

Request for Decision

Tamara Butera – Request to extend a conditional approval on a rezoning application, 1306 Nesbitt Drive, Sudbury

Presented To:	Planning Committee
Presented:	Monday, Aug 10, 2020
Report Date	Thursday, Jul 09, 2020
Type:	Routine Management Reports
File Number:	751-6/18-7

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, 2021, as outlined in the report entitled “Tamara Butera”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 10, 2020.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This application reviews a request to 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 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.

The benefitting lands (i.e. 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

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Jul 9, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Jul 9, 20

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Jul 10, 20

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Jul 22, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Jul 26, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jul 27, 20

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.

Staff has reviewed the request to extend the conditional rezoning approval for a 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, 2021.

Financial Implications

If 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.

Date: June 15, 2020

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 an extension is being applied, 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 owners dated June 5, 2020, requesting that the conditional rezoning approval be extended for one year until June 26, 2021. 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, 2020.

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 that they intend on re-applying for consent in order to complete the 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 (i.e. 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 application for a 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 on May 28, 2018 and ratified by Council on June 26, 2018.

Date: June 15, 2020

The benefitting lands (i.e. 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 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 owners has indicated that they intend to continue working 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 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 must first apply for a pre-consultation to the Sudbury Planning Application Review Team (SPART) in order to proceed with a formal site plan control application that would result in the entering into of a site plan control agreement with the City.

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 have been no previous extensions to this conditional rezoning approval.

Staff has reviewed the request and from a land use planning perspective has no concerns with a 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 period of one year until June 12, 2021.

Request for Decision

Tamara Butera - Application for rezoning to in order to eliminate split-zonings, 1306 Nesbitt Drive, Sudbury

Presented To:	Planning Committee
Presented:	Monday, May 28, 2018
Report Date	Thursday, May 03, 2018
Type:	Public Hearings
File Number:	751-6/18-7

Resolution

THAT the City of Greater Sudbury approves the application by Tamara Butera to amend Zoning By-law 2010-100Z from “R1-5”, Low Density Residential to “R3 1”, Medium Density Residential on those lands described as Part of PIN 73596-0678, part of Lot 75, Plan M-264 Lot 7, Concession 1, McKim Township, as outlined in the report entitled “Tamara Butera” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018, subject to the following conditions:

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

- a) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;
- b) enter into a site plan agreement to be registered on title for the subject lands detailing the landscaping, fencing, grading and other site plan matters to the satisfaction of the Director of Planning Services and the Director of Building Services/Chief Building Official.

2. Conditional approval shall lapse on June 12, 2020 unless condition 1 above has been met or an extension has been granted by Council.

Signed By

Report Prepared By

Eric Taylor
Manager of Development Approvals
Digitally Signed May 3, 18

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 8, 18

Financial Implications

Jim Lister
Manager of Financial Planning and Budgeting
Digitally Signed May 10, 18

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed May 15, 18

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 15, 18

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 application reviews a rezoning application that would rezone the approximate 9.7 m rear portion of the property to satisfy a condition of the consent approval to add those lands to the abutting property zoned "R3-1", Medium Density Residential which is developed as a multiple apartment building complex. The Planning Services Division is recommending that the application be approved subject to conditions including that the owner enter into a site plan agreement for the subject lands which will detail fencing and landscaping requirements along with other site plan matters.

Financial Implications

If 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 the zoning.

Title: Tamara Butera

Date: May 1, 2018

STAFF REPORT

Applicant:

Tamara Butera

Location:

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

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 designation permits a range of housing types subject to the rezoning process.

In reviewing applications for rezoning in Living Areas, the following criteria under Section 3.2.1 of the Official Plan are to be considered:

- Suitability of the site to accommodate the proposed density and building form;
- Physical compatibility with the surrounding neighbourhood in terms of scale, massing, height, siting and setbacks;
- Adequate on-site parking; and
- Traffic impact on local streets.

Conformity with the Official Plan is based on a review of the above noted considerations.

Zoning By-law

The subject lands are zoned "R1-5", Low Density Residential One zone permitting a single detached dwelling, a secondary dwelling, home occupations, a bed and breakfast establishment, group home type 1 and private home daycare uses. The subject lands are intended to be used as part of the multiple residential dwelling site on the abutting property to the east and as such are to be rezoned to "R3-1", Medium Density Residential.

Site Description & Surrounding Land Uses:

The subject lands are located along the rear of the Lot 75, Plan M-264, on the lands known as 1306 Nesbitt Drive. The portion of the lands comprise the approximate 9.7 m depth from the rear lot line being approximately 390 m².

The grade on the lands has recently been altered as part of the construction of the adjacent apartment building and parking structure and is intended to function as part of the apartment site.

Title: Tamara Butera

Date: May 1, 2018

Uses to the west and north are low density residential, and multiple residential apartments to the south and east.

Application:

To amend [By-law 2010-100Z](#), being the Zoning By-law for the City of Greater Sudbury to rezone approximately 390 m² ha from "R1-5", Low Density Residential to "R3-1", Medium Density Residential, in order to permit the addition of the rezoned lands to the abutting property, (PIN 73596-0471, 1310 Nesbitt Drive) to the south and east which is zoned "R3-1", Medium Density Residential. The rezoning for the lot addition was a condition on Consent Official's approval of consent application B0098/2017.

Proposal:

The amendment to the Zoning By-law is to permit the addition of approximately 390 m² to the abutting lands to the south and east at 1310 Nesbitt Drive, such that the new lot to be created will be zoned entirely "R3-1", Medium Density Residential.

As part of the construction of the parking structure at 1310 Nesbitt Drive, the owner of that property identified the need to access around the structure with maintenance equipment. The subject lands were subsequently filled and the owner of the lands at 1306 Nesbitt applied to sever and add the lands to the property at 1310 Nesbitt Drive. The owner at 1310 Nesbitt Drive has advised Planning Staff that the intended use of the lands is to provide access for vehicles and maintenance equipment around the west side of the parking structure.

Departmental & Agency Circulation:

Building Services, Development Engineering, Infrastructure Capital Planning Services have all advised that they have no objections or concerns with the application.

Public Consultation:

The statutory notice of 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 applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councilor and key stakeholders to inform area residents on the application prior to the public hearing.

As of the date of this report, no responses have been received from the public.

Planning Considerations:

[2014 Provincial Policy Statement \(PPS\)](#) and 2011 [Growth Plan for Northern Ontario \(GPNO\)](#)

In accordance with the policies of the PPS and the GPNO, the proposed rezoning to facilitate the lot addition to the multi-unit residential complex promotes a compact build form, provides for a range of housing types and tenures and levels of affordability, and enables the efficient and effective use of land and infrastructure. The applications are considered to be consistent with the PPS and conform/do not conflict with the GPNO.

Title: Tamara Butera

Date: May 1, 2018

Official Plan

Staff has previously reviewed the development proposal in light of applicable Living Area 1 designation policies when the related consent application was considered. The proposed 390 m² lot addition is a lot boundary adjustment and can be supported from an Official Plan perspective.

The proposed addition of the subject lands to the property at 1310 Nesbitt Drive, does not result in the creation of any additional dwelling units, has no impact on building form and will not result in any traffic impacts on local streets. Adequate on-site parking is already provided on the property at 1310 Nesbitt Drive to support the existing residential development. Compatibility with the abutting low density residential lots will be addressed through fencing and landscaping to be provided for in an amended site plan control agreement applying to the subject lands.

Consent Application

The applicant submitted a consent application, (File B0098/2017) to the City in order to permit a lot addition to the abutting property at 1310 Nesbitt Drive, (PIN 73596-0471). The application was approved by the Consent Official on December 18, 2017. The decision included a condition that the owner apply for and receive final approval for a rezoning in order to eliminate split-zoning that would result from the lot addition with the lands at 1310 Nesbitt Drive.

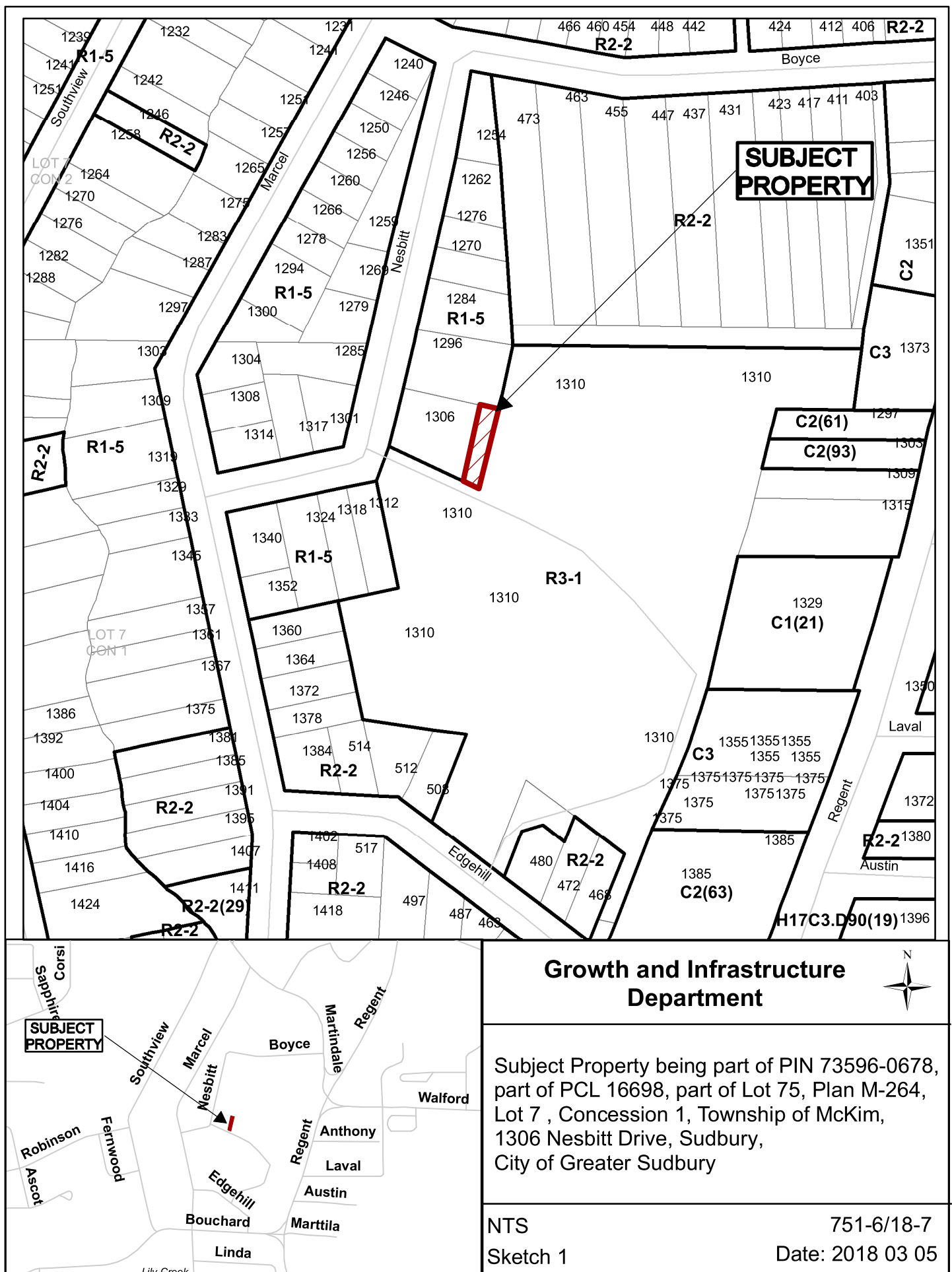
Zoning By-law and Site Plan Agreement

The applicant will need to submit a registered survey plan identifying as a part on a plan, the lands to be rezoned.

Matters regarding fencing, and the requirement for a minimum 3 m wide planting strip or a minimum 1.8 metre wide planting strip with a minimum 1.5 m high opaque fence abutting the R1-5 zoned lands shall be finalized as part of a site plan agreement applying to the subject lands. It is recommended that the site plan agreement shall be entered into and registered on title prior to the amending by-law being enacted.

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 Provincial Policy Statement and conforms/does not conflict with the Growth Plan for Northern Ontario. The proposed rezoning will eliminate a split-zoning which would occur once the related consent applications are finalized. It is a condition of the consent application that the rezoning receive final approval prior to the lot addition and the creation of the new lot. The Planning Services Division recommends that the application be approved subject to the conditions noted in the resolution section of this report.



OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES TO UTM ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10

POINT ID	NORTHING	EASTING
ORP A		
ORP B		
ORP C		

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

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM 17, NAD83 (CSRS) (2010.0). DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99995

LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RB	DENOTES	ROCK BAR
RPL	DENOTES	ROCK PLUG
M	DENOTES	MEASURED
S	DENOTES	SET
NNM	DENOTES	NO VISIBLE MARKINGS
WT	DENOTES	WITNESS MONUMENT
PROP	DENOTES	PROPORTIONED
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
EH	DENOTES	ELECTRICAL HOLE
1855	DENOTES	TERRY DEL BOSCO, O.L.S.
707	DENOTES	R. T. LANE, O.L.S.
943	DENOTES	D.W. ENDLEMAN, O.L.S.
1400	DENOTES	D.S. DORLAND, O.L.S.
1430	DENOTES	S.J. GOSSLING, O.L.S.
1542	DENOTES	J. A. COLE, O.L.S.
P	DENOTES	PLAN OF SURVEY BY S.J. GOSSLING, O.L.S.
P2	DENOTES	FILE No. 5176, DATED FEB. 14, 2001
SR	DENOTES	REGISTERED PLAN M-264
		SURVEY RECORDS OF TULLOCH GEOMATICS
		FILE No. 125557 SRPR OCT 2017

SCHEDULE			
PART	LOT	PLAN	AREA
1	ALL OF LOT 75	REGISTERED PLAN M-264	1.3554 SQ.M.
2		73596-0678	3074 SQ.M.

TOWNSHIP OF MCKIM

PLAN 53R-

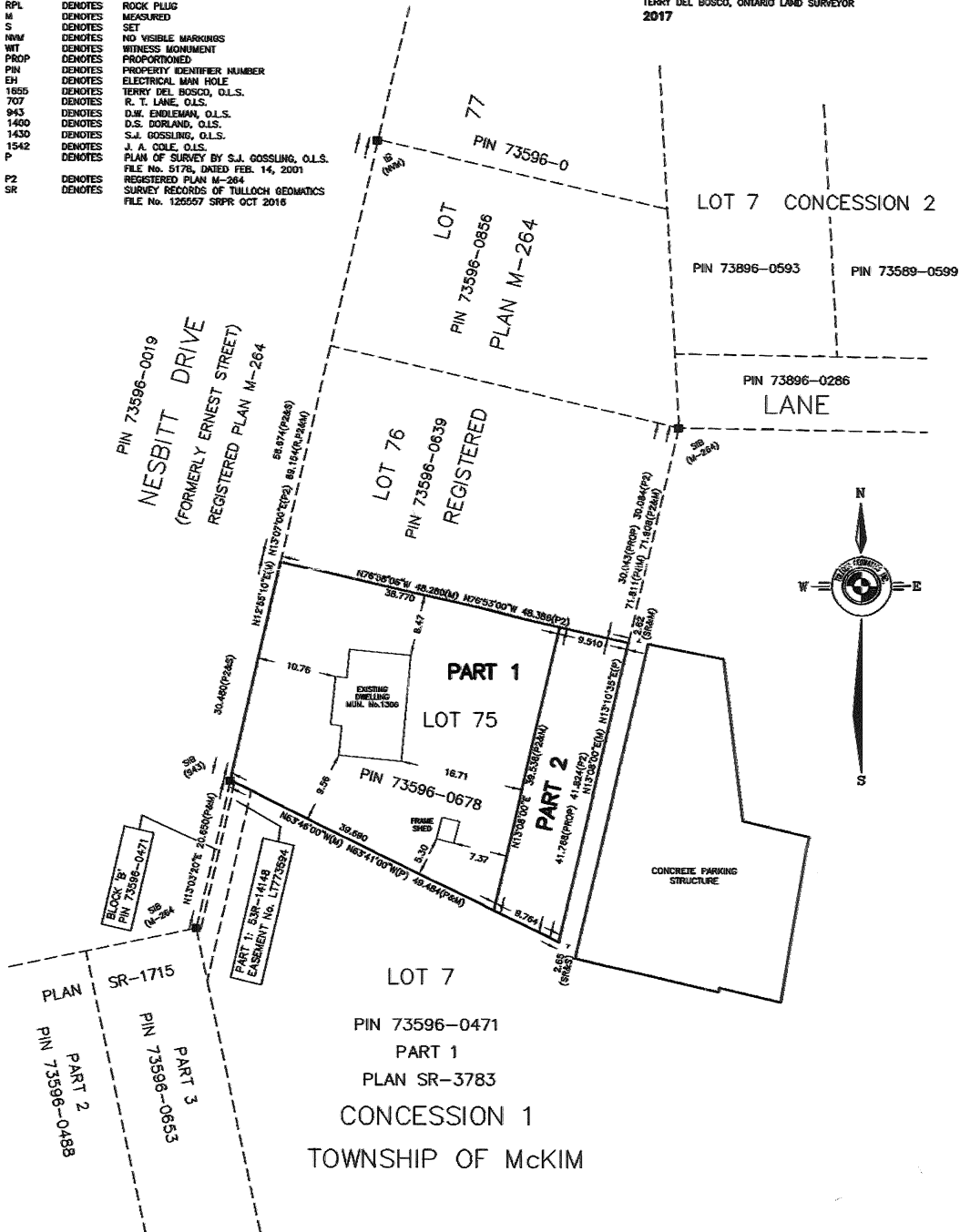
RECEIVED AND DEPOSITED
DATE

FOR DEPOSITION FOR THE LAND REGISTRY
FOR THE LAND TILES BRANCH OF SUDBURY

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TILES ACT.

DATE TERRY DEL BOSCO, O.L.S.

PLAN OF SURVEY OF
LOT 75
REGISTERED PLAN M-264
GEOGRAPHIC TOWNSHIP OF MCKIM
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY
TERRY DEL BOSCO, ONTARIO LAND SURVEYOR
2017



SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THE SURVEY WAS COMPLETED ON THE 14th DAY OF

DATED AT SUDBURY, ONTARIO

TERRY DEL BOSCO, O.L.S.

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

TULLOCH

1942 REGENT STREET SUDBURY, ONTARIO
UNIT L P3E 5N5

FILE 125557 R PLAN OCT 2017



PHOTO 1 SUBJECT LANDS LOOKING NORTH FROM 1310 NESBITT DRIVE



PHOTO 2 DWELLING AT 1306 NESBITT DRIVE VIEWED FROM
SUBJECT LANDS

751-6/18-7 PHOTOGRAPHY MAY 1, 2018



PHOTO 3 FROM SUBJECT LANDS, VIEW OF APARTMENT BUILDING
TO THE SOUTH AT 1310 NESBITT DRIVE



PHOTO 4 APARTMENT BUILDING AT 1310 NESBITT DRIVE TO THE
EAST OF THE SUBJECT LANDS

751-6/18-7 PHOTOGRAPHY MAY 1, 2018

Minutes – May 28, 2018

Tamara Butera - Application for rezoning to in order to eliminate split-zonings, 1306 Nesbitt Drive, Sudbury

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:

Report dated May 3, 2018 from the General Manager of Growth and Infrastructure regarding Tamara Butera - Application for rezoning to in order to eliminate split-zonings, 1306 Nesbitt Drive, Sudbury.

Michael Allen, agent for the applicant, was present.

Eric Taylor, Manager of Development Approvals, outlined the report.

Mr. Allen stated that the subject land was developed as they needed an area for the parking structure. They felt it was best to sever and add it to the boundary adjustment. The residential land is the same owner as the apartment buildings. The survey will be registered as a condition of the consent application. There is currently a Site Plan Agreement on the property and the city is holding a \$25,000 security deposit regarding the site developments already occurring. The amendment will be added to the existing site. He asked about the three (3) metre landscaping buffer, as they were under the impression it would not be required, however, they do not have any objections in completing what is required.

Eric Taylor, Manager of Development Approvals, stated that the zoning by-law for landscaping provisions provides two (2) alternatives. One is to install a three (3) metre wide landscape buffer strip which requires continuous plantings in a vegetative form, typically a hedge or as an alternative, they can install a 1 .8 m landscape strip along with a 1.5 metre opaque fence.

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 :

PL2018-92 Lapierre/Sizer: THAT the City of Greater Sudbury approves the application by Tamara Butera to amend Zoning By-law 2010-100Z from “R1-5”, Low Density Residential to “R3 1”, Medium Density Residential on those lands described as Part of PIN 73596-0678, part of Lot 75, Plan M-264 Lot 7, Concession 1, McKim Township, as outlined in the report entitled “Tamara Butera” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of May 28, 2018, subject to the following conditions:

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

A) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;

b) enter into a site plan agreement to be registered on title for the subject lands detailing the landscaping, fencing, grading and other site plan matters to the satisfaction of the Director of Planning Services and the Director of Building Services/Chief Building Official.

2. Conditional approval shall lapse on June 12, 2020 unless condition 1 above has been met or an extension has been granted by Council.

YEAS: Councillors McIntosh, Lapierre, Jakubo, Sizer, Landry-Altmann
CARRIED

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