

0 Dominion Drive, Hanmer – Consent Referral

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| Presented To: | Planning Committee |
| Meeting Date: | November 13, 2024 |
| Type: | Managers' Reports |
| Prepared by: | Bailey Chabot Planning Services |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number: | B0065/2024 to B0068/2024 |

Report Summary

This report provides a recommendation regarding a consent referral on Dominion Drive.

Resolution

THAT the City of Greater Sudbury denies the request by 1000252971 Ontario Limited to allow Consent Applications B0065/2024, B0066/2024, B0067/2024, and B0068/2024 on those lands described as PIN 73504-2233, Parcel 20075A SEC SES SRO, Part Lot 6, Concession 1, except Parts 1-2, Plan 53R-14967, Township of Hanmer, to proceed by way of the consent process, as outlined in the report entitled “0 Dominion Drive, Hanmer” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of November 13, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

The request to create four new lots, rather than the three permitted, by way of the consent process as opposed to requiring a plan of subdivision 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

STAFF REPORT

Applicants:

1000252971 Ontario Limited

Location:

PIN 73504-2233, Parcel 20075A SEC SES SRO, Part Lot 6, Concession 1, except Parts 1-2, Plan 53R-14967, Township of Hanmer (0 Dominion Drive, Hanmer)

Official Plan and Zoning By-law:

[Official Plan](#)

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury.

Further to the above noted rural lot creation policies, Section 19.4.1.a. of the Official Plan requires that, "... all proposals which have the effect of creating more than three new lots shall be considered as applications for a plan of subdivision, unless in Council's opinion a plan of subdivision is not necessary for the proper development of the area."

[Zoning By-law](#)

The subject lands are presently zoned "R3(99)", Medium Density Residential under By-law 2010-100Z being the Zoning By-Law for the City of Greater Sudbury. The "R3(99)" zone permits a number of residential uses, including single detached, semi-detached, and duplex dwellings, row and street townhouse dwellings, and multiple dwellings. The zone also permits a number of compatible non-residential uses such as bed and breakfast establishments, convenience stores, day care centres, and personal service shops. The special provisions associated with the R3(99) zone relate to parking and frontage for units not fronting onto Dominion Drive.

The request from the owner would not change the zoning classification of the subject lands.

Site Description & Surrounding Land Uses:

The lands subject to the consent referral form part of a larger parcel located on the south side of the intersection of Dominion Drive and Concorde Street in Hanmer. The northern third of this parcel was subject to a recent rezoning application, being file 751-7/23-009, which rezoned the lands to R3(99) from Ru, Rural. The lands zoned R3(99) are bound by the Paquette-Whitson Municipal Drain to the east and south, the parcel property line to the west, and Dominion Drive to the north. The balance of parcel remains zoned Ru, Rural and is not proposed for development.

The lands zoned R3(99) have frontage on Dominion Drive of approximately 160 metres and a depth of 442 metres. The lands are vacant and treed. Lands to the north are developed as urban residential lots and are zoned R1-5. Lands to the east and south are rural in nature, while the lands to the west are partially developed as urban residential lots, with further development anticipated.

Application:

In accordance with Section 19.4.1 of the Official Plan, the Consent Official has referred the subject applications for consent to the Planning Committee and Council in order to determine whether the proposed lot creation should be permitted to proceed by the way of the consent process, or alternatively if a plan of subdivision is required.

Proposal:

The owner is seeking approval from the Consent Official to create four lots having frontage along Dominion Drive. Lot 1 has a proposed frontage of 36.58 metres, Lot 2 a frontage of 33.53 metres, Lot 3 a frontage of 36.58 metres, and Lot 4 a proposed frontage of 33.52 metres. All four lots have a proposed lot depth of 39.62 metres. Each lot is proposed to contain four rowhouse dwellings with each of the four units sharing a single private driveway onto Dominion Drive. The balance of the R3(99) lands are proposed to be developed by way of plan of subdivision at a future date.

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 consent referral request and to formulate a resolution with respect to whether or not the proposed rural lot creations should proceed by way of the consent process, or in the alternative if a plan of subdivision should be required.

During the review of the consent referral request, comments provided by circulated agencies and departments included the following:

1. Active Transportation, Building Services, Roads, Strategic and Environmental Planning have each advised either provided no comments or have no concerns from their respective areas of interest;
2. The City's Drainage Section has advised the applicant is required to provide storm sewers rather than ditches along Dominion Drive. Additionally they advise that a per lot charge of \$3,882.42 is required for the creation of these lots regardless of the process by which they are created.
3. Technical Services has noted that entrances for the four lots should be from internal roads and not Dominion Drive. They also note that servicing from Dominion Drive would require cuts into the recently reconstructed Dominion Drive and that servicing should be provided from within the overall plan of subdivision.
4. Transportation and Innovation Support has noted concerns with multiple driveway entrances along Dominion Drive and recommend the lots be accessed from internal roadways. This is most appropriately addressed through the plan of subdivision process and recommend these lots not be considered by way of consent.
5. Development Engineering notes that there is available and sufficient municipal water and wastewater service within the Dominion Drive road right-of-way. They also note that:
 - a. Dominion Drive has recently been the subject of a resurfacing program and as such service connections cut into this roadway would be subject to the City's no-cut policy which is designed to preserve recently paved roadways.
 - b. The adjacent westerly development (Saddle Creek subdivision) have developed by way of plan of subdivision which allowed conditions for urbanizing the south side of Dominion Drive and placing an asphalt overlay on the north side of Dominion Drive across their frontage were imposed. The intent is to impose these conditions for the subject development.

As such, staff in Development Engineering recommend that creation of these lots proceed by way of plan of subdivision.

6. Source Water Protection has noted that the lands are within a vulnerable area (IPZ 3) which is considered non-critical and does not impose any restrictions or prohibitions listed in the Source Protection Plan. No significant drinking water threats are noted.
7. Conservation Sudbury has advised that they do not oppose the creation of new lots through the consent application process. As advice to the applicant, they note that in all future applications they require drawings that depict the top of bank of the Paquette-Whitson Municipal Drain and the 15 metres erosion hazard setback from the top of bank, which can be extracted from the as-built drawings of the Municipal Drain.

Planning Considerations:

The Planning Act permits lot creation through either the consent process or by way of plan of subdivision, where consent is permitted when the municipality is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. A plan of subdivision process requires an agreement between the developer and the municipality be entered into to ensure proper development and that all conditions of approval are met.

Determining whether a consent will have an impact on the proper and orderly development of the municipality is based on a number of factors, including the number of lots proposed to be created, infrastructure requirements, and the ability for a proponent to address any mitigating factors through the consent process. The consent process is most appropriate for the creation of three or less lots, as established by policy 19.4.1.a. of the City's Official Plan, wherein required infrastructure is available and improvements are not required, and that there is sufficient technical information available to support the lot creation. A plan of subdivision is most appropriate when four or more lots are being created, where infrastructure improvements are required, or when there is concern for the impact that lot creation will have on adjacent lands.

The application proposes to create four lots, which will contain each four dwelling units, to be created by way of consent, ahead of the approximately 6.5 hectare balance of lands which are proposed to be created by way of future draft plan of subdivision. Staff have noted the requirement for servicing improvements, as well as concerns with the overall design of the lots. Furthermore, staff note that the creation of the four lots by way of consent will limit the design of the balance of the lands and will be created without the benefit of the technical studies required of a plan of subdivision, particularly addressing overall grading of the site, drainage, and servicing. Finally, as a collector road, Dominion Drive is to be urbanized with sidewalks and stormwater pipes, requirements that are addressed through a plan of subdivision.

Summary:

Staff has reviewed the consent referral request and advise that in order to promote the orderly development of the municipality and to ensure proper development standards are met, staff are recommending that the request to create the four lots by way of consent be denied.