

1306 Nesbitt Drive, Sudbury

Presented To:	Planning Committee
Meeting Date:	August 16, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/18-7

Report Summary

This report provides a recommendation regarding an application for a one year rezoning extension for 1306 Nesbitt Drive, Sudbury.

Resolution

THAT the City of Greater Sudbury approves the application by Tamara Butera to extend the approval of a Zoning By-law Amendment Application, File # 751-6/18-7, on those lands described as Part of PIN 73596-0678, Part of Lot 75, Plan M-264, Lot 7, Concession 1, Township of McKim, for a period of one year until August 11, 2022, as outlined in the report entitled "1306 Nesbitt Drive, Sudbury" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 16, 2021.

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

The application to extend the approval of a Zoning By-law Amendment is an operational matter under the Planning Act to which the City is responding.

Financial Implications

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

Report Summary:

This application reviews a request to further extend the approval of a rezoning application that would resolve a split-zoning that is related to a lapsed application for consent (File # B0098/2017) and would facilitate a rear yard lot addition to those easterly abutting lands known municipally as 1310 Nesbitt Drive in Sudbury. The agent for the owner is requesting a further one year extension to their conditional rezoning approval and has also indicated to the City's Consent Official that they intend on submitting a re-application for consent to facilitate the lot addition. If approved, the current request would be the second extension granted by the City's Planning Committee and Council.

The benefitting lands (ie. 1310 Nesbitt Drive) contain a number of multiple dwellings with accessory parking structure and the lands being added are at present already being used by the abutting owner for grading and drainage purposes. It is the understanding of staff that some degree of grading and drainage works were recently completed in or around the time that the parking structure was added to the lands.

The rezoning approval was conditional upon the owner providing a registered survey plan describing the lands to be rezoned and further that the owner will have entered into a site plan control agreement with the City that is to be registered on-title. The site plan control agreement is required in order to address the proper development of the lands with respect to grading, landscaping and buffering, storm-water management and surface treatments. The amending zoning by-law can only be passed once the above noted conditions are satisfied.

At the time of writing this report, staff is not in receipt of a registered survey plan legally describing the lands in the rear that are to be rezoned to from "R1-5" to "R3-1" under the City's Zoning By-law. Staff also advises that the owner has now proceeded to file a formal site plan control application that would result in the entering into of a site plan control agreement with the City. It is noted that at the time of the previous conditional rezoning extension request, the owner had not yet filed a site plan control application with the City.

Staff has reviewed the request to extend the conditional rezoning approval for a further period of one year and have no concerns from a good land use planning perspective. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until August 11, 2022.

STAFF REPORT

Applicant:

Tamara Butera

Location:

Part of PIN 73596-0678, Part of Lot 75, Plan M-264, Lot 7, Concession 1, Township of McKim (1306 Nesbitt Drive, Sudbury)

Application:

The original application for rezoning for which a second extension is being applied for sought 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 "R1-5", Low Density Residential One to "R3-1", Medium Density Residential.

Proposal:

Staff received an email from the agent for the owner dated July 8, 2021, requesting that the conditional rezoning approval be extended for a further period of one year until August 11, 2022. If approved, this current request would be the second extension granted by Planning Committee and Council. The agent for the owner has advised that they intend on continuing to work on the conditions of approval that were ratified initially by Council on June 26, 2018.

The rezoning once completed would resolve a split-zoning that is related to a lapsed application for consent (File # B0098/2017) that would facilitate a rear yard lot addition to those abutting lands known municipally as 1310 Nesbitt Drive in Sudbury. The owner's agent has advised previously that they intend on re-applying for consent in order to complete above noted lot addition.

Site Description & Surrounding Land Uses:

The subject lands are located on the east side of Nesbitt Drive between Boyce Street to the north and Edgehill Drive to the south in the community of Sudbury. Regent Street is situated further to the east of the lands. The lands have a total lot area of approximately 1,404 m² (15,120 ft²) with approximately 30 m (100 ft) of lot frontage onto Nesbitt Drive. The lands contain a single-detached dwelling. The grading of the lands in the rear has been altered during construction of an abutting multiple dwelling and accessory parking structure and these rear portions of the lands are intended to function as part of the overall multiple dwelling development.

Surrounding uses are primarily urban residential in nature with the predominant built-form being that of single-detached dwellings along Nesbitt Drive and Marcel Street. The lands immediately abut a medium density residential development to the east, known municipally as 1310 Nesbitt Drive (ie. Southend Apartments). The medium density residential development is accessed via driveways from both Nesbitt Drive and Edgehill Drive. There is also mix of commercial uses located to the east along Regent Street.

Planning Considerations:

The agent for the owner originally submitted applications for Zoning By-law Amendment on February 28, 2018 in order to facilitate a rear yard lot addition to those lands known municipally as 1310 Nesbitt Drive in Sudbury. The rezoning application was approved by Planning Committee through recommendation [PL2018-92](#) (see Page 6) on May 28, 2018 and ratified by Council on June 26, 2018.

The benefitting lands (ie. 1310 Nesbitt Drive) contain a number of multiple dwellings with an accessory parking structure and the lands being added are presently already being used by the abutting owner for grading and drainage purposes. It is the understanding of staff that some degree of grading and drainage works were recently completed in or around the time that the parking structure was added to the lands.

The initial approval was conditional upon the owner providing a registered survey plan describing the lands to be rezoned and further that the owner will have entered into a site plan control agreement with the City that is to be registered on-title. The site plan control agreement is required in order to address the proper development of the lands with respect to grading, landscaping and buffering, storm-water management and surface treatments. The amending zoning by-law can only be passed once the above noted conditions are satisfied.

The agent for the owner has indicated that they intend on continuing to work toward satisfying the conditions of rezoning the lands and have requested a further one year extension to the rezoning approval based on those reasons noted above in this staff report. Staff also understands previously from the City's Consent Official that the owner's agent has advised that they also intend on re-applying for consent in order to complete the lot addition.

At the time of writing this report, staff is not in receipt of a registered survey plan legally describing the lands in the rear that are to be rezoned to from "R1-5" to "R3-1" under the City's Zoning By-law. Staff also advises that the owner has now proceeded to file a formal site plan control application that would result in the entering into of a site plan control agreement with the City. It is noted that at the time of the previous conditional rezoning extension request, the owner had not yet filed a site plan control application with the City. In this regard, staff is satisfied that sufficient progress has been demonstrated over the last year.

A copy of both the initial [staff report](#) regarding the Zoning By-law Amendment application, as well as a copy of the approved Planning Committee [minutes](#) (see Pages 4 & 5) reflecting the decision made is attached to this report for information purposes. There has been one previous extension granted for the conditional rezoning approval. The previous request to extend the conditional rezoning approval was approved by Planning Committee through recommendation [PL2020-90](#) (see Page 11) on August 10, 2020, and ratified by Council on August 12, 2020.

Staff has reviewed the request and from a land use planning perspective have no concerns with a further one year extension to the initial conditional rezoning approval at this time.

Summary:

The agent for the owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate a rear yard lot addition to those lands known municipally as 1310 Nesbitt Drive in Sudbury.

The rezoning approval granted by Council is conditional upon the owner providing a registered survey plan describing the lands to be rezoned to the City and the owner must also enter into a site plan control agreement with the City prior to the amending zoning by-law being enacted. The site plan control agreement is required in order to address the proper development of the lands with respect to grading, landscaping and buffering, storm-water management and surface treatments. The amending zoning by-law can only be passed once the above noted conditions are satisfied.

The Planning Services Division is supportive of and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a further period of one year until August 11, 2022.