

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_s): UTM ZONE 17, NAD83 (CSRS) (2010.0).
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O REG. 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 0.99956

LEGEND:

Q	DENOTES	SURVEY MONUMENT FOUND
S	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SIS	DENOTES	SHORT STANDARD IRON BAR
IB	DENOTES	IRON BAR
RS	DENOTES	ROCK BAR
RPL	DENOTES	ROCK PLUG
M	DENOTES	MEASURED
S	DENOTES	SET
NW	DENOTES	NO VISIBLE MARKINGS
WT	DENOTES	WITNESS MONUMENT
PROP	DENOTES	PROPORTIONED
PI	DENOTES	PROPERTY IDENTIFIER NUMBER
EH	DENOTES	ELECTRICAL WIRE HOLE
1655	DENOTES	TERRY DEL BOSS, O.L.S.
707	DENOTES	R. T. LANE, O.L.S.
943	DENOTES	D.W. ENDELMAN, 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 J.A. GOSSLING, O.L.S.
F2	DENOTES	FILE NO. 5178, DATED FEB. 14, 2001
SR	DENOTES	REGISTERED PLAN M-264
		SURVEY RECORDS OF TULLOCH GEOMATICS
		FILE NO. 120557 SPFR OCT. 2015

SCHEDULE				
PART	LOT	PLAN	PIN	AREA
1	ALL OF LOT 75	REGISTERED	ALL OF PIN	1355±SQ.M.
2		PLAN M-264	73506-0676	387±SQ.M.

PLAN 53R-

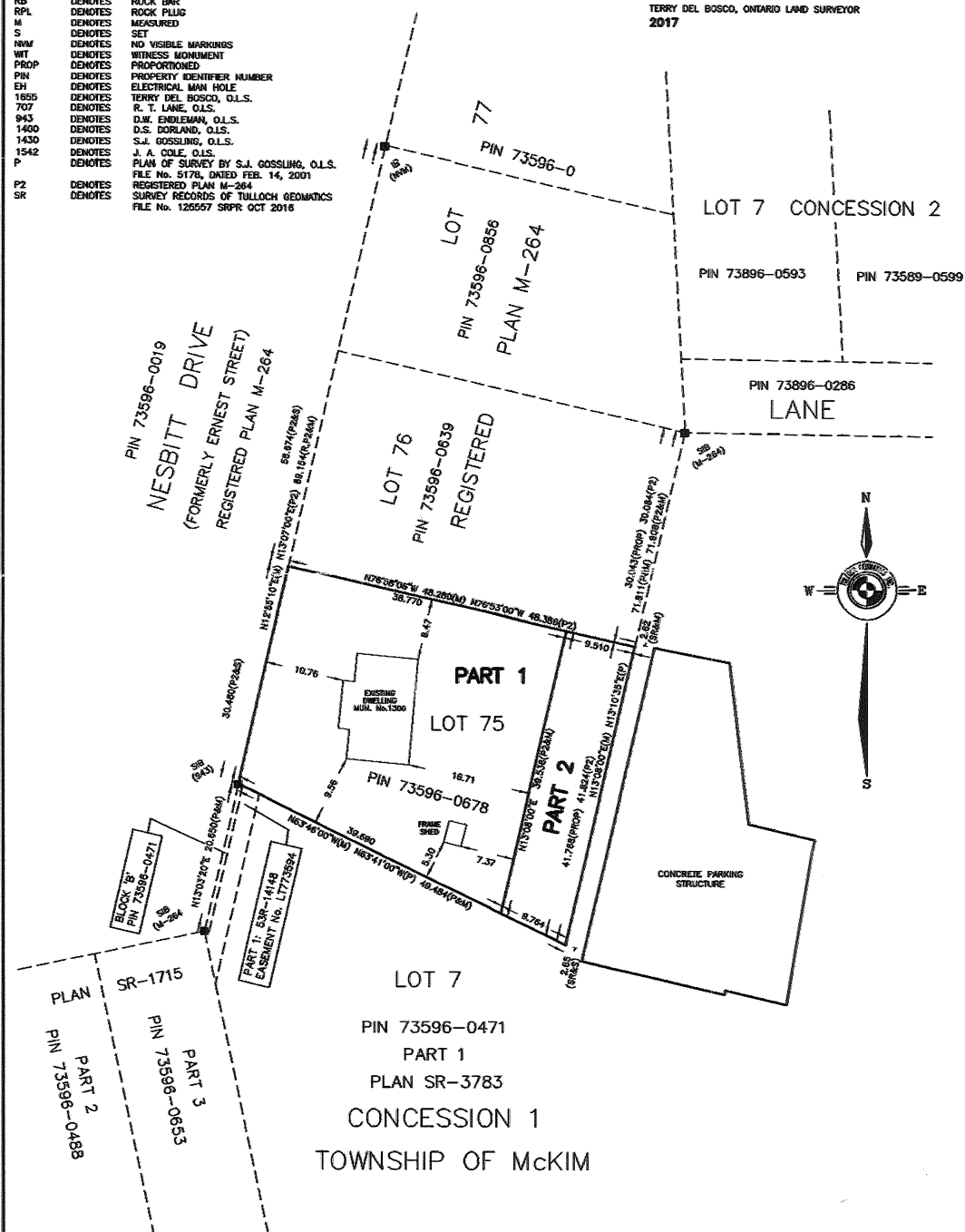
RECEIVED AND DEPOSITED
DATE

REPRESENTATIVE FOR THE LAND REGISTRAR
FOR THE LAND TITLES DIVISION 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



1.600



1942 REGENT STREET SUDBURY, ONTARIO
UNIT L P3E 5W5 705-671-2285
FILE 125557 R PLAN OCT 2017

SURVEYOR'S CERTIFICATE

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

2. THE SURVEY WAS COMPLETED ON THE 5th DAY OF

DATED AT SUDBURY, ONTARIO:

TERRY DEL BOSCO, O.S.

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



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