

Request for Decision

Bayside Sudbury Corporation - Applications for a common elements draft plan of condominium and exemption from part lot control in order to facilitate the development of 24 freehold residential lots, Parkview Drive, Azilda

Presented To:	Planning Committee
Presented:	Wednesday, Sep 09, 2020
Report Date	Thursday, Aug 13, 2020
Type:	Routine Management Reports
File Number:	741-5-20001

Resolution

Resolution regarding Draft Plan of Condominium:

THAT the City of Greater Sudbury's delegated official be directed to issue draft plan approval for a plan of condominium on those lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, as outlined in the report entitled "Bayside Sudbury Corporation", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2020, subject to the following conditions:

1. That this approval applies to a draft plan of common elements condominium on lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, as shown on the two plans as prepared by Bortolussi Surveying Ltd. and signed by the owner and surveyor on August 7, 2020;
2. The final condominium plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced;
3. That such easements as may be required for access, utility, servicing or drainage purposes shall be granted to the appropriate authority, or party;

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Aug 13, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Aug 13, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Aug 13, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Aug 21, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Aug 24, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 24, 20

4. That the infrastructure and facilities included in the common elements condominium shall have been constructed to the satisfaction of the General Manager of Growth and Infrastructure;
5. That the owner agrees in writing to satisfy all requirements of Canada Post with respect to the location of any new Community Mail Boxes on the lands that are to be developed to the satisfaction of both Canada Post and the Director of Planning Services; and,
6. That this draft approval shall lapse three years from the date of draft plan approval issuance.

Resolution regarding Exemption from Part Lot Control:

THAT the City of Greater Sudbury approves the application by Bayside Sudbury Corporation to pass a by-law under Section 50(7) of the Planning Act thereby exempting those lands described as PIN 73347-1821 & Part of PIN 73347-1804, Parts 1, 2 & 56, Plan 53R-21017, Part of Part 2, Plan 53R-13972, Part of Block 3, Plan 53M-1429, Lot 6, Concession 1, Township of Rayside, from part lot control for a maximum period of two years, as outlined in the report entitled "Bayside Sudbury Corporation" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 9, 2020, subject to a condition that the owner shall register a plan of subdivision across the lands affected by the development proposal to the satisfaction of the Director of Planning Services prior to the passing of a by-law exempting the lands from part lot control.

Relationship to the Strategic Plan / Health Impact Assessment

The applications for a common elements draft plan of condominium and exemption from part lot control are operational matters under the Planning Act to which the City is responding.

Report Summary

This report reviews applications for a draft plan of common elements condominium and a request for an exemption from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda. The common elements to the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure. The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City's Zoning By-law to have frontage onto the private condominium road and would be described as "parcels of tied land" to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings and row townhouse dwellings.

Staff has reviewed the development proposal and is satisfied that it conforms to 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. Staff also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed draft plan of condominium or the exemption from part lot control in order to facilitate the creation of the residential lots.

Staff is supportive and recommending approval of both applications; however, it is noted that at the time of writing this report there is an outstanding requirement to register a plan of subdivision (i.e. M-Plan) across the lands in order to properly facilitate the development as proposed. The Planning Services Division is recommending that both applications be approved with conditions as outlined and noted in the Resolution section of this report.

Financial Implications

If approved, staff estimates approximately \$82,000 in taxation revenue, based on the assumption of 12 semi-detached dwelling units and 12 row townhouse dwelling units at an estimated assessed value of \$300,000 and \$275,000 respectively per dwelling unit at the 2020 property tax rates.

In addition, this development would result in total development charges of approximately \$300,000 based on the assumption of 12 semi-detached dwelling units and 12 row townhouse dwelling units based on the rates in effect as of this report.

STAFF REPORT

PROPOSAL:

The applications together seek approval for a draft plan of common elements condominium and a request for an exemption from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda.

The common elements within the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure.

The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City's Zoning By-law to have frontage onto the private condominium road and would be described as "parcels of tied land" (POTLs) to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings (i.e. 12 dwelling units) and row townhouse dwellings (i.e. 12 dwelling units).

The owner submitted an application for pre-consultation with respect to their proposed draft plan of condominium on May 14, 2019, that was considered by the Sudbury Planning Application Review Team (SPART) on May 29, 2019 (File # PC2019-039). The owner met with staff following the SPART Meeting and signed their Pre-Consultation Understanding Agreement (PCUA) on June 3, 2019, and has subsequently now submitted a formal plan of condominium application to the City for consideration.

The owner's agent has submitted a Concept Plan depicting each of the 24 urban residential lots, along with a draft condominium plan and associated draft reference plans in support of the applications that together would facilitate the above noted urban residential development.

Existing Zoning: "R3", Medium Density Residential & "R3.D17.3(2)", Medium Density Residential Special

The "R3" Zone permits a bed and breakfast establishment within a single-detached dwelling and having a maximum of two guest rooms, one convenience store or one personal service not exceeding 150 m² (1,614.59 ft²) net floor area as an accessory use within a multiple dwelling, a day care centre, a duplex dwelling, a group home type 1 provided it is located within a single-detached dwelling and having a maximum of ten beds, a linked dwelling, multiple dwelling, a private home daycare, row dwelling, shared housing in specified areas, semi-detached dwelling, single-detached dwelling and street townhouse dwelling. The "R3.D17.3(2)" Zone is site-specific to the subject lands and permits all "R3" land uses subject to a special provision that all minimum required yards shall be 7.5 m (24.61 ft).

Location and Site Description:

The subject lands are located to the north of Parkview Drive in the community of Azilda. Fire Route "S" is located to the west and Brabant Street is located to the east of the lands. The lands subject to the applications have a total lot area of approximately 1.3 ha (3.2 acres) and are intended to be accessed from Parkview Drive. The common element condominium components (i.e. private road and storm-water management infrastructure) form approximately 0.42 ha (1 acres) of the total lot area referenced above. The part lot control exemption would be applicable to the balance of the lands that would accommodate the proposed 24 urban residential freehold lots (i.e. "parcels of tied land"). The lands are presently vacant.

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Surrounding Land Uses:

North: Vacant and naturally vegetated lands zoned for medium density urban residential development, a parcel of land intended for parks and open space use, and St. Agnes Street.

East: Vacant lands and natural vegetated lands zoned for medium density residential development, existing low density urban residential land uses, and Brabant Street.

South: Low and medium density urban residential land uses, including the “Bayside Estates – Phase 1” development, and Parkview Drive.

West: Several large and vacant rural lots, Fire Route “S” and a City-owned naturally vegetated open space parcel of land.

The existing zoning and location map attached to this report indicates the location of the subject lands that are intended to form the common element condominium and the residential lots in the form of POTLs, as well as the applicable zoning in the immediate area.

Aerial photography of the subject lands is also attached to this report for reference purposes.

Public Consultation:

There is no requirement to hold a public hearing under the Planning Act for the consideration of a common-element condominium application as per Sections 7(1) and 7(1) of [Ontario Regulation 544/06](#). There is also no public hearing requirement under the Planning Act, R.S.O. 1990, c. P.13 in order to provide an exemption from part lot control.

The owners 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 applications prior to the public hearing. Staff understands that the owner has not conducted any public consultation as there is no public hearing requirement under the Planning Act for a common element condominium application or for an application to exempt certain lands from the part lot control provisions of the Planning Act. The agent for the owner has also correctly noted in their application form that a public hearing under the Planning Act was already held when the lands were rezoned to facilitate urban residential development, as well as when existing draft plan of subdivision applicable to the lands was heard by the Planning Committee and subsequently approved by Council (Files # 751-5/16-2 & 780-5/06004).

At the time of writing this report, no phone calls, emails or letter submissions 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 Provincial Policy Statement (PPS). The following PPS policies are applicable to the application for a common element condominium and exemption from part lot control:

1. With respect to Settlement Area policies, Section 1.1.3.1 outlines that settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted;
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 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, 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 1.1.3.6 outlines that 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;
4. Section 1.1.3.7 outlines that municipalities should establish and implement phasing policies that ensures new development occurs within designated growth areas in an orderly progression with regard for the timely provision of the infrastructure and public service facilities required to meet current and future needs;
5. With respect to Housing Policies, Section 1.4 generally requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected requirements for current and future residents of the regional market area;
6. Section 1.4.3 outlines that municipalities shall permit and facilitate:
 - a) 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;
 - 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; and,
 - 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.

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 is satisfied that the applications for a common element condominium and an exemption from part lot control conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

The portion of the subject lands intended to accommodate the majority of the proposed urban residential development is designated Living Area 1 in the Official Plan for the City of Greater Sudbury. There are also portions of the subject lands to the north and north-east that are designated Parks and Open Space.

Living Area 1 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.

With respect to phasing development within the Living Area 1 designation, the following policies are applicable to the applications:

1. New development in Living Area 1 will occur adjacent to existing built-up urban areas. Emphasis will be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
2. Where expansion onto vacant undeveloped lands is proposed, the following phasing policies will be considered at the time of application review:
 - a) The proposed development represents a contiguous expansion within the Living Area 1 designation;
 - b) The proposed development represents a logical utilization of existing infrastructure and public service facilities;
 - c) The proposed development completes or rounds out existing neighbourhood plans with respect to infrastructure matters such as road connections and waterline looping, and public service facilities such as schools and recreation facilities; and,
 - d) The area is experiencing growth pressure as evidenced by adjoining development, and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium.

The subject lands are within an identified Settlement Area (i.e. Azilda) and immediately abutting a Built Boundary as delineated in Schedule 3 – Settlement Area and Built Boundary. The following Settlement Area policies under Section 2.3.2 of the City's Official Plan are applicable with respect to the subject development applications:

1. Settlement Area land use patterns will 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; and,
2. Intensification and development within the Built Boundary is encouraged in accordance with the policies of this Plan. Development outside of the Built Boundary may be considered in accordance with the policies of this Plan.

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Section 17.0 of the Official Plan generally includes policies which encourage the provision of adequate and affordable housing for all residents in the City of Greater Sudbury. Section 17.2.1 addresses the achievement of diversity in housing type and form. Those policies under Section 17.2.1 which are relevant to the development proposal include:

1. To encourage a wide range of housing types and forms suitable to meet the housing needs of all current and future residents;
2. To encourage production of smaller (one and two bedroom) units to accommodate the growing number of smaller households;
3. To promote a range of housing types suitable to the needs of senior citizens; and,
4. 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.

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.

Zoning By-law 2010-100Z:

The owner is not requesting that the subject lands be rezoned. The exemption from part lot control would facilitate the development of a residential land use that is permitted within the zoning classifications that are applicable to the lands being proposed for development.

Section 4.3 d) of the City's Zoning By-law outlines that, "Where lands are a parcel of tied land to a condominium corporation, or are located within a condominium corporation which has access to a roadway owned and maintained by a registered condominium corporation said roadway shall be deemed to be an assumed road."

Department/Agency Review:

The applications, including relevant accompanying materials, have 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 ensure that appropriate draft plan of condominium conditions are applied to the lands and that the exemption from part lot control will properly facilitate the intended development of the lands should the applications be approved.

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

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

Building Services has requested that all required minor variances be final and binding prior to the approval of the common elements condominium application.

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Canada Post has advised that additional Community Mailboxes (CMBs) will be required in order to facilitate mail delivery to the proposed residential development. Canada Post has further advised that an existing CMB in the area can accommodate mail delivery to the first 12 residential dwelling units and therefore additional CMBs will be necessary for the remaining 12 residential dwelling units.

Conservation Sudbury has no concerns with the applications, but notes that this comment does not imply any form of support for any remaining or future land use planning applications on the lands. Additionally, the owner is advised that any works in a regulated area will require the permission of Conservation Sudbury through a permit pursuant to Section 28 of the [Conservation Authorities Act](#).

Development Engineering advises that municipal water and sanitary sewer infrastructure is available within the Parkview Drive 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.

Environmental Planning Initiatives (EPI) has noted that there are no significant environmental concerns with the development proposal. EPI has further noted that erosion and sediment control requirements for the proposed development will be further addressed through a detailed engineering review later in the land use planning process.

Subdivision/Site Plan Control (SSPC) has noted that the lands to be developed are also the subject of a concurrent site plan application that, once finalized, would amend an existing site plan control agreement which facilitated construction of the first phase of the overall proposed development (Files # SPCA 2016-004A & SPCA 2016-004B). SSPC has also noted that should the development proceed in two phases (i.e. Phases 2A & 2B) that all site elements and infrastructure shown in the second phase will need to be provided during the construction of the first phase.

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 applications with respect to the applicable policies, including issues raised through agency and department circulation.

The proposed draft common elements plan of condominium and exemption from part lot control are consistent with the PPS for the following reasons:

1. The community of Azilda is an identified settlement area in the City's Official Plan. The development of the second phase and continuation of an existing urban residential development to the north of Parkview Drive and accessed via a private road within a new common elements condominium should be promoted and is considered to be good land use planning. The exemption from part lot control would facilitate the creation of freehold lots that would be POTLs having lot frontage onto the proposed private road within the proposed common elements condominium;
2. Staff is of the opinion that the proposed residential development contributes positively to improving the mix of densities and land uses that would be permitted in this particular area to the south of St. Agnes Street in Azilda. The lands would have access to municipal water and sanitary sewer, and access to public transportation is available to the north along St. Agnes Street (i.e. Route 104 – Azilda/Chelmsford). Connectivity to St. Agnes Street is also expected to be improved through time as the balance of the draft approved plan of subdivision develops to the north and to the east of the development that is the subject of this report. There are also a number of public open space and community facilities that can be accessed in the general area (i.e. Whitewater Lake Park and Whitewater Lake Beach). The proposed applications therefore are viewed as facilitating good land use planning on the lands from a mix of densities and land uses perspective;

3. The proposed common elements condominium and the use of an exemption from part lot control will facilitate urban residential development that would immediately abut a prior phase of development in the overall Bayside Estates draft approved plan of subdivision. The proposed built-form being that of semi-detached dwellings and row townhouses will contribute positively to the mix of residential uses and densities in the area and should be viewed as making efficient use of the land itself, as well as the existing infrastructure and public service facilities available in the area;
4. Staff notes that the City's Official Plan includes phasing policies and the proposed development would occur within the Azilda settlement area and immediately abuts an identified built boundary. Staff is satisfied that the proposed development represents an orderly progression and the timely use of infrastructure located in the area would be achieved. The City's phasing policies are reviewed in fuller detail later in this report;
5. With respect to housing policies in the PPS, staff has the following observations:
 - a) The proposed common elements condominium and use of an exemption from part lot control will, in general, provide for an expanded range and potentially mix of housing options, tenure and densities in the community of Azilda. Staff is satisfied that no negative impacts would be generated should the development proceed in the manner proposed from a social, health, economic and well-being perspective in terms of those current and future residents living in the Azilda community;
 - b) Staff is satisfied through their review and circulation of the applications that the proposed residential development and resulting new housing options can be appropriately directed to the subject lands where appropriate levels of infrastructure (eg. sewer, water, public transportation, etc.) are presently available;
 - c) Staff is of the opinion that the proposed residential development would result in the efficient use of land, infrastructure, and encourage the use of available active transportation and public transportation in the immediate area.

Staff in general has no concerns with respect to the proposed common elements condominium and the use of a part lot control exemption to facilitate the creation of the freehold POTL lots conforming to the applicable Living Area 1 policies in the Official Plan for the City of Greater Sudbury. The use of an exemption from part lot control is a land use planning tool afforded to municipalities under the Planning Act and in this case is a technical matter that would allow for the proposed form of residential lot development being that of freehold POTLs to a common element condominium to proceed. Those policies relevant to the overall development proposal that would facilitate the development of a common element condominium comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure are discussed below.

With respect to phasing policies, staff notes that the proposed development would occur adjacent to the first phase of the development and would represent a contiguous expansion to development within the Living Area 1 land use designation. The proposed development does not "leap frog" any immediately abutting phases that should proceed ahead of the current phase being proposed through the use of a common elements condominium and use of an exemption from part lot control to create freehold POTLs. The proposed development will also extend the mix of uses and densities that can be developed on the draft approved plan of subdivision lands and will complement the lower density built-forms situated to the south along Parkview Drive. Development Engineering did review the application and has no concerns with the proposed development utilizing existing municipal infrastructure and public service facilities in the area. Staff would also note that, while not completing or rounding out the development of the Bayside neighbourhood, the proposed development is a positive and welcome advance in terms of moving closer toward the completion of the Bayside neighbourhood from a good land use planning perspective.

Staff would further add that the first phase is nearing full completion and the second phase is a natural progression and extension of the Bayside neighbourhood and is representative of the demand for this particular kind of urban residential development in the community of Azilda. The balance of the draft approved Bayside Estates plan of subdivision would remain to both the north and to the east of the proposed development.

Staff would also again note that the lands are within a Settlement Area and are immediately abutting the Built Boundary as identified in the City's Official Plan and further that the development being proposed would 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 within the Bayside neighbourhood. Staff acknowledges that the development would not be occurring within the Built Boundary; however, the development is permitted provided that conformity with the policies of the City's Official Plan are considered and maintained. Staff has no concerns with respect to facilitating the development of a common elements condominium consisting of a private road and associated storm-water management infrastructure along with an exemption from part lot control in this instance that is outside of the Built Boundary but fully within the identified Settlement Area of Azilda.

With respect to housing policies in the City's Official Plan, staff would advise that approval of the applications would facilitate the development of a wider range of housing types, tenure and built-forms suitable to meet the housing needs of all current and future residents in the community of Azilda. Staff understands that there will be two bedroom options provided for within the development, which would positively contribute to better access being provided to smaller units that are best suited to accommodate the growing number of smaller households. Staff understands that the residential units will take the form of bungalows, which can be an attractive built-form for senior citizens that do not wish to live in or have to traverse flights of stairs within a traditional two-storey or two-plus-storey single-detached dwelling. Staff would finally note that the lands are planned for and zoned for urban residential development that is being proposed and it should be noted that the applications that are before the Planning Committee and Council at this time would largely act to facilitate the implementation of an alternative form of tenure being that of a common elements condominium along with freehold POTLs having frontage onto the private condominium road.

It is on the above basis that staff can advise that there are no areas of concern with the applications for a common elements condominium or an exemption from part lot control on the subject lands from the perspective of conformity to the City's Official Plan.

With respect to the City's Zoning By-law, it is noted that the owner is not requesting that the subject lands be rezoned and has instead obtained approval for a series of minor variances from the Committee of Adjustment (File # A0030/2020). Staff was supportive of the minor variances and noted that the variances sought were largely technical in nature and were necessary to address the unique form of development that is being pursued by the owner. Staff advises that the minor variances required in order to facilitate the proposed development were approved by the Committee of Adjustment on July 8, 2020. Staff further advises that the appeal period expired on July 28, 2020 and that no appeals were received. Staff would also note that recent changes to the City's Zoning By-law would permit this form of residential development being that of a common element condominium private road providing access for future landowners to an assumed road being that of Parkview Drive.

With respect to the request to exempt the lands from part lot control, staff advises that part lot control is established under Section 50(5) of the Planning Act, while Section 50(7) enables a municipality to pass a by-law exempting part lot control from all or part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring approval from the City's Consent Official. Staff would also note that if required Section 50(7.4) of the Planning Act would allow for an extension to the two year time period.

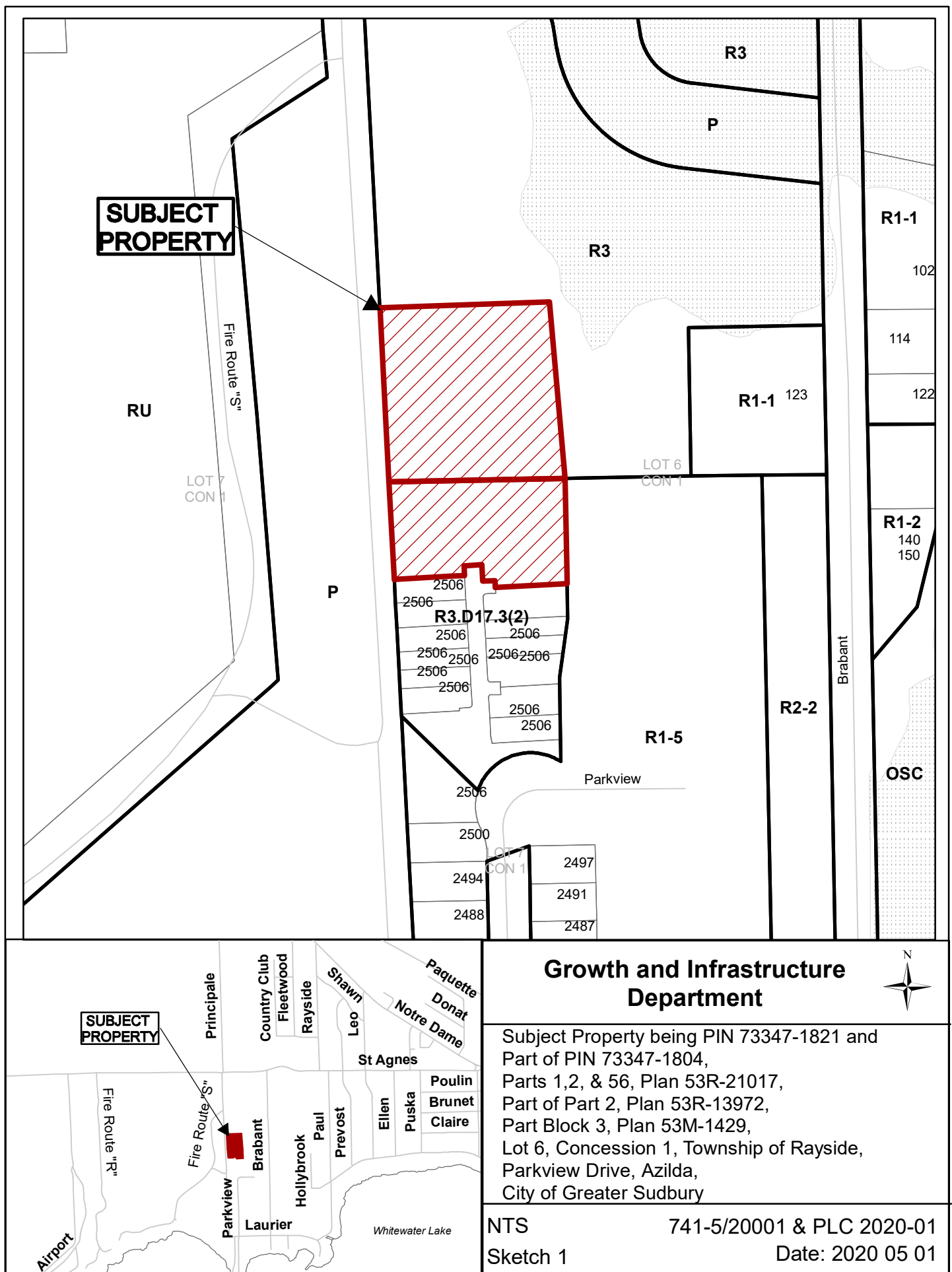
In order to exempt those lands affected by the development proposal from the part lot control provisions of the Planning Act, staff is recommending that the owner be required to register a plan of subdivision across the lands to the satisfaction of the Director of Planning Services prior to the passing of a by-law exempting the lands from part lot control. The registration of a plan of subdivision on the lands to be developed is necessary in order to ensure that part lot control is being removed from a whole lot or block within a registered plan of subdivision, whereas currently the lands are partially within an already registered plan of subdivision (i.e. Part of Block 3, Plan 53M-1429), while the northerly portion of the lands to be developed are not at present situated within a registered plan of subdivision. Once the lands have been exempted from part lot control, the owner will be able to proceed with the creation of the freehold lots (i.e. POTLs) having frontage onto the common element condominium private road.

CONCLUSION:

Staff has reviewed the development proposal and is satisfied that it conforms to 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. Staff also notes that circulated agencies and departments have raised no major areas of concern with respect to the proposed draft plan of condominium or the exemption from part lot control in order to facilitate the creation of the residential lots.

Together the applications would permit a draft plan of common elements condominium and exempt the lands from the part lot control provisions of the Planning Act on a block of land to the north of Parkview Drive in Azilda. The common elements to the proposed condominium would be comprised of a private road providing access to each of the proposed residential dwelling units, along with a storm-water management facility and associated access-related infrastructure. The exemption from the part lot control provisions of the Planning Act would facilitate the creation of 24 freehold urban residential dwelling lots having frontage onto the private condominium road. The residential lots to be created are permitted in the City's Zoning By-law to have frontage onto the private condominium road and would be described as POTLs to said private condominium road. The built-form is intended to include a mix of both semi-detached dwellings and row townhouse dwellings.

Staff is supportive and recommending approval of both applications; however, it is noted that at the time of writing this report there is an outstanding requirement to register a plan of subdivision (i.e. M-Plan) across the lands in order to properly facilitate the development as proposed. The Planning Services Division therefore recommends that the applications for a common element condominium and an exemption from part lot control be approved in accordance with the Resolution section of this report.



Files: 741-5/20001
and PLC 2020-01.
Parkview Drive,
Azilda
2017 and 2019 Orthophotography

Subject Property

Fire Route "S"

Maywood Drive

Brentwood Drive

Cecchetto Crescent

Unnamed Private Road 252

Unnamed Private Road 251

Parkview Drive

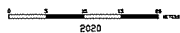
Meadowbrook Road

Brabant Street



CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY
SCALE: 1 : 300










SCALE: 1 : 300



INDEX OF PARTS		
THIS PLAN CONSISTS OF THE FOLLOWING PARTS		
PART	SHEET(S)	DESCRIPTION
1	1	PLAN OF SURVEY OF THE COCODOMU PROPERTY AND THE ILLUSTRATION OF THE SERVIDANT AND APPURTAINANT INTERESTS
2	NIL	THERE ARE NO EXCLUSIVE USE PORTIONS OF THE COMMON ELEMENTS
3	NIL	THERE ARE NO ARCHITECTURAL PLANS
4	NIL	THERE ARE NO STRUCTURAL PLANS

CURVE	RAINFALL	ABC	CPGAS	RAINFALL
A	0.900	1.414	1.273	N48°00'00"W
B	0.900	1.414	1.273	N42°00'00"E
C	0.900	1.414	1.273	N42°00'00"E
D	0.900	1.414	1.273	N48°00'00"W
E	0.900	1.414	1.273	N48°00'00"W
F	0.900	1.414	1.273	N42°00'00"E
G	0.900	1.414	1.273	N48°00'00"W

LEGENDA:

- | | |
|---|--|
|  | SURVEY MONUMENT FOUND |
| | SURVEY MONUMENT PLANTED |
|  | STANDARD IRON BAR |
|  | SHORT STANDARD IRON BAR |
|  | IRON BAR |
|  | ROCK PLUG |
|  | D S BORDLAND, DLS |
|  | A BORTLELUUST, DLS |
|  | UNIT BOUNDARIES AND BOUNDARIES
OF THE COMMON ELEMENTS |
|  | BROKEN LINE |

SUDBURY COMMON ELEMENTS CONDOMINIUM PLAN No.

LEVEL 1

REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LANDS TITLE
DIVISION OF SUBBURY (No 53) AT SUBBURY, AT _____ O'CLOCK
ON THE _____ DAY OF _____ 2020.

REPRESENTATIVE FOR THE LAND REGISTRAR

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

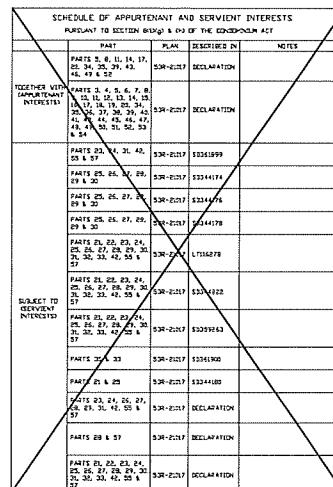
10 THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES
ACT AND THE CONDOMINIUM ACT AND THE REGULATIONS MADE UNDER THEM

DATE _____

A BORTOLUSSI, CHS

DECLARATION REGISTERED AS No _____

THIS PLAN COMPRISES PART OF PIN 73347-1777



POINT ID	NORTHING	EASTING
CRP 'A' S10	5154886.161	489898.296
CRP 'B' S513	5154927.460	489946.134

ALL COORDINATES ARE IN METERS, ARE RELATED TO UTM ZONE 17 (81° WEST M2820) CRS AND HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF URBAN AREA AT A 95% CONFIDENCE LEVEL.

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES ON THIS PLAT

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:

BEARINGS SHOWN HEREON ARE GRID BEARINGS REFERRED TO THE CENTRAL MERIDIAN THROUGH 81° WEST LONGITUDE OF THE UTM ZONE 17, AND ARE DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS, NAD83-CRS (2011)

DISTANCES SHOWN HEREIN ARE ADJUSTED HORIZONTAL GROUND DISTANCES
GROUND DISTANCES CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING
BY A COMBINED SCALE FACTOR OF 0.999450

PART 1 APPROVED UNDER SECTION 9 OF THE CONDOMINIUM ACT, RSO 1990, AND SECTION 51 OF THE PLANNING ACT, RSO 1990 BY THE COUNCIL OF THE CITY OF GREATER SUDBURY

THIS _____ DAY OF _____, 2020

CERTIFICATE OF DECLARANT

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN
LAID OUT INTO COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

DECLARANT: RAYSIDE SUBSURY CORP.

EATER AT

THIS _____ DAY OF _____, 200____

BAYSIDE SUBMURY COSP.
GERRY DECCARELLI
I HAVE THE AUTHORITY TO
BIND THE CORPORATION

BORTOLUSSI
SURVEYING LTD.

PLAN OF SURVEY OF:
PART OF BLOCK 3
REGISTERED PLAN 53M-1429
& PART OF LOT 6
CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF RAYSIDE
 CITY OF GREATER SUDBURY
 DISTRICT OF SUDBURY

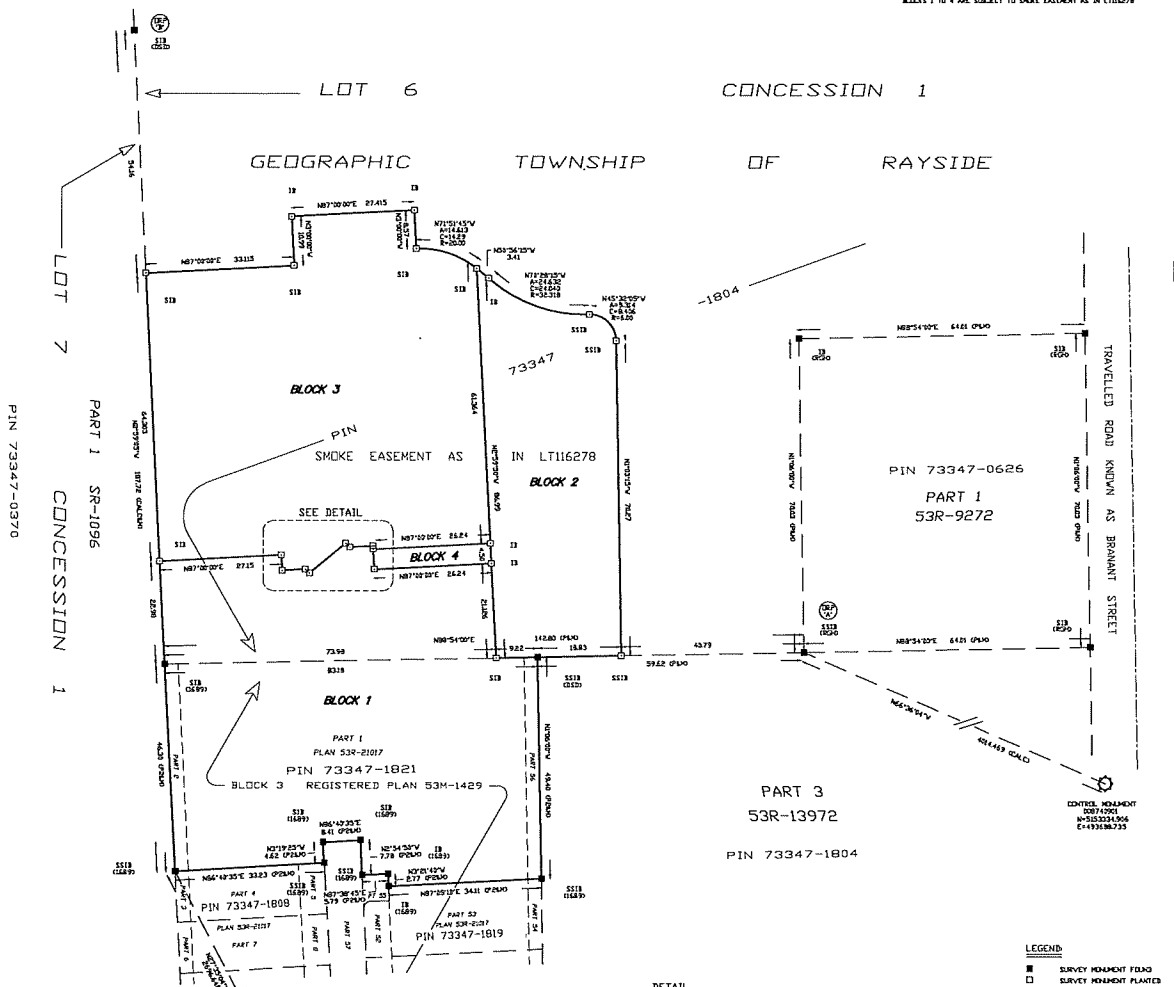
SCALE: 1 : 500
 2020

PLAN 53M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE
 LAND REGISTRY OFFICE FOR THE LAND TITLES
 DIVISION OF SUDBURY AT _____ O'CLOCK
 ON THE _____ DAY OF _____ 2020 AND
 ENTERED AS PROPERTY IDENTIFIERS 73347-1821
 AND 73347-1804
 THE REQUIRED CONSENTS ARE REGISTERED AS
 PLAN DOCUMENT No. _____

LAND REGISTRAR

THIS PLAN COMPREHENDS PART OF THE LANCES IDENTIFIED BY PIN 73347-1824
 AND ALL THE LANCES IDENTIFIED BY PIN 73347-1805
 BLOCKS 1 TO 4 ARE SUBJECT TO SHORT EASEMENT AS IN L104208



OBSERVED REFERENCE POINT	NORTHING	EASTING
"A" S13	551858.825	490055.714
"B" S13	551558.725	499555.706

ALL COORDINATES ARE IN METERS, ARE RELATED TO
 UTM ZONE 17 80° WEST MAGNETIC CURVE AND HAVE A
 RELATIVE ACCURACY TO MEET THE REQUIREMENTS
 OF URBAN AREA AT A 95% CONFIDENCE LEVEL.
 COORDINATES CANNOT, IN THEMSELVES, BE USED TO
 RE-ESTABLISH CORNERS OR BOUNDARIES ON THIS PLAN

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN
 METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES

MEASUREMENTS SHOWN HEREIN ARE GRID BEARINGS REFERRED TO THE CENTRAL
 MERIDIAN THROUGH 80° WEST LONGITUDE OF THE UTM ZONE 17, AND ARE
 DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B"
 BY REAL TIME NETWORK OBSERVATIONS, WADSWORTH (2017)

DISTANCES SHOWN HEREIN ARE ADJUSTED HORIZONTAL GROUND DISTANCES
 GROUND DISTANCES CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING
 BY A CORRECTION SCALE FACTOR OF 0.9999561

OWNER'S CERTIFICATE

I CERTIFY THAT:
 1) BLOCKS 1 & 2, 3 & 4
 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS.

DATE _____
 BAYSIDE SUDBURY CORP.
 GERRY CECARELLI
 (I HAVE THE AUTHORITY TO
 BIND THE CORPORATION)

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH
 THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES
 ACT AND THE REGULATIONS MADE UNDER THEM;
 2) THE SURVEY WAS COMPLETED ON 11/11/2020 BY 11:11:11, 2020

DATE _____
 A. BORTOLUSSI, DLS

PRELIMINARY

LEGEND

- SURVEY MONUMENT FOUND
- SURVEY MONUMENT PLANTED
- S13 STANDARD IRON BAR
- S518 SHORT STANDARD IRON BAR
- T8 IRON BAR
- RPL ROCK PILE
- P REGISTERED PLAN 53M-1429
- PC PLAN 53M-2017
- S18 S S CORNER, DLS
- 1449 A MONUMENT, DLS
- RCH R S CORNER, DLS
- S SET
- M MEASURED
- CLC CALCULATED FROM PLANS
- WIT WITNESS
- NOT TO SCALE

APPROVED UNDER SECTION 51
 OF THE PLANNING ACT R20 1990
 THIS _____ DAY OF _____, 2020

BORTOLUSSI
 SURVEYING LTD.

BORTOLUSSI
SURVEYING LTD.