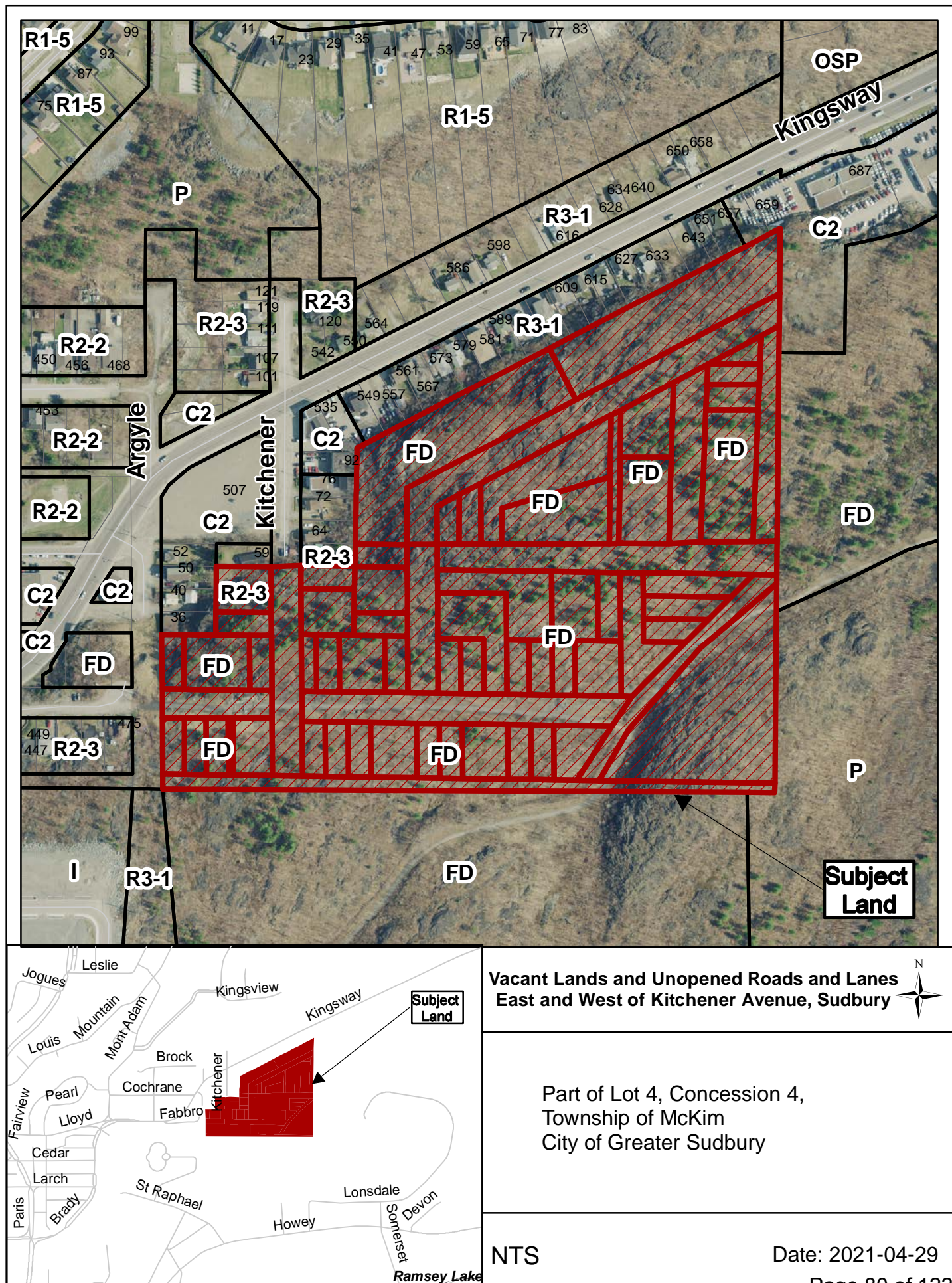
Vacant Lands, Roads and Lanes, Plan M-42:

PIN 73580-0448(LT), Lot 16	PIN 73580-0474(LT), Lot 119
PIN 73580-0461(LT), Lot 17, 18, 19	PIN 73580-0455(LT), Lot 120
PIN 73580-0449(LT), Lot 20	PIN 73580-0466(LT), Lot 121, 122
PIN 73580-0395(LT), Lot 21	PIN 73580-0471(LT), Lot 123
PIN 73580-0438(LT), Lot 22	PIN 73580-0460(LT), Lot 124
PIN 73580-0444(LT), Lot 23	PIN 73580-0437(LT), Lot 125, 126
PIN 73580-0450(LT), Lot 88	PIN 73580-0467(LT), Lot 127
PIN 73580-0470(LT), Lot 89, 90	PIN 73580-0459(LT), Lot 128
PIN 73580-0192(LT), Lot 91	PIN 73580-0468(LT), Lot 129, 130
PIN 73580-0451(LT), Lot 92	PIN 73580-0387(LT), Lot 131
PIN 73580-0495(LT), Lot 93, 94	PIN 73580-0458(LT), Lot 132
PIN 73580-0464(LT), Lot 95	PIN 73580-0447(LT), Lot 133
PIN 73580-0452(LT), Lot 96	PIN 73580-0472(LT), Lot 134, E ½ lot 135
PIN 73580-0463(LT), Lot 97, 98	PIN 73580-0462(LT), W ½ Lot 135
PIN 73580-0384(LT), Lot 99	PIN 73580-0457(LT), Lot 136
PIN 73580-0453(LT), Lot 100, 103, 104	PIN 73580-0432(LT), Lot 137
PIN 73580-0445(LT), Lot 101, 102, 118	PIN 73580-0469(LT), Lot 138
PIN 73580-0446(LT), Lot 105, 106	PIN 73580-0392(LT), Lot 140
PIN 73580-0400(LT), Lot 107	
PIN 73580-0454(LT), Lot 108, 112	PIN 73580-0481(LT), Galt Street
PIN 73580-0382(LT), Lot 109	PIN 73580-0484(LT), Lemieux Avenue
PIN 73580-0476(LT), Lot 110	PIN 73580-0479(LT), Berlin (now
PIN 73580-0475(LT), Lot 111	Kitchener)
PIN 73580-0465(LT), Lot 113, 114	PIN 73580-0480(LT), Prince Street
PIN 73580-0477(LT), Lot 115	PIN 73580-0485(LT), Lane
PIN 73580-0456(LT), Lot 116	
PIN 73580-0439(LT), Lot 117	

Vacant Lands, Roads and Lanes Plan M-49:

PIN 73580-0426(LT), Lots 1 - 11	PIN 73580-0033(LT), Galt Street
PIN 73580-0433(LT), Lots 12 - 22	PIN 73580-0035(LT), Lane
PIN 73580-0427(LT), Lot 23	PIN 73580-0307(LT), Lane
PIN 73580-0493(LT), Lot 24	PIN 73580-0034(LT), Ross Street
PIN 73580-0434(LT), Lot 25 - 30	
PIN 73580-0428(LT), Lot 31 - 35	
PIN 73580-0429(LT), Lot 36 - 39	
PIN 73580-0435(LT), Lot 40 - 42	
PIN 73580-0431(LT), Lot 43 - 48	
PIN 73580-0494(LT), Lot 49	
PIN 73580-0383(LT), Lot 50	
PIN 73580-0430(LT), Lot 51	

SCHEDULE ' '



South Bay Road, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 13, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	701-6/21-01

Report Summary

This report provides a recommendation regarding an application to amend the City of Greater Sudbury Official Plan by providing a site-specific exception to the lot creation policies of Section 20.5: South Peninsula of the Ramsey Lake Policy Area - Dalron Construction Limited.

This report is presented by Mauro Manzon, Senior Planner.

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

This item is referred from the City Council meeting of September 28, 2021.

Resolution

THAT the City of Greater Sudbury denies the application by Dalron Construction Limited to amend the City of Greater Sudbury Official Plan to provide a site-specific exception to the lot creation policies of Section 20.5: South Peninsula of the Ramsey Lake Policy Area in order to remove a deeming by-law and permit three (3) single detached dwellings on lands described as Part of PINs 73592-0053 & 73592-0403, Lots 63, 64, 203 & 204, Plan M-423 in Lot 2, Concession 2, Township of McKim, as outlined in the report entitled "South Bay Road, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 13, 2021.

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

The application to amend the Official Plan is an operational matter under the Planning Act to which the City is responding. The subject lands are located within settlement area boundaries in an area designated for future development. There is no conflict with the Strategic Plan and the Community Energy & Emissions Plan.

Financial Implications

This report has no financial implications as staff recommends this amendment to the Official Plan request be

denied.

Report Overview

An application for an Official Plan Amendment (OPA) has been submitted for lands located on South Bay Road in order to provide a site-specific exception to the lot creation policies of Section 20.5: South Peninsula of the Ramsey Lake Policy Area. The owner is requesting the removal of a deeming by-law on four (4) residential lots, two (2) of which will be consolidated, in order to permit three (3) single detached dwellings.

Planning Services recommends that the application be denied and that the policies applied to the South Peninsula be maintained based on environmental considerations and the potential for additional lot creation in advance of the extension of municipal sewer and water services. The application is also felt to be premature until such time as the servicing requirements for the University Park development are resolved.

Staff Report

Proposal:

An application for an Official Plan amendment has been submitted in order to provide a site-specific exception to the lot creation policies of Section 20.5: South Peninsula of the Ramsey Lake Policy Area.

The owner is requesting the removal of a deeming by-law on four (4) residential lots being Lots 63, 64, 203 & 204, Plan M-423 in order to permit three (3) single detached dwellings. The application proposes to consolidate Lots 63 and 64.

As part of a complete application, the owner provided a Planning Justification Report in support of the proposal (J.L. Richards & Associates Limited – February 5, 2021).

Existing Land Use Designation: “Living Area 1”

The subject lands are designated as Living Area 1, which permits a range of residential use including the proposed housing type (single detached dwellings).

Requested Land Use Designation:

The owner is not seeking to redesignate the subject lands. A site-specific exception to the special policies of Section 20.5 is being requested.

Location and Site Description:

Part of PINs 73592-0053 & 73592-0403, Lots 63, 64, 203 & 204, Plan M-423 in Lot 2, Concession 2, Township of McKim (South Bay Road, Sudbury)

The subject properties comprise four (4) lots in a deemed plan of subdivision on South Bay Road. The area is not currently serviced by municipal sewer and water. South Bay Road is constructed to a rural standard at this location. The closest public transit stop is located at the driveway entrance to St. Joseph’s Villa, approximately 500 metres from Lot 64. All subject lots are located in a vulnerable area defined as Ramsey Lake Intake Protection Zone 3 (IPZ 3) under the Source Protection Plan.

Lots 63 and 64 are intended to be consolidated for development. Total combined lot area is 3,334 m² with 48 metres of frontage and 76 metres of depth. The site has been partially cleared and a concrete box culvert

has been installed at the street line. A watercourse traverses the southerly portion of the lots, both of which fall within the regulated area of Conservation Sudbury.

Lots 203 and 204 are located on the south side of South Bay Road further to the east. Each lot is intended to be developed separately. Lot 203 has 2,196 m² of lot area and 55.5 metres of frontage. Lot 204 has 2,749 m² of lot area and 57.4 metres of frontage. The lots are unimproved and no site alteration had occurred as of the site visit. There is extensive tree cover and rock outcropping typical of local conditions. The northerly portions of the subject lots fall within the regulated area of Conservation Sudbury due to the proximity to the watercourse and wetland area on the opposite side of the road.

The surrounding area is largely comprised of single detached dwellings on private services and vacant lands designated for residential use.

Surrounding Land Uses:

Lots 63 and 64 on the north side of South Bay Road:

North: vacant residential lands owned by the applicant and single detached dwellings on Arlington Boulevard;

East: vacant residential lands owned by the applicant;

South: vacant residential lands owned by the applicant;

West: single detached dwellings.

Lots 203 and 204 on the south side of South Bay Road:

North: vacant residential lands owned by the applicant;

East: vacant land zoned "FD", Future Development and single detached dwellings on South Bay Road and Keast Drive;

South: vacant institutional lands owned by Laurentian University;

West: vacant residential lands owned by the applicant.

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on March 16, 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 240 metres of the property on August 26, 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 applicant indicated that a neighbourhood mail-out would be distributed prior to the hearing with appropriate contacts provided for questions and concerns.

As of the date of this report, several phone calls have been received seeking clarification. Three (3) written submissions have been received and are attached for review.

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.

a) Housing

Under Section 1.1.1, municipalities 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) to meet long-term needs.

b) Settlement areas

As outlined under Section 1.1.3.6, new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

c) Servicing

Under Section 1.6.6.2, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

d) Source protection

Section 2.2.1 addresses water resources. Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and,
2. protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive groundwater features, and their hydrologic functions.

Growth Plan for Northern Ontario:

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

The GPNO encourages a broad range of housing in support of the City's designation as an Economic and Service Hub.

Official Plan for the City of Greater Sudbury:

South Peninsula of Ramsey Lake: Area-specific policies

The subject lands are designated as Living Area 1 and are subject to the area-specific policies applied to the South Peninsula of Ramsey Lake under Section 20.5 of the Official Plan.

1. Notwithstanding the policies of this Plan, the following special policies shall apply to lands designated as Living Area I on the South Peninsula of Ramsey Lake (i.e., all those Living Area I lands on Ramsey Lake Road, the Bethel Peninsula including all lands lying north and south of Bethel Lake, with the exception of lands along South Bay Road and Keast Drive that are designated as Living Area II):
 - a. In order to protect Ramsey Lake as a municipal water supply, no severances or subdivisions are permitted until municipal sewer and water services are available. In the interim, only single detached dwellings are permitted on legally existing lots fronting on public roads, subject to the approval of the appropriate regulatory authorities for a private sewage disposal system.
 - b. In order to preserve the open space character of the neighbourhood, the net density for the South Peninsula shall not exceed 10 units/hectare (equivalent to 1,000 m² or 10,764 ft² of land per unit) even after sewer and water services are available.
2. To maintain the open space character of the south shore of the Ramsey Lake neighbourhood, waterfront lots created by severance on the South Peninsula shall have minimum road and water frontages of 30 metres (100 feet). Backshore lots created by severance shall also have road frontage of 30 metres.

(Note: The policies applied to Comprehensive Planned Unit Development under Section 20.5 are not applicable to the subject application.)

Sensitive Surface Water Features (Source Protection Plan)

The Official Plan contains various policies related to municipal drinking water sources, which are applicable to the subject lands given the location in a vulnerable area (Ramsey Lake Intake Protection Zone 3). The applicable policies are outlined under Section 8.3 of the Official Plan:

1. Development, certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan.
2. Severances of lots that would require the construction of new septic systems within the WHPA A and B or the IPZ 1 areas are prohibited. Existing registered lots may be developed with an on-site individual septic system and the expansion, maintenance or replacement of existing on-site individual septic systems is allowed.
3. In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by:
 - a. encouraging the implementation of a hierarchy of source, lot-level, conveyance and end of pipe controls;
 - b. encouraging the implementation of innovative stormwater management measures;
 - c. considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; and,
 - d. supporting the continued implementation of source control programs, which are targeted to existing areas that lack adequate stormwater controls.

Sewer and water servicing

Section 12.2.2 New Development

Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserved or partially served areas where different land use and servicing policies apply.

1. Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including the adequacy of fire flows.
2. It is policy of this Plan to ensure that water supply and sewer capacity are adequate to service development without major line or plant expansion. Official Plan amendments, rezonings, severance and subdivision approvals, minor variances and building permits will be denied if a water or sewage facility problems exists.

12.2.3 Individual Systems

Individual systems are privately owned water and wastewater systems, usually taking the form of a well and septic system. Many households also draw water from area lakes. While new development is primarily directed by this Plan to fully serviced areas of the City, developments in the Agricultural Reserve, Rural Areas and certain parts of Living Areas that are either partially serviced or unserved are permitted to use individual systems subject to the policies of this Plan.

1. Where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available. A hydrogeological assessment is required where the minimum lot size is less than 0.8 hectare (2 acres).
2. The City will work with its partners to encourage that a regular system of inspection of individually-operated water and wastewater systems is carried out throughout the City and that faulty systems are repaired, maintained and upgraded to meet health and environmental standards.
3. Connection to communal water and wastewater systems is prohibited without permission of the City.
4. There are many households throughout the City that are partially serviced by municipal water, most of which are located in Rural Areas. There are relatively few instances where households are partially serviced by municipal sewer.
 - a. Within settlement areas, new development may be permitted to allow for infilling and rounding out of partial services provided that there is confirmed reserve sewage system or reserve water system capacity, whichever is applicable, and that site conditions are suitable for the long-term provision of such services.

Zoning By-law 2010-100Z:

All subject lots are zoned "R1-3", Low Density Residential One, which requires a minimum lot area of 1,000 m², a minimum lot frontage of 30 metres and a minimum depth of 30 metres. The zoning essentially implements the special policies of the Official Plan.

The proposed lot fabric would comply with the minimum standards set out under the R1-3 zoning provided Lots 63 and 64 are consolidated.

Site Plan Control:

A Site Plan Control Agreement is not required.

Department/Agency Review:

Development Engineering has advised that the application is premature until such time as the issue of municipal services is resolved in regards to the approved draft plan of subdivision located to the east (University Park). Staff indicated that the applicant would benefit from the extension of sewer and water services required for the above noted development.

Conservation Sudbury advised that a Section 28 permit is required under the Conservation Authorities Act for any site alteration or development within a regulated area.

Water/Wastewater Services indicated that lot splits on private services are not prohibited in Ramsey Lake IPZ 3 and as such there is no conflict with the Source Protection Plan.

Building Services requires a geotechnical assessment at the building permit stage. The owner must also demonstrate that the lots can support private services (septic system permit and a supply of potable water).

Planning Analysis:

The proposed single residential use does not present any concerns related to land use compatibility, as the surrounding area comprises a low density residential neighbourhood noted for its large lots and open space character. In terms of development activity, new housing in the vicinity has essentially been limited to existing lots of record due to the lack of services. There are two (2) active draft plan of subdivision approvals on South Bay Road that require the extension of sewer and water services: Twin Lakes to the west (2003) and University Park to the east (2020). Neither subdivision has proceeded to the construction phase.

The main considerations related to this file are therefore focused on the following matters:

- Environmental considerations related to the location in a vulnerable area under the Source Protection Plan and a regulated area under the Conservation Authorities Act;
- The extension of municipal sewer and water services as a precondition for development; and,
- Evaluating the potential for unserviced lot creation on lands subject to the area-specific policies applied to the South Peninsula.

Environmental considerations

a) Source Protection Plan (SPP)

The subject lots are located in a vulnerable area defined as Ramsey Lake Intake Protection Zone 3 (IPZ 3). Various uses are restricted, including the application of agricultural and non-agricultural source materials, livestock operations, and the bulk storage of road salt and pesticides. The Source Protection Plan does not prohibit lot creation that would require the construction of new on-site sewage systems within Ramsey Lake IPZ 3, despite the location within the Ramsey Lake Issue Contributing Area (ICA).

It should be noted that the initial risk assessment and subsequent SPP policies applied to the south shore of Ramsey Lake were predicated on Official Plan policies that already restrict unserviced lot creation in the South Peninsula policy area (see [Greater Sudbury Source Protection Area Explanatory Document](#), p. 18). At other locations within IPZ 3, such as the Ramsey Lake Unserved Residential policy area (Living Area 2), there remains little potential for lot creation on private services.

Notwithstanding the above noted context, there is no direct conflict with the Source Protection Plan if the policies are strictly applied. Accordingly, Water/Wastewater Services do not identify the proposal as a significant drinking water threat. However, Staff have indicated that municipal sewer and water services are the preferred form of servicing for the South Peninsula area.

b) Regulated area

The subject lots are partially located within a regulated area based on the proximity to a watercourse that extends along the north side of South Bay Road (Keast Creek). Staff note that the owner has already obtained approval from the Conservation Authority to install a concrete box culvert across Lots 63 and 64 to accommodate access.

Conservation Sudbury staff indicate no objection to the proposal and advise the owner that any site alteration or development within a regulated area requires a permit under Section 28 of the Conservation Authorities Act.

Extension of sewer and water services

a) Proponents' position

The owner's consultant prepared a Planning Justification Report that provides a land use rationale in support of the application. In regards to servicing, specific positions are set forth to justify lot creation on private services in advance of the extension of municipal services, which are summarized as follows:

- The Provincial Policy Statement establishes a servicing hierarchy that allows municipalities to consider individual service arrangements in situations where municipal services are not available or feasible;
- The PPS allows on-site water and sewage services provided that site conditions are suitable for the provision of private services;
- The Official Plan supports a similar servicing hierarchy that allows flexibility to consider individual systems provided that the suitability of the site can be addressed by applying the standard conditions of approval;
- The application would conform to the Source Protection Plan, which does not restrict lot creation requiring the installation of additional septic systems in Ramsey Lake Intake Protection Zone 3;
- The Water/Wastewater Master Plan does not recommend the extension of services to the South Peninsula. Services are to be extended as part of the development of the University Park subdivision, which received draft plan approval in June 2020;
- The above noted development proposes a high pressure sanitary force main to be installed along South Bay Road. Individual connections to sanitary force mains are generally not recommended given the associated risks.

b) Staff response

Development Engineering has reviewed the Planning Justification Report and the proponents' position that private services are warranted in this instance. Following submission of Staff comments, a follow-up meeting was conducted with the proponents on July 26, 2021 in order to review the matter in greater detail.

In regards to the University Park development, Staff indicated that the owner is working towards addressing the conditions of draft plan approval, which were issued in June 2020 following a decision by the Ontario Municipal Board in 2017. However, there has been no formal submission of construction drawings to date. Staff advised that the subject lands could potentially benefit from the installation of sewer and water services required for the University Park development, including the extension of the watermain and the construction of a lift station. Acknowledging that individual connections to the sanitary force main are not desirable, Staff offered an alternative scenario whereby the subject lots could be serviced by a gravity system that would feed into the lift station and the proposed force main.

Until such time that the servicing requirements for University Park are addressed to the satisfaction of the City, including the potential for a front-ending agreement between the benefitting parties, the current proposal is felt to be premature.

In response to this position, the proponents have indicated that a gravity system is not viable for only three (3) lots, notwithstanding the additional deemed lots along South Bay Road also owned by the applicant, some of which are constrained by encroachments and natural hazards.

Assessing lot creation potential

In order to assess the potential impact of a positive recommendation, Staff conducted an analysis of properties within the South Peninsula policy area to determine the number of unserviced lots that could be created if granted the same development permissions. The following criteria were established for the lands under review:

- located entirely or partly within South Peninsula policy area;
- currently not serviced by municipal sewer and water;
- property has existing public road frontage; and,
- property has the potential for severance based on the minimum standards applied under the Official Plan (minimum lot area of 1,000 m² and minimum public road frontage of 30 metres).

Properties located within the South Peninsula policy area were mapped and categorized by lot creation potential. Lot information for each property was reviewed using assessment data. It was determined that up to 42 lots could be created on unserviced properties located entirely or partly within the policy area if exceptions were granted through site-specific Official Plan Amendments. An additional 20 lots could be created on unserviced lands located just outside the policy area boundaries. The suitability of each individual lot to accommodate private services was not within the scope of the analysis.

Conclusion:

Although the Provincial Policy Statement places an emphasis on development within fully serviced areas, the Planning Justification Report correctly indicates that a hierarchy of services is permitted within settlement areas. However, the locational context including the area-specific policies applied to the South Peninsula should take precedence. The City has approved the University Park development on the basis that the extension of sewer and water services is a necessary and feasible condition of approval that will potentially benefit adjacent landowners.

If Planning Committee determines that an exception is justified in this case, it is recommended that the following conditions of approval be considered in their decision:

That prior to the adoption of the Official Plan Amendment, the owner shall submit a hydrogeological assessment to the satisfaction of the Director of Planning Services in conformity with Section 12.2.3, Policy 1 of the Official Plan.

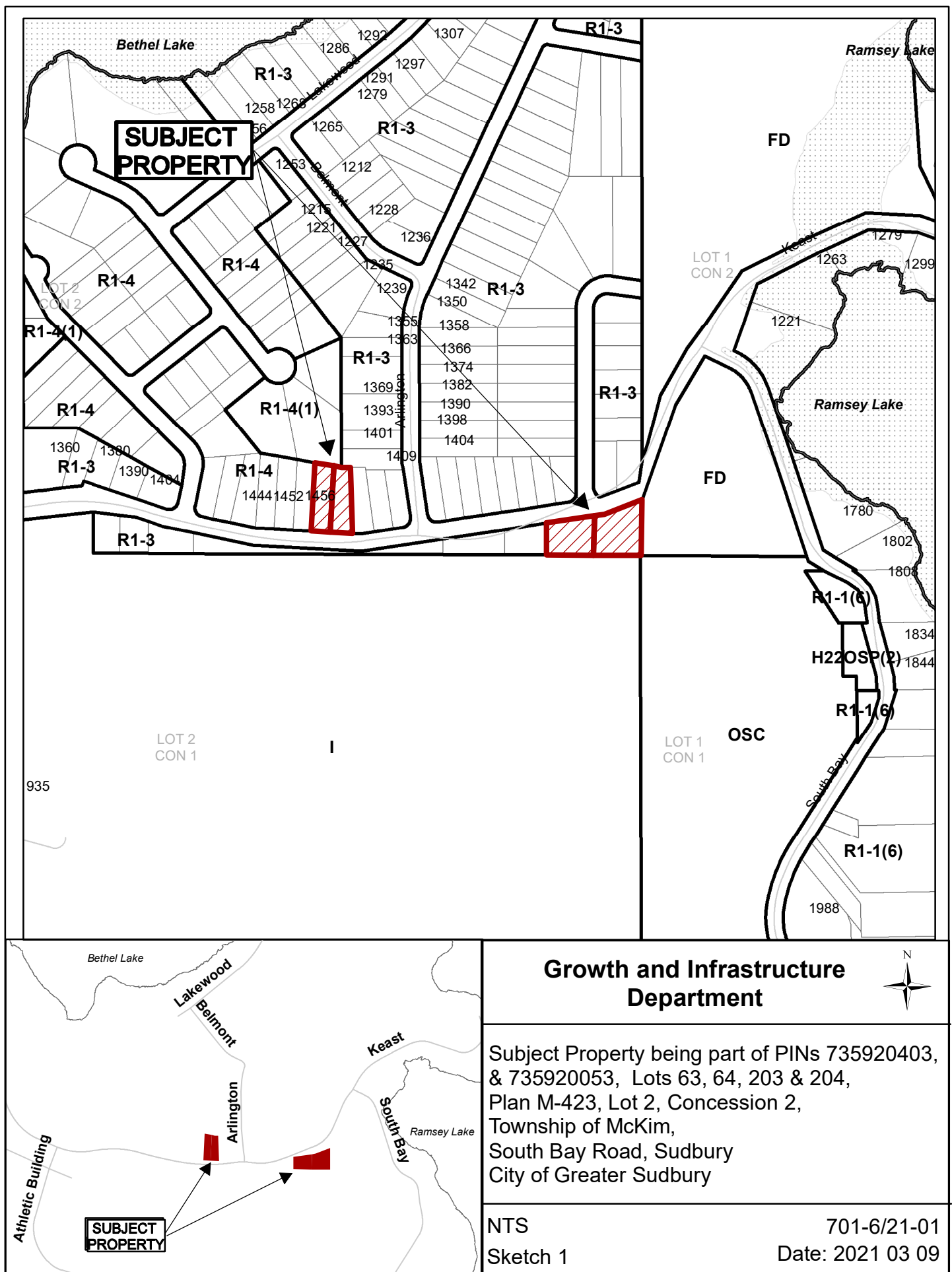
That the following site-specific provisions be incorporated into the proposed Official Plan Amendment:

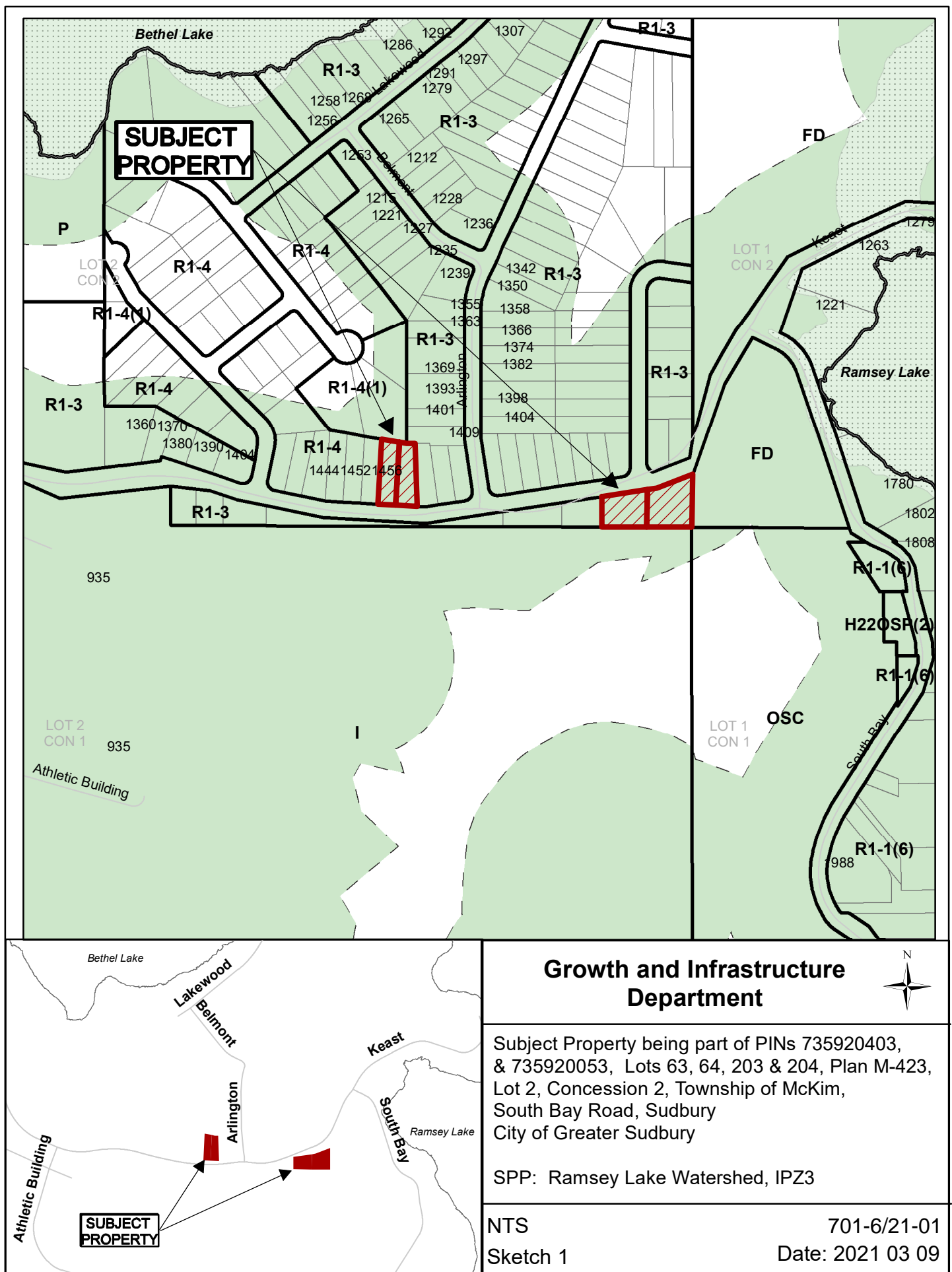
- Lots 63 and 64 should proceed by way of the consent process, as the two (2) lots shall remain consolidated in order to meet the minimum requirements under the Official Plan and the applicable zoning. The standard conditions of consent approval shall be applied.
- Prior to rescinding the deeming by-law on Lots 203 and 204, the following conditions shall be addressed to the satisfaction of the Director of Planning Services:

1. That the owner provides comments from Public Health Sudbury & Districts stating that the subject

lots are capable of supporting a subsurface sewage disposal system;

2. That the owner proves to the satisfaction of the General Manager of Growth and Infrastructure that an adequate quantity of potable water is available and, if water can only be made potable by treatment, an agreement must be entered into with the City;
3. That the owner provides a lot grading plan for each lot to the satisfaction of the Director of Planning Services. The owner will also be responsible for the construction of any drainage outlet that may be required, the legal costs of preparing and registering the associated lot grading agreement, and survey costs; and,
4. That the owner apply for and receive a driveway entrance permit for the proposed lots to the satisfaction of the General Manager of Growth and Infrastructure.





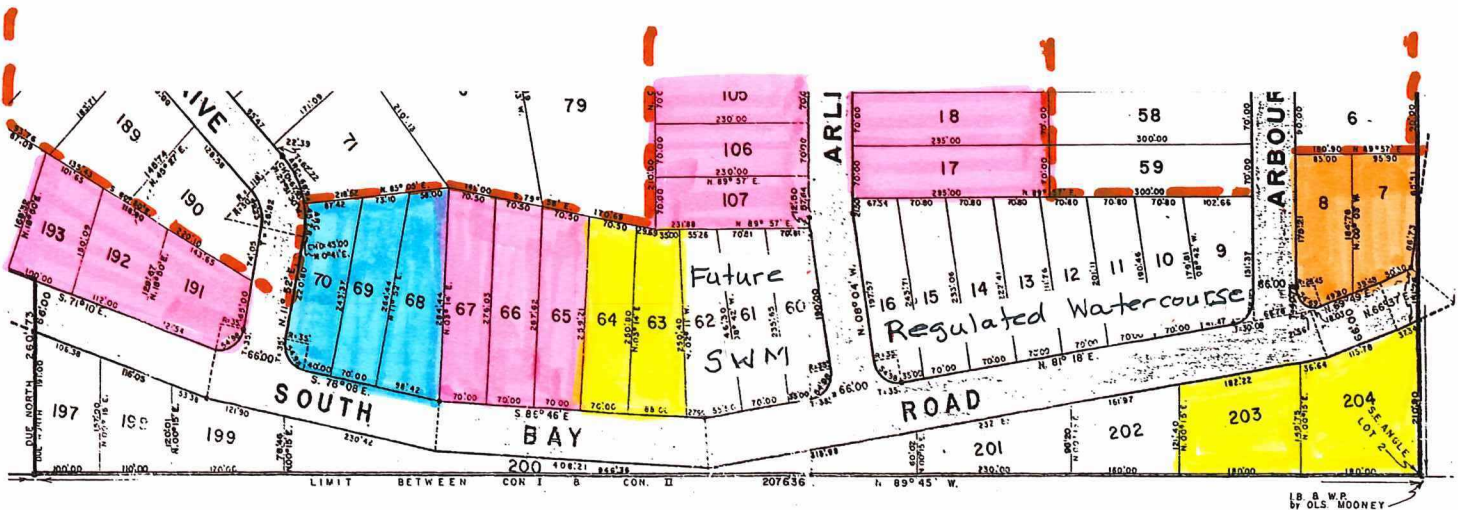
SCHEDULE "A"

Dimensions of the Subject Lands

Lot	Frontage (m)	Depth (m)	Area (m ²)
63	21.3	76.4	1,698.4
64	26.8	76.2	1,635.8
203	55.5	45.6	2,196.4
204	57.4	64.3	2,748.6

R1-3 Zone Standards and the Subject Lands

R1-3 Zone Standard	Standard	Lots 63+64	Lot 203	Lot 204
Min Lot Area (m ²)	1,000	3,334	2,196	2,749
Min Lot Frontage (m)	30	48.1	55.5	57.4
Min Lot Depth (m)	30	76	45.6	64.3



- Lots to be removed from Deeming By-Law 88-223 [Lots 63 + 64 to be consolidated to 1 lot]
- Transfer to City of Greater Sudbury [Location of South Bay Road]
- Vacant Lots Currently Available to Construct Single Family Homes [Building Permit Available]
- Existing Homes
- Future Development with Municipal Services

Planning Justification Report

Dalron South Bay Road Residential Lots



Planning Justification Report

Dalron South Bay Road Residential Lots

Table of Contents

1.0	Background	1
2.0	Purpose	2
3.0	Site and Surrounding Area	2
3.1	Site	2
3.2	Surrounding Area	4
4.0	Development Proposal	6
5.0	Planning Framework	6
5.1	Planning Act	6
5.2	Provincial Policy Statement	7
5.3	Growth Plan for Northern Ontario	9
5.4	Official Plan for the City of Greater Sudbury	9
5.5	City of Greater Sudbury Zoning By-law	12
5.6	Greater Sudbury Source Protection Area Source Protection Plan	12
6.0	Planning Analysis	13
6.1	Location of Development	13
6.2	Housing	13
6.3	Servicing	13
6.4	Lake Water Quality	15
7.0	Conclusion and Recommendation(s)	15

List of Appendices

Appendix A DRAFT OFFICIAL PLAN AMENDMENT

Planning Justification Report

Dalron South Bay Road Residential Lots

1.0 Background

In 2020, Dalron Construction Limited (Dalron) submitted a pre-consultation application to the City of Greater Sudbury (City) to seek the City's feedback on a development proposal that would see the construction of new residential homes along the north and south sides of South Bay Road at Arlington Boulevard in the community of Sudbury.

The development proposal involved the creation of 14 residential lots and would require various approvals including an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBLA), the application of a Holding "H" symbol on two lots, the consolidation of two lots, the reconfiguration of six lots and land transfers between Dalron and the City. The proposal also required an application to rescind By-law 88-223 as it related to fifteen lots in the designated and deemed subdivision M-423.

In a Pre-Consultation Understanding (PCU) from the City dated March 4, 2020, City Planning Staff identified the reports and plans required to form part of a complete application for the proposed Official Plan Amendment and Rezoning under the *Planning Act*. These included:

1. Application Form (OPA and ZBLA)
2. Planning Justification Report (OPA)
3. Public Consultation Strategy (OPA and ZBLA)
4. Source Protection Plan Section 59 Application (OPA and ZBLA)
5. Concept Plan (rezoning sketch) (OPA and ZBLA)

The PCU notes that an OPA is required as the subject lands are designated and deemed not to be a registered plan of subdivision and that site specific exemptions to Section 20.5 of the Official Plan is required. The PCU also notes that a Planning Justification Report (PJR) is required as part of a complete application providing a land use rationale for lifting the deeming by-law in advance of sewer and water servicing in a vulnerable area identified in the Source Protection Plan and subject to area specific policies of the Official Plan (i.e. Section 20.5). The PCU also required that Dalron contact Conservation Sudbury directly to discuss their interests in the application.

Based on this feedback and other considerations, Dalron adjusted its development concept and now proposes to develop three new residential homes on lots 63 and 64 (to be consolidated), 203 and 204 in the designated and deemed subdivision M-423. This proposal requires an OPA, application to rescind By-law 88-223 as it relates to Lots 63, 64, 203 and 204, and other City/public agency approvals (e.g. Conservation Sudbury, Source Protection Plan), prior to construction.

In 2020, Dalron retained J.L. Richards & Associates Ltd. (JLR) to prepare a PJR in support of the applications to amend the City's Official Plan and rescind the Deeming By-law as it relates to the four lots described above. Since this time, JLR has reviewed various background materials, visited the site and surrounding area, considered the existing and planned character of the area, met with City planning staff, City water/wastewater staff with responsibility for source protection and Conservation Sudbury staff. JLR has also reviewed the *Planning Act*, *Provincial Policy Statement*, *Growth Plan for Northern Ontario*, *City of Greater Sudbury Official Plan*, *City of Greater Sudbury Zoning By-law*, *Greater Sudbury Source Protection Area Source Protection Plan* and related documents as part of our review and analysis.

Planning Justification Report

Dalron South Bay Road Residential Lots

2.0 Purpose

This report provides a professional planning opinion in support of the application to amend the Official Plan and rescind the Deeming By-law, as described in Section 1.0. It describes the site and surrounding area and development proposal, reviews the land use planning framework applicable to the site and proposal and discusses the land use planning merits of the application.

3.0 Site and Surrounding Area

3.1 Site

The subject lands are situated on the north and south side of South Bay Road at Arlington Boulevard in the community of Sudbury (see Figure 1). The subject lands are undeveloped. The lands have access to utilities (hydro, natural gas, lighting), road maintenance and waste collection. Transit services are available within approximately 600 metres to the west at Laurentian University. The lands are not serviced by municipal water and sewage services.

Figure 1: Subject Lands and Surrounding Area

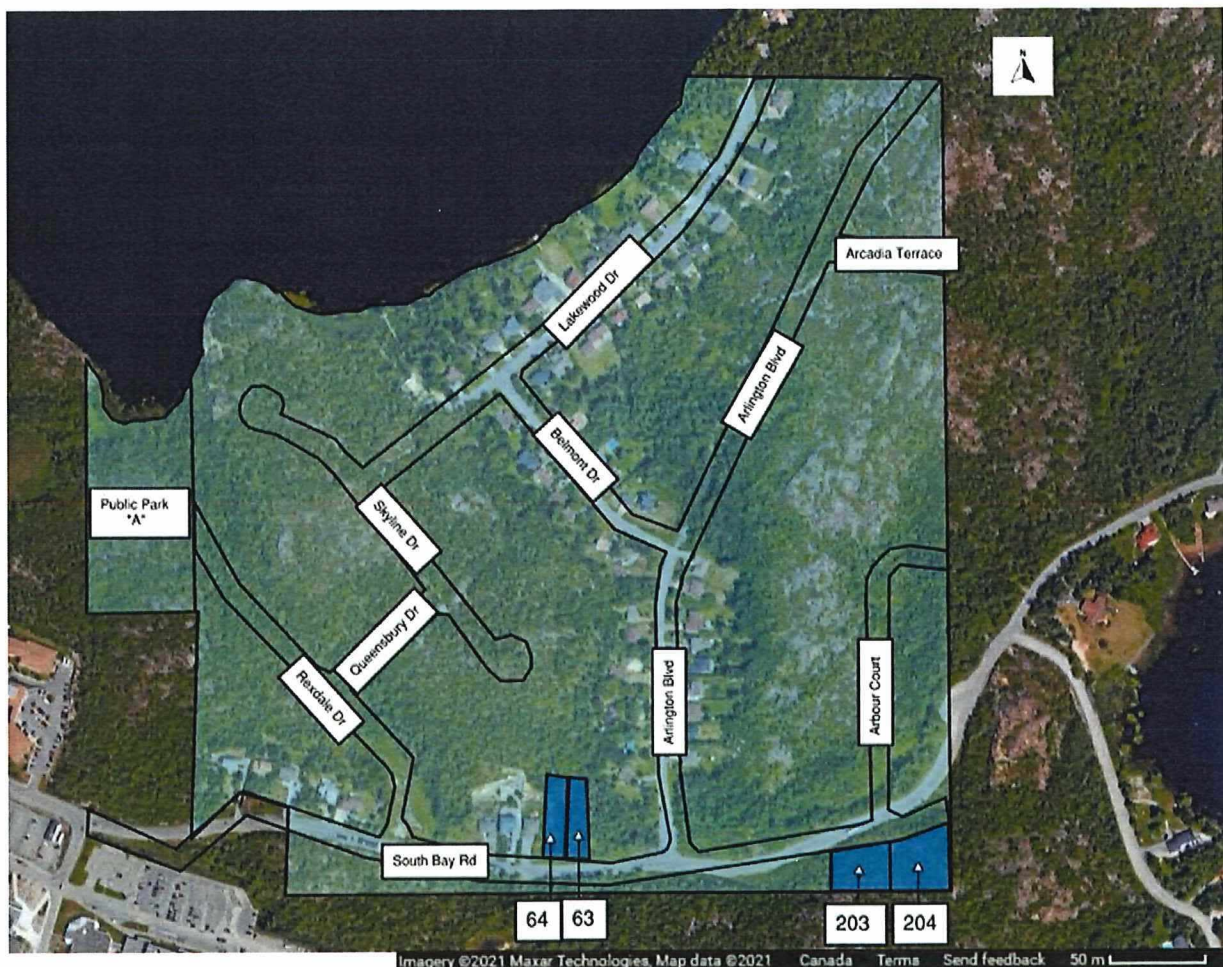


Planning Justification Report

Dalron South Bay Road Residential Lots

The subject lands formed part of a larger residential plan of subdivision for the area and registered on June 18, 1956 as Plan M-423 in accordance with the provisions of the *Planning Act* in effect at that time (see Figure 2). This plan called for the creation of a new system of streets and parks, a new public park and 204 residential lots. Over the years, a portion of the subdivision was developed including a portion of South Bay Road, Arlington Boulevard, Belmont Crescent and Lakewood Drive and 72 residential lots along these streets. A park block was also transferred to the municipality. On July 13, 1988 Council for the former Regional Municipality of Sudbury (now City of Greater Sudbury) passed By-law 88-223 to designate and deem portions of Plan M-423 not to be a plan of subdivision for the purposes of the *Planning Act*, including the subject lands.

Figure 2. Illustration of Extents of Plan M-423 showing location of subject lands



Planning Justification Report

Dalron South Bay Road Residential Lots

Using Plan M-423 as a guide, the dimensions of the lots that comprise the subject lands are shown in Table 1.

Table 1: Dimensions of the Subject Lands

Lot	Frontage (m)	Depth (m)	Area (m ²)
63	21.3	76.4	1,698.4
64	26.8	76.2	1,635.8
203	55.5	45.6	2,196.4
204	57.4	64.3	2,748.6

3.2 Surrounding Area

The subject lands are surrounded by a mix of developed and undeveloped lands, as follows:

North: Lands to the north are designated Living Area 1, zoned Low Density Residential One (R1-3) Zone and include a mix of undeveloped and developed residential uses along Arlington Boulevard, Belmont Drive and Lakewood Drive. The 51 homes along these streets are unserved and instead rely upon individual water and sanitary systems.

East: Lands to the east are designated Living Area 1 and 2, zoned Low Density Residential One (R1-1(6)) Zone and include a mix of undeveloped and developed residential uses along Keast Drive and South Bay Road. The 31 homes along Keast Drive and the northerly portion of South Bay Drive also rely on individual water and sanitary systems. Lands to the east also include the proposed University Park Subdivision. This proposed subdivision includes 147 residential units and will be served by municipal water and sanitary services, which is to be extended to those lands as a condition of approval of the plan of subdivision.

South: Lands to the south and extending to the west are designated Institutional, zoned Institutional (I) Zone and include the Laurentian University Campus, which is serviced by municipal water and sanitary services and hosts a substantial number of students, faculty and staff.

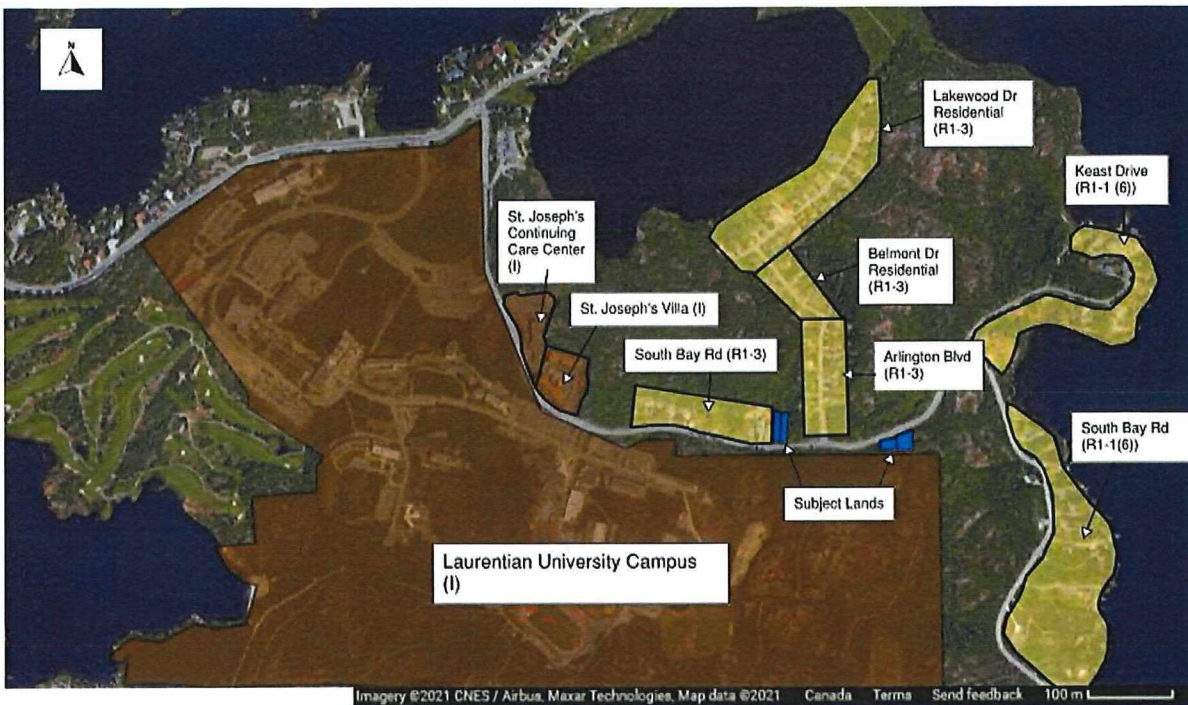
West: Lands to the west designated Living Area 1 and Institutional, are zoned I and R1-3 and are characterised by a mix of undeveloped and developed lands including Laurentian University, eight residential structures on the north side of South Bay Road, St. Joseph's Continuing Care Centre and St. Joseph's Villa. These eight single detached residential structures rely on individual water and sanitary services.

The surrounding context is illustrated in Figure 3.

Planning Justification Report

Dalron South Bay Road Residential Lots

Figure 3. Subject lands and surrounding context



Planning Justification Report

Dalron South Bay Road Residential Lots

4.0 Development Proposal

Dalron proposes to create three new residential lots from four lots in the designated and deemed subdivision. Lots 63 and 64 would be un-deemed and subsequently consolidated to create a single residential lot. Lots 203 and 204 would be un-deemed and remain as two separate residential lots.

Consistent with the 82 other homes in the area, the lots would be served by hydro, natural gas, road maintenance and waste collection. Similarly, the lots would also be served by individual water and sanitary systems.

5.0 Planning Framework

The land use planning framework for this application is formed by *Planning Act, Provincial Policy Statement, Growth Plan for Northern Ontario, City of Greater Sudbury Official Plan, City of Greater Sudbury Zoning By-law* and *Greater Sudbury Source Protection Area Source Protection Plan*. The application also engages the regulatory requirements of Conservation Sudbury.

5.1 Planning Act

The *Planning Act* (Act) is the primary piece of legislation governing land use planning in the Province of Ontario.

The purposes of the Act are,

- “(a) *to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;*
- “(b) *to provide for a land use system led by provincial policy;*
- “(c) *to integrate matters of provincial interest in provincial and municipal planning decisions;*
- “(d) *to provide for planning processes that are fair by making them open, accessible, timely and efficient;*
- “(e) *to encourage co-operation and co-ordination of various interests;*
- “(f) *to recognize the decision-making authority and accountability of municipal councils in planning.”* (ss.1.1).

Further the Act sets out various matters of provincial interest in land use planning that land use planning decision makers are required to “have regard to”, including:

- “(a) *the protection of ecological systems including natural areas, features and functions; ...*
- “(h) *the orderly development of safe and healthy communities; ...*
- “(j) *the adequate provision of a full range of housing, including affordable housing; ...*
- “(l) *the protection of the financial and economic well-being of the Province and its municipalities; ...*
- “(n) *the resolution of planning conflicts involving public and private interests; ...*
- “(p) *the appropriate location of growth and development; ...”* (s.2)

Planning Justification Report

Dalron South Bay Road Residential Lots

As discussed in Section 6.0 below, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots has appropriate regard to these matters of provincial interest.

5.2 Provincial Policy Statement

The Act also gives the Province of Ontario the ability to issue policy statements on matters of provincial interest in municipal planning (ss. 3(1)). The Act requires that municipal decisions in respect to the exercises of any authority that affects a planning matter “shall be consistent with” the policy statement in effect at the time of the decision (ss. 3(5)). The *Provincial Policy Statement, 2020* (PPS) came into effect on May 1, 2020.

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy 1.1.1 states that *“healthy, liveable and safe communities are sustained by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate affordable and market-based range and mix of residential types ... and other uses to meet long term needs; avoiding development and land use patterns which may cause environmental ... concerns; ... ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs ...”* (Policy 1.1.1.a, b, c, g).

Policy 1.1.3.1 states that *“settlement areas shall be the focus of growth and development.”* Further, Section 1.1.3.2 states that *“land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; ...”* (Policy 1.1.3.2.a ,b).

Policy 1.1.3.6 states that *“new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”*

Housing

Policy 1.4.3 states that *“planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents ...; directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; ...”* (Policy 1.4.3.b) 1., c)).

Planning Justification Report

Dalron South Bay Road Residential Lots

Infrastructure and Public Service Facilities

Policy 1.6.6.1 states that *"planning for sewage and water services shall: ... ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely, ... is feasible and financial viable over their lifecycle, and protects human health and safety and the natural environment; ... be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that specific conditions are met. ". (Policy 1.6.6.1 b) 1., 3, 4., e)).*

Policy 1.6.6.2. states that *"municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. ..."*

Policy 1.6.6.3 states that *"where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support the protection of the environment and minimize potential risks to human health and safety."*

Policy 1.6.6.4 states that *"where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development."*

Policy 1.6.6.6 states that *"subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity ... within municipal sewage services"*

Water

Policy 2.2.1 states that *"planning authorities shall protect, improve or restore the quality and quantity of water by: ... implementing necessary restrictions on development and site alteration to protect all municipal drinking water supplies and designated vulnerable areas, and protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive groundwater features and their hydrologic functions; ..."* (Policy 2.2.1 f).

Policy 2.2.2 states that *"development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved and restored."*

As discussed in Section 6.0 below, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots is consistent with all relevant PPS policies.

Planning Justification Report

Dalron South Bay Road Residential Lots

5.3 Growth Plan for Northern Ontario

The *Growth Plan for Northern Ontario, 2010* (Growth Plan) was prepared under the *Places to Grow Act, 2005* and came into effect on March 3, 2011. The Growth Plan applies to the Northern Growth Plan Area, which includes the City of Greater Sudbury. The Growth Plan provides specialized policies for northern Ontario which guide municipal decisions and improve coordination throughout the region related to growth and development, infrastructure planning, land use planning, housing, resource protection, and transportation. The *Places to Grow Act* requires that decisions under the *Planning Act* conform with the growth plan that applies to the growth plan area (s.14). This direction is expanded in the *Planning Act* which requires that land use planning decisions conform with or shall not conflict with provincial plans that are in effect on the date of decisions (s.3(5)).

The Growth Plan establishes policies that speak to communities, infrastructure and the environment. We have reviewed these policies and in our professional opinion, the application to amend the Official Plan and rescind the Deeming By-law to permit the creation of three new residential lots conforms to/does not conflict with the Growth Plan policies.

5.4 Official Plan for the City of Greater Sudbury

The Official Plan for the City of Greater Sudbury (OP) was adopted by City Council in 2006, approved by the Province of Ontario in 2007 and subsequently appealed to the Ontario Municipal Board (OMB). The Plan came into effect through a series of OMB decisions between 2007-2010. The OP recently underwent a five year review, the outcome of which was adopted by City Council in June 2018 and was modified and approved, as modified, by the Province of Ontario in April 2019. The City is currently undertaking Phase 2 of the OP Review. This report focuses on in-effect OP policy (i.e. the April 2019 OP).

The OP designates the subject lands Living Area 1 (Schedule 1b), situates Lots 63 and 64 within the South Peninsula of Ramsey Lake area (Schedule 2a) and situates the subject lands within the settlement area outside the built boundary (Schedule 3) and Intake Protection Zone 3 (Schedule 4a). Schedule 10 also indicates that the portion of South Bay Road at Arlington Avenue is not serviced by municipal water or sewer.

Reinforcing the Urban Structure

Section 2.3.2, Policy 1 states that *"future growth and development will be focused in the Settlement Area through intensification, redevelopment and, if necessary, development in designated growth areas."*

Living Area Designations

Section 3.2, describes the Living Area 1 as *"... includes residential areas located in an urbanized Communities that are fully serviced by municipal water and sewer. Given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced development, Areas designated as Living Area 1 in Communities are seen as the primary focus of residential development."*

Planning Justification Report

Dalron South Bay Road Residential Lots

Section 3.2 states that *"Low density housing is permitted in all Living Area designations. ... New residential development must be compatible with the existing physical character of established neighbourhoods, with consideration given to the size and configuration of the lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties under the Zoning By-law. ..."* (Section 3.2, Policy 1, 3).

Section 3.2.1 states that *"Communities will absorb the majority of new residential development over the plan period. The Living Area 1 designation has three density levels that will be recognized in the implementing Zoning By-law: low, medium and high density residential. Low density development permits single detached dwellings ... to a maximum net density of 36 units per hectare. In order to maintain existing neighbourhood character, the Zoning By-law may establish lower densities in certain areas of the City. ..."* (Section 3.2.1, Policy 1).

Section 3.2.2, states that *"New development in Living Area 1 will occur adjacent to existing built up areas. ..."* (Section 3.2.2., Policy 1).

General Protection of Water Resources

Section 8.1 states that *"Development and site alteration will be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrological functions and linkages will be protected, improved and restored. Mitigative measures and/or alternative development approaches may be required to protect, improve and restore sensitive surface water features, sensitive groundwater features and their hydrological functions."* (Section 8.1, Policy 1, 2).

Greater Sudbury Source Protection Area Source Protection Plan

Section 8.3 states that *"Development and certain land use activities and public works within the vulnerable areas will conform with the policies on List A of the Greater Sudbury Source Protection Plan."* (Section 8.3, Policy 1).

Section 8.3 also states that *"In the vulnerable areas, the City will reduce stormwater runoff volume and pollutant loadings from developments where stormwater management facilities could be a significant threat by: encouraging the implementation of a hierarchy of source, lot level, conveyance and end of pipe controls; encouraging the implementation of innovative stormwater management measures; considering flexibility in development standards to incorporate alternative community design and stormwater techniques, such as those related to site plan design, lot grading, ditches and curbing, driveway surfaces, and the use of open spaces as temporary detention ponds; ..."* (Section 8.3, Policy 3, a, b, c).

Sewer and Water

Section 12.2.2 states that *"Municipal sewer and water services are the preferred form of servicing for all new developments. Municipal sewer and water systems will accommodate all new development, except in unserved or partially serviced areas where different land use and servicing policies apply."*

Planning Justification Report

Dalron South Bay Road Residential Lots

Section 12.2.3 states that “... While new development is primarily directed by this Plan to fully serviced areas of the City, developments in ... certain parts of the Living Areas that are ... unserviced are permitted to use individual systems subject to the policies of this Plan.”

Section 12.2.3 also states that “Where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available. A hydrogeological assessment is required where the minimum lot size is less than 0.8 hectare (2 acres).” (Section 12.2.3, Policy 1).

Housing

Section 17.2.1 states that “to encourage a greater mix of housing types and tenure, it is a policy of this Plan to: ... encourage a wide range of housing types and forms suitable to meet housing needs of all current and future residents; ... support new development that is planned, designated, zoned and designed in a manner that contributes to creating complete communities – designed to have a mix of land uses, supportive of transit development, the provision of a full range and mix of land uses, supportive transit development, the provision of a full range of housing including affordable housing, inclusive of all ages and abilities, and meet the daily and lifetime needs of all residents.” (Section 17.2.1, Policy a, e).

Section 17.2.4 states that “The City of Greater Sudbury supports innovation in housing design and development that minimizes costs in the production of affordable housing. In order to achieve, this, it is the policy of this Plan to: permit alternative development standards, where appropriate” (Section 17.2.4, Policy a).

South Peninsula of Ramsey Lake Policy Area

Section 20.5 states that “Notwithstanding the policies of this Plan, the following special policies shall apply to lands designated as Living Area 1 on the South Peninsula of Ramsey Lake ... : In order to protect Ramsey Lake as a municipal water supply, no severances or subdivisions are permitted until municipal sewer and water services are available. In the interim, only single detached dwellings are permitted on legally existing lots fronting on public roads, subject to the approval of the appropriate regulatory authorities for a private sewage disposal system. In order to preserve the open space character of the neighbourhood, the net density of the South Peninsula shall not exceed 10 units/hectare (equivalent to 1,000 m² or 10,764 ft² of land per unit) even after sewer and water services are available.” (Section 20.5, Policy 1 a,b).

As discussed in Section 6.0 below, the application to amend the OP and rescind the Deeming By-law to permit the creation of three new residential lots conforms to OP policies, except an area-specific policy that requires development on full municipal services in the South Peninsula area. As a result, an OP Amendment is required to provide relief from this policy requirement.

Planning Justification Report

Dalron South Bay Road Residential Lots

5.5 City of Greater Sudbury Zoning By-law

The City of Greater Sudbury Zoning By-law 2010-100Z (Zoning By-law) came into force on September 29, 2010. It applies to all lands within the City of Greater Sudbury, including the subject lands.

The Zoning By-law zones the subject lands R1-3, Low Density Residential One. This zone category permits single detached dwellings and establishes various development standards, including a minimum lot area of 1,000 m² and minimum lot frontage of 30.0 m, consistent with the OP policy direction to preserve the open space character of the South Peninsula of Ramsey Lake Area. As illustrated in Table 2, the new lots that would be created through the proposed OPA and rescindment of the Deeming By-law would meet relevant standards.

Table 2: R1-3 Zone Standards and the Subject Lands

R1-3 Zone Standard	Standard	Lots 63+64	Lot 203	Lot 204
Min Lot Area (m ²)	1,000	3,334	2,196	2,749
Min Lot Frontage (m)	30	48.1	55.5	57.4
Min Lot Depth (m)	30	76	45.6	64.3

The subject lands are also subject to the Ramsey Lake Watershed (RLW) Overlay Zone established in the Zoning By-law. Section 4.42.3 of the Zoning By-law, which speaks to this Overlay Zone, prohibits additional uses that represent a threat to drinking water quality on lands subject to the overlay. A single detached home and individual sewage system are not included in the list of additional prohibited uses.

5.6 Greater Sudbury Source Protection Area Source Protection Plan

The *Greater Sudbury Source Protection Area Source Protection Plan* (Source Protection Plan) was prepared under the *Clean Water Act*, 2006, approved by the Province of Ontario on September 19, 2014 and came into effect on April 1, 2015. The Source Protection Plan applies to the subject lands and development proposal.

The Source Protection Plan situates the subject lands outside of the Ramsey Lake Intake Protection Zones (IPZ) 1 and 2 and within the Ramsey Lake IPZ 3, with a vulnerability score of 9 (Map 3.7).

Table 1 of the Source Protection Plan indicates that lands within the Ramsey Lake IPZ3 with a vulnerability score of 9 or higher are subject to policies relating to fuel, pesticides, aircraft de-icing fluid and transportation, as well as the policies listed for the Ramsey Lake Issues Contributing Area. These include policies relating to agriculture, salt and snow, sewage, waste and issue monitoring.

With respect to sewage, the following policies apply S1EF-2A, S2EF-EO, S4EF-PI, S5F-LUP, S6EF-SA, S7F-LUP, S8EF-EO and S9EF-SA. These policies do not prohibit the creation of new lots on individual septic systems in the Ramsey Lake IPZ3 (with a vulnerability score of 9) or Ramsey Lake Issues Contributing Area.

Planning Justification Report

Dalron South Bay Road Residential Lots

Other Framework Elements

The subject lands are also partly located within Conservation Sudbury's "regulated area". As a result a permit under Section 28 of the Conservation Authority Act will be required prior to construction. This can be addressed at the building permit stage of development.

6.0 Planning Analysis

6.1 Location of Development

In terms of the location of development, the development proposal has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the OP.

This is an appropriate location for growth and development. The subject lands are located in the designated growth area of the community of Sudbury's settlement area, between the built up area of the community and an approved 147 unit draft plan of subdivision. The development proposal is compatible with the existing and planned character of the area, understanding the City's goal of preserving the open space character of the area. The development proposal would be served by existing and available infrastructure and public service facilities that serve the site and community. The development proposal would not increase pressure to extend infrastructure or public service facilities to the subject lands or area. Consistent with the *Comparative Fiscal Municipal Impact Analysis of Growth Study* commissioned by the City and presented to Planning Committee in January 2018 it is anticipated that the proposed development will generate positive net revenue to the City, thus supporting its financial well-being.

6.2 Housing

In terms of housing, the development proposal has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the OP.

The proposal would contribute to the range and mix of housing opportunities available within the city in a location that is appropriately served by existing and future infrastructure and public service facilities. The development would help complete this segment of South Bay Road area. The alternative water and sanitary service development standards that are proposed are appropriate, as described below. The use of an alternative service standard in this instance would also help reduce housing construction costs when compared to connecting the proposed lots to full municipal water and sewage services.

6.3 Servicing

In terms of servicing, the development proposal has regard to the Act, is consistent with the PPS, and conforms/does not conflict with the Growth Plan.

The portion of South Bay Road, east of Laurentian University is not serviced by municipal water or sewage services. The PPS establishes a servicing hierarchy involving full municipal services, communal services, individual services and partial services. The PPS gives municipalities the ability to consider individual service arrangements in instances such as this when municipal

Planning Justification Report

Dalron South Bay Road Residential Lots

services are not “available” or “feasible”. The PPS allows individual on-site water and sewage services provided that site conditions are suitable for the long-term provision of such services with no negative impacts and, in settlement areas, to facilitate infilling of existing development. The proposed development is consistent with these policies. The long term suitability of the site for individual water and sewage services can be determined in accordance with the City’s standard business practices for lot creation through the consent process.

The sewer and water policies of the OP establish a similar servicing hierarchy and also provide flexibility to consider the use of individual services, where appropriate. The OP acknowledges that while new development is primarily directed to serviced areas of the City, certain parts of the Living Area are un-serviced and such areas are permitted to use individual systems, subject to the policies of the OP. The OP states that where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water. The proposed development is consistent with these policies. The long term suitability of the site for individual water and sewage services can be determined in accordance with the City’s standard business practices established for such purposes.

The South Peninsula of Ramsey Lake Policy Area policies establish area specific policies for servicing, which take precedence over the general sewer and water policies of the OP. These area specific policies state that in order to protect Ramsey Lake as a municipal water supply, no severances or subdivisions are permitted until municipal sewer and water services are available. The proposed OPA would provide relief from this area specific policy. The proposed OPA would conform to the City’s general sewer and water OP policy, as previously discussed, and meet the requirements of the Source Water Protection Plan, as discussed below, which is designed to protect against threats to the municipal drinking water supply, including Ramsey Lake. The proposed lots would exceed the 1,000 m² of land per unit requirement established in the OP and maintain the open space character of the neighbourhood.

The proposed OP Amendment included in Attachment A, permits the proposed development on private services, subject to demonstrating the suitability of the site for the long term provision of such services as permitted in the PPS and OP. This approach is consistent with the approach taken to other comparable site specific amendments that have been approved the City.

The City’s *Water Wastewater Master Plan* does not recommend that the City extend municipal water or sewage services along South Bay Road. Instead, the plan envisages the extension of municipal services in conjunction with the development of the adjacent University Park subdivision to the east of the subject land. It is our understanding that a high pressure sanitary force main will need to be installed along South Bay Road and in front of the subject lands in order to appropriately service the University Park subdivision. Connecting individual homes to sanitary force mains is generally not recommended given the risk associated with the failure of private check valves/service connections, which would result in subsequent damage to the home.

Planning Justification Report

Dalron South Bay Road Residential Lots

6.4 Lake Water Quality

In terms of lake water quality, the proposed development has regard to the Act, is consistent with the PPS, conforms/does not conflict with the Growth Plan, conforms to the OP and complies with the Source Protection Plan.

The subject lands are situated inland from Lake Ramsey within the Ramsey Lake Intake Protection Zone 3, with a vulnerability score of 9, defined in the Source Water Protection Plan. Sewage is identified as a drinking water threat in the Source Protection Plan. Sewage policies for the Ramsey Lake IPZ 3 with a vulnerability score of 9 lands do not prohibit the creation of new lots on individual sewage systems. Instead, the policies require a mandatory septic system inspection program to appropriately manage the risk associated with individual sewage systems in this area.

In meeting the requirements of the Source Protection Plan, the development proposal meets provincial and local policies that require that require the protection of water quality and quantity, municipal water supplies, designated vulnerable areas and vulnerable surface water features.

7.0 Conclusion and Recommendation(s)

Based on the above, it is our professional planning opinion that the proposed development is appropriate and should be approved. We recommend that the Official Plan for the City of Greater Sudbury be amended, substantially in accordance with the draft Official Plan Amendment included in Attachment A, and that Deeming By-law 88-223 as it relates to Lots 63, 64, 203 and 204 be rescinded to facilitate the proposed development.

Planning Justification Report

Dalron South Bay Road Residential Lots

This report has been prepared for the exclusive use of Dalron Construction Limited, for the stated purpose, for the named project. Its discussions and conclusions are summary in nature and cannot be properly used, interpreted or extended to other purposes without a detailed understanding and discussions with the client as to its mandated purpose, scope and limitations. This report was prepared for the sole benefit and use of Dalron Construction Limited and may not be used or relied on by any other party without the express written consent of J.L. Richards & Associates Limited.

This report is copyright protected and may not be reproduced or used, other than by Dalron Construction Limited for the stated purpose, without the express written consent of J.L. Richards & Associates Limited.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:

Reviewed by:



Sarah Vereault, RPP, MCIP
Associate, Senior Planner



Jason Ferrigan, RPP, MCIP, MSc.PI
Senior Planner

Planning Justification Report

Dalron South Bay Road Residential Lots

ATTACHMENT A:

"21.xx Notwithstanding anything to the contrary, the following policies shall apply to the lands described as Part of Parcel 49532, Lots 63 and 64 and Part of Parcel 49530, Lots 203 and 204, Lot 2, Concession 1, Township of McKim:

- a) The owner may apply to consolidate Lots 63 and 64 into a single consolidated lot.
- b) Development may be permitted on the consolidated Lots 63 and 64, and Lots 203 and 204 in accordance with the Zoning By-law, provided that the owner demonstrates that the lots are suitable for individual on-site water and sewage services.
- c) No severances that would result in the creation of any additional lots shall be permitted.

www.jlrichards.ca

Ottawa

864 Lady Ellen Place
Ottawa ON Canada
K1Z 5M2
Tel: 613 728-3571

ottawa@jlrichards.ca

Kingston

203-863 Princess Street
Kingston ON Canada
K7L 5N4
Tel: 613 544-1424

kingston@jlrichards.ca

Sudbury

314 Countryside Drive
Sudbury ON Canada
P3E 6G2
Tel: 705 522-8174

sudbury@jlrichards.ca

Timmins

834 Mountjoy Street S
Timmins ON Canada
P4N 7C5
Tel: 705 360-1899

timmins@jlrichards.ca

North Bay

501-555 Oak Street E
North Bay ON Canada
P1B 8L3
Tel: 705 495-7597

northbay@jlrichards.ca

Hawkesbury

326 Bertha Street
Hawkesbury ON Canada
K6A 2A8
Tel: 613 632-0287

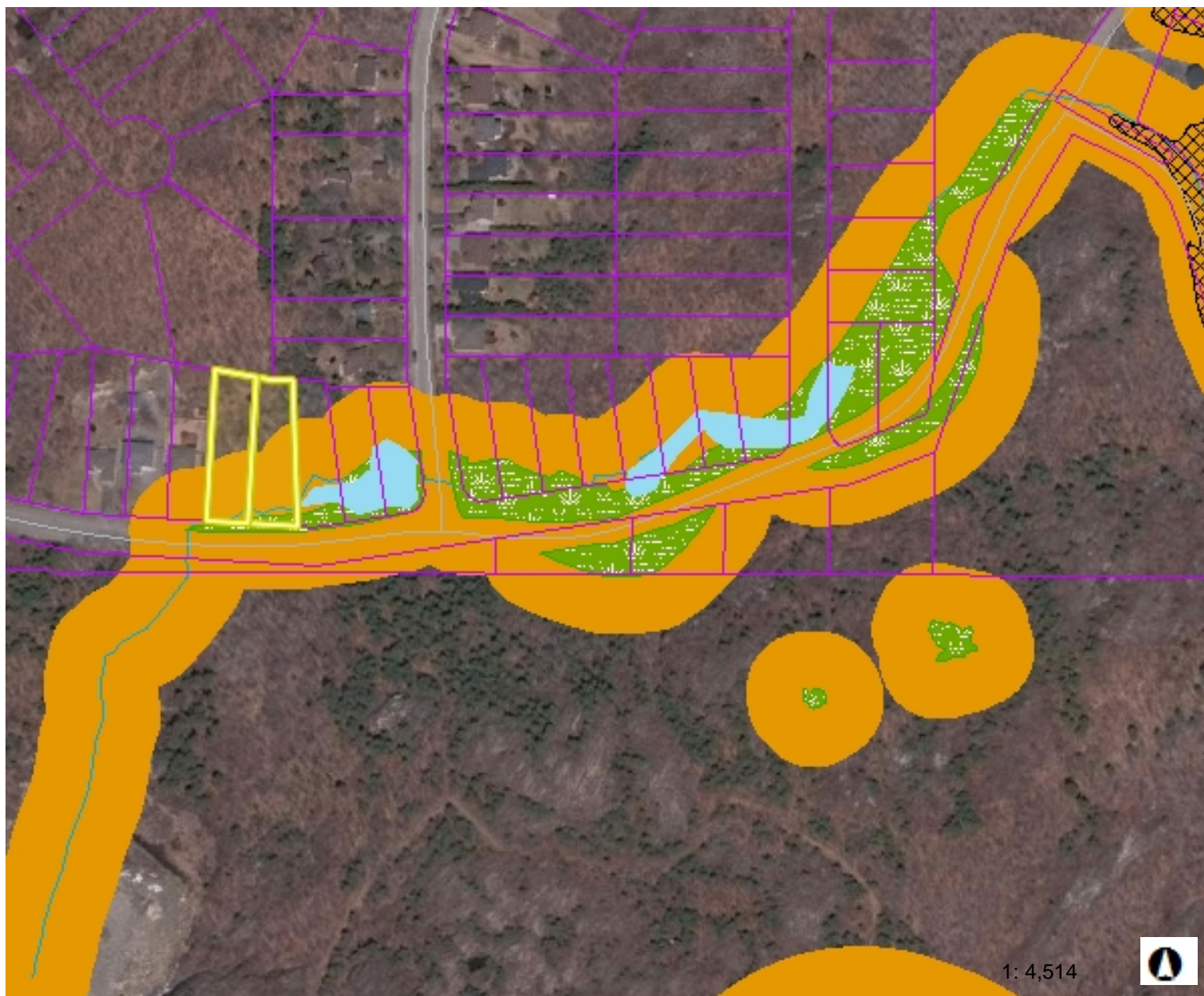
hawkesbury@jlrichards.ca

Guelph
















107-450 Speedvale Ave. West
Guelph ON Canada
N1H 7Y6
Tel: 519 763-0713

guelph@jlrichards.ca





Legend

-  NDCA Jurisdiction
-  Parcels (File NO)
-  Subwatersheds
-  Roads_CGS_2021
-  Floodplain
-  Waterbody
-  Wetland
-  Active Municipal Drains
-  Watercourse
-  Regulation Limits
-  Municipal Boundary (CGS)
-  World Imagery
-  Low Resolution 15m Imagery
-  High Resolution 60cm Imagery
-  High Resolution 30cm 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.

229.3 0 114.66 229.3 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 4,514





Photo 1: South Bay Road, Sudbury
View of Lots 63 & 64 on north side of South Bay Road
File 701-6/21-01 Photography: June 3, 2021



Photo 2: South Bay Road, Sudbury
Culvert installed on Lots 63 & 64 on north side of South Bay Road
File 701-6/21-01 Photography: June 3, 2021



Photo 3: South Bay Road, Sudbury
Watercourse traversing Lots 63 & 64 on north side of South Bay Road
File 701-6/21-01 Photography: June 3, 2021



Photo 4: South Bay Road, Sudbury
Adjacent single detached dwellings located west of Lots 64 & 64
File 701-6/21-01 Photography: June 3, 2021



Photo 5: South Bay Road, Sudbury
View of Lots 203 & 204 on south side of South Bay Road
File 701-6/21-01 Photography: June 3, 2021



Photo 6: South Bay Road, Sudbury
Surveying marker delineating Lots 203 & 204 on south side of South Bay Road
File 701-6/21-01 Photography: June 3, 2021

22 April 2021

Naila Ogbuneke
1452 South Bay Road
Sudbury, ON
P3E 6H6

Alex Singbush
Manager of Development Approvals,
Planning Services Division,
City of Greater Sudbury,

Dear Sir/Madam,

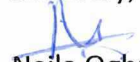
Re: Objection to building three houses in 2 lots (63 and 64) on South bay road).
Your File number:701-6/21-01

I am a homeowner on South bay road and vehemently oppose the building of 3 houses on 2 lots on South bay road for the following reasons

1. Building 3 houses on 2 lots will lead to congestion and create an eye- sore because of the spaces between the houses.
2. Safety issues due to overcrowding/close proximity of the buildings
3. Loss of aesthetic value of south bay road and disruption of the ecosystem.
4. Loss in property values for houses on South bay road due to these overcrowding and poor aesthetic appeal that would result from erecting 3 houses on 2 lots.

With these points, I oppose the building of 3 houses in 2 lots (63 and 64) on South bay Road.

Sincerely,


Naila Ogbuneke

✓ AS
mm

July 28, 2021

Alex Singbush
Manager of Development Approvals
Planning Services Division
PO Box 5000, Stn A, 200 Brady Street
Sudbury ON P3A 5P3

RECEIVED

-08- 06 2021

PLANNING SERVICES

Re File 701-6/21-01

Application by Dalron Construction to amend Official Plan

We, the undersigned are owners of land adjacent to the area proposed for amendment. Thank you for apprising us of the proposed amendment.

We are not in favor of the proposal to provide a site-specific exception to the lot creation policies of Section 20.5, South Peninsula of the Ramsey Lake Policy Area of the City of Greater Sudbury Official Plan. As this area is not provided with municipal sewer and water services, these policies serve to protect the safety and quality of the City's water supply and to ensure safe recreational use of the Lake. Even though it appears that the proposal is to create 2 lots by amalgamating 4 smaller lots, it is doubtful the land area of these new lots will be large enough to ensure that no leakage of sewage into the lake will result.

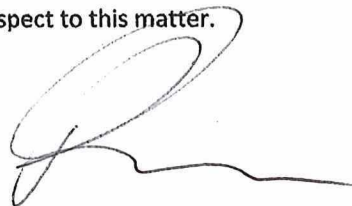
The recently updated *Greater Sudbury Source Protection Assessment Report* identifies the area around South Bay as being within the Ramsey Lake issues contributing-area with a vulnerability score of 9 (10 being the highest). The report notes that since 1982, there has been an increase in phosphorous loading in the Lake. A source of phosphorous is leaking septic systems. Table 3.17 in that report indicates that a significant threat is posed by the septic systems in the area of the proposed lot creation. And phosphorous is implicated in the creation of toxic blue-green algal blooms which have closed swimming areas in recent times.

Some will argue that one or two lots will not make a big difference. However, if permission is given to one person for such an amendment, how can others who request a similar amendment, in all fairness, be denied. The likelihood is high as there is considerable undeveloped land in the area. Unless and until the area becomes serviced with municipal sewer and water, the prohibition on lot creation in the Official Plan should remain. The citizens of Sudbury deserve a safe water supply and a clean and safe lake to enjoy. Please notify us of any hearings and decisions with respect to this matter.

Sincerely



Bernadet Samulski
116 Alexandra St.
Fredericton NB E3B 1Y6



Regina Rocca
87 Baycrest Rd.
Sudbury ON P3B 3X7

copy to City Clerk
e-mail copy to Mauro.manzon@greater Sudbury.ca

clerks - File: 701-6/21-01 Dalron Application Creation of 3 single lots South Bay rd.

From: "Bryston's" <[REDACTED]>
To: <clerks@greatersudbury.ca>, "Alex Singbush" <Alex.Singbush@greatersudb...
Date: 9/8/2021 12:44 PM
Subject: File: 701-6/21-01 Dalron Application Creation of 3 single lots South Bay rd.
Cc: "Bryston's" <[REDACTED]>

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

To the Planning Committee and Council

I am in favour of this proposal, **ONLY**, if they have city services.

I am the developer of a Subdivision on Keast Dr. and South Bay rd. across from several of these proposed lots. I have spent several dollars, time and effort working out the engineering logistics with the City and Dalron, the developer, in bringing city sewer and water fronting these proposed lots. Several of our conversations have centered around Fire protection, cost sharing on servicing my lots and many more Dalron and existing homes in this area. Is it the intention for Dalron to put sewage holding tanks on these lots and drill wells?? If so this proposal is wrong and premature as Dalron has many lots on either side of these proposed lots. Is the intention to strand these lots? Install septic systems in these other Dalron lots as well? If Dalron intends to install septic tanks I am completely against such a plan. Not only is this contrary to all of the years of conversations I have had with the city in these matters, against the OP, it is contrary to the plans now in front of City Engineering to provide city services fronting these lots!!! Since my wife and I purchased our property it was always the intention to extend city services to this area. If you need copies of the negative press I and the city received in regards to concerns of Algae, new septic tanks, etc. etc. I can certainly provide these.

Again I am in favour of these lot creations, **ONLY**, if they have city services. Please keep me in the loop on this issue.

Regards Melanie & Norm Eady

Mel and Norm
 5 Creighton Rd, Box 759
 Copper Cliff, ON
 P0M 1N0



Mauro Manzoni - Dalron Notice of Application lots 63,64,203,204 South Bay Rd.

From: "Bryston's" <[REDACTED]>
To: <mauro.manzoni@greatersudbury.ca>
Date: 4/19/2021 10:32 AM
Subject: Dalron Notice of Application lots 63,64,203,204 South Bay Rd. **PLANNING SERVICES**
Cc: "Alex Singbush" <Alex.Singbush@greatersudbury.ca>, "Fern Cormier" <F...

RECEIVED

APR 19 2021

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

Hi Mauro

I have recently received 2 notice of application from Dalron and the city in regard to the above. While I don't object to the intent to join the 2 lots [63/64] and the creation of lots 203/204, besides being contrary to the OP I must be missing something in the rest of the ask. Lots 203/204 are not suitable in size or topography for septic bed and if there was an ask for more suitable land from the city in order to make this happen it is not stated here or previously. Presently I am required to install sewer and water to service a subdivision past these applications that can be serviced by the infrastructure that I am required to install. The lift station I am installing down the road will allow over 100 existing septic beds to be removed from the Ramsey lake watershed why would the City want to install new beds? My Engineer, Sig Kirchhefer, has previously submitted plans for servicing this area several times with several options which cross over and in front of the lands in question.

It is puzzling to me why the city would entertain such a thought. Please note my objections and add me to the list to receive information on this subject.

Regards Norm Eady

Mel and Norm
 5 Creighton Rd, Box 759
 Copper Cliff, ON
 P0M 1N0



BRYSTON'S
On The Park