

Title: Normand & Ronald Thibert

Date: December 7, 2020

Staff Report

Applicants:

Ronald Thibert & Normand Thibert

Location:

PIN 73503-1644, Part 1, Plan 53R-14043, Part 2, Plan 53R-20539, Lot 1, Concession 3, Township of Hanmer (6040 Municipal Road #80, 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.

The Living Area 1 land use designation includes residential areas that are fully serviced by municipal water and sewer and are to be the primary focus of residential development. Living Area 1 is seen as areas of primary focus for residential development given the desire to utilize existing sewer and water capacity and reduce the impacts of un-serviced rural development. New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, predominant built form, building setbacks, building heights and other provisions applied to nearby properties in the City's Zoning By-law.

Further to the above noted rural lot creation policies, Section 20.4.1 of the Official Plan outlines 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](#)

At present, the subject lands are zoned "FD", Future Development under By-law 2010-100Z being the Zoning By-Law for the City of Greater Sudbury. The "FD" Zone permits limited land uses in the form of a single-detached dwelling provided it is located on a legal existing lot and/or a park.

There is a related and conditionally approved rezoning application that would rezone the subject lands to "FD(S)", Future Development Special, "R1-5", Low Density Residential One, "R3", Medium Density Residential and "RU" Rural (File # 751-7/16-3). The rezoning approval is conditional upon the owners submitting a registered survey plan describing the individual portions of the subject lands to be rezoned to the above noted zones.

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

Site Description & Surrounding Land Uses:

The subject lands are located on the north side of Municipal Road #80 and to the east of Centennial Drive and to west of Notre Dame Avenue in the community of Hanmer. The lands have a total lot area of approximately 19.25 ha (47.58 acres) with existing lot frontages of approximately 101 m (331.36 ft) onto Municipal Road #80 and approximately 20 m (65.62 ft) onto both St. Isidore Street and Collette Street. The lands are well vegetated and presently contain a number of trails in the middle and rear portions of the lands. The lands also at present contain an existing single-detached dwelling with an access driveway onto Municipal Road #80.

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Application:

In accordance with Section 20.4.1 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 urban residential 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 owners are seeking approval from the Consent Official to create one additional urban residential lot having a minimum of 20 m (65.62 ft) of public road frontage on Colette Street. The owners have concurrently applied for approval from the City's Consent Official to create three urban residential lots having frontage on Municipal Road #80 (Files # B0070/2020, B0071/2020 & B0072/2020).

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 urban residential lot creation 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, the City's Drainage Section, Environmental Planning Initiatives, Fire Services, Leisure Services, Operations, Roads, Traffic and Transportation, and Transit Services have each advised that they have no comments or have no concerns from their respective areas of interest;
2. Building Services has no concerns with the consent referral request, but has noted that the amending zoning by-law to rezone the lands to "FD(S)", Future Development Special has not yet been enacted by Council and that geotechnical reports will be required to be submitted by the owners at the time of building permit application;
3. Development Engineering has noted that the subject lands are capable of being serviced with municipal water or sanitary sewer infrastructure that is available within the Collette Street right-of-way and that any required costs associated with the upgrading of municipal water and sewer infrastructure to service the lands will be borne entirely by the owner. Development Engineering further advises that additional comments will be provided through the normal consent application commenting process; and,
4. Water-Wastewater previously noted through their review of the associated rezoning and draft plan of subdivision applications that the subject lands are located within a source water protection area and as such are subject to a review under Section 59 of the [Clean Water Act](#). The lands are identified in the City's [Source Protection Plan](#) as being within a Vulnerable Area and in close proximity to a Well Head Protection Area. Water-Wastewater has reviewed the applications and advise that no activity or activities engaged in or proposed to be engaged in on the subject lands are considered to be significant drinking water threats. The owner's agent was therefore advised that they may proceed with appropriate land use planning applications and building permit applications as they are neither prohibited or restricted under Part IV of the Clean Water Act.

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Planning Considerations:

As noted previously in the report, the lands are the subject of three related and concurrently submitted consent applications (Files # B0070/2020, B0071/2020 & B0072/2020) and the fourth application for consent that is the subject of this report would permit a fourth urban residential lot that would be accessed via Colette Street.

For background purposes, staff would note that there is a draft approved urban residential subdivision (i.e. Thibert Subdivision) which separates the three proposed urban residential lots fronting Municipal Road #80 from the fourth lot to be created to the north of the draft approved plan of subdivision. Staff advises that the related and now conditionally approved rezoning "FD(S)", Future Development Special, on the portion of lands subject to this fourth consent application would allow for the construction of one single-detached dwelling on a lot that is to be created. Staff would also further advise that per Planning Committee and Council's decision on the related rezoning application, that the future amending zoning by-law that would apply to this portion of the subject lands will include a site-specific provision and that the site plan control be applicable to the lands in order to ensure that the development of a single-detached dwelling on the lands does not compromise future urban residential development.

With respect to Section 20.4.1 of the Official Plan, staff has circulated the consent referral request in order to determine whether the creation of the fourth urban residential lot should be permitted to proceed by way of the consent process, or alternatively, if a plan of subdivision should be required. Staff advises that in general those agencies and departments circulated on the request have not identified any concerns with respect to the above noted and proposed urban residential lot creation proceeding by way of the consent process. Staff further advises that no land use planning matters which would prescribe the subdivision planning process as the preferred method for lot creation in this case have been identified during the review of the request.

Summary:

Staff has reviewed the consent referral request and advises that in general there are no land use planning matters which would prescribe the subdivision planning process as the preferred method for lot creation in this particular case. It is on this basis that staff recommends that it would be appropriate for the proposed new urban residential lot to be created by way of the consent process.