

Request for Decision

Dalron Construction Ltd. – Application to Extend an Exemption from Part Lot Control, Arvo Avenue & Holland Road, Sudbury

Presented To:	Planning Committee
Presented:	Wednesday, May 20, 2020
Report Date	Thursday, Mar 12, 2020
Type:	Routine Management Reports

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to pass a new by-law under Section 50(7) of the Planning Act thereby extending and exempting those lands described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim, from part lot control for a maximum period of two years, as outlined in the report entitled “Dalron Construction Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 20, 2020 subject to the following condition:

1. That prior to the passing of a by-law to exempt the above noted lands from part lot control the owner shall provide a complete updated legal description including a registered survey of those lands which have not been conveyed to the satisfaction of the City Solicitor and the Director of Planning Services.

Relationship to the Strategic Plan / Health Impact Assessment

The application to extend and exempt the subject lands from part lot control is an operational matter under the Planning Act to which the City is responding.

Report Summary

This application reviews an application to extend and exempt certain lands within a registered plan of subdivision from the part lot control provisions of the Planning Act for an additional maximum period of two years. Staff has noted in the report that in practice a new by-law is recommended to be enacted by Council which describes only those lands that remain as un-conveyed parcels located within Registered Plan of Subdivision M-353. The owner will need to provide and updated legal description for the un-conveyed

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Mar 12, 20

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed Mar 12, 20

Recommended by the Division

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

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Mar 17, 20

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Mar 18, 20

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed May 6, 20

parcels of land prior to the passage of a new by-law facilitating further lifting of part of control on the lands. At the time of writing the report, it is the understanding of staff that six new urban residential lots have been created since the initial by-law lifting part lot control on the lands was enacted by Council. The Planning Services Division is recommending that the application be approved and that a new by-law be passed by Council to lift part lot control from the lands for the specified time period of two years.

Financial Implications

If approved, staff estimates approximately \$65,000 in taxation revenue, based on the assumption of the remaining 10 single family dwelling units at an estimated assessed value of \$500,000 per dwelling unit at the 2019 property tax rates.

In addition, this development would result in total development charges of approximately \$177,000 based on the assumption of 10 single family dwelling units based on the rates in effect as of this report.

Title: Dalron Construction Ltd.

Date: March 10, 2020

STAFF REPORT

PROPOSAL:

The owner is requesting to extend and continue to exempt those lands now described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the [Planning Act](#) for an additional maximum period of two years.

The extended exemption from part lot control would facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. At the time of writing this report, it appears to staff that a total of six new urban residential lots have been created and conveyed through the utilization of the lifting of part lot control.

Existing Zoning: "R2-2", Low Density Residential Two

The "R2-2" Zone permits a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling.

The owner is not requesting any changes to the applicable zoning on the subject lands.

Location and Site Description:

The lands subject to the request are at present legally described as being PINs PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim (Arvo Avenue & Holland Avenue, Sudbury).

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The remaining un-conveyed lands have a total lot area of approximately 8,344 m² (89,814.07 ft²) with approximately 48 m (157.48 ft) of frontage remaining on Arvo Avenue and 180 m (590.06 ft) of frontage remaining on Holland Road. The lands formerly contained an elementary school which has now since been demolished.

Surrounding Land Uses:

North: Low density urban residential land uses.

East: Low density urban residential land uses.

South: Low density urban residential land uses, commercial land uses and higher density urban residential land uses are located further to the south along the Lasalle Boulevard corridor.

West: Low density urban residential land uses and a public elementary school to the south-west which is accessed from Roy Avenue.

Title: Dalron Construction Ltd.

Date: March 10, 2020

The existing zoning and location map attached to this report indicates the location of the subject lands where the lifting of part lot control would continue to apply for an additional period of two years should the request be approved, as well as the applicable zoning in the immediate area.

Public Consultation:

There are no statutory public notice requirements under Section 50(7) of the Planning Act, R.S.O. 1990, c. P.13 for the lifting of part lot control. There is also no requirement to hold a public hearing before the approval authority when Section 50(7) of the Planning Act is utilized for the purposes of lifting part lot control from certain lands. The same as noted above applies when an application to extend the lifting of part lot control is being requested.

POLICY AND REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [Planning Act, R.S.O. 1990, c. P.13](#)
- [2014 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, the lifting of part lot control where a registered plan of subdivision exists, and site plans.

Planning Act, R.S.O. 1990, c. P.13:

With respect to statute law, 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. Section 50(7.4) of the Planning Act would allow for an extension to the two year time period. The general accepted practice where an extension is being sought is to allow the existing by-law to expire and replace it with a new by-law referencing those lands that remain un-conveyed, which has the effect of placing part lot control back in place for those lots that have now been created through the previous and now former lifting of part lot control by-law.

2014 Provincial Policy Statement (PPS):

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 2014 PPS. Staff has reviewed the 2014 PPS and is satisfied that no matters of provincial interest are impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

Title: Dalron Construction Ltd.

Date: March 10, 2020

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 are satisfied that the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

Staff has reviewed the City's Official Plan and is satisfied that no issue with respect to conformity with the Official Plan would be negatively impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

Zoning By-law 2010-100Z:

The owner is not requesting any changes at this time to the "R2-2" zoning that is applicable to the subject lands. The extension of the lift of part lot control on the lands legally described in this report would continue to facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision in order to create and develop lots in accordance with the "R2-2" Zone permissions.

Department/Agency Review:

The application including relevant accompanying materials related to the legally described and un-conveyed parcels of land remaining in Registered Plan of Subdivision M-353 has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the request to extend the lifting of part lot control on the subject lands should the application be approved.

During the review of the request to extend the lifting of part lot control, comments provided by circulated agencies and departments included the following:

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

Development Engineering has no concerns with the extension request and have noted that since the initial exemption from part lot control was granted that six urban residential lots have been created and construction drawings were approved for the servicing of the remainder of the lots.

PLANNING ANALYSIS:

The following section provides a planning analysis of the application in respect of the applicable policies and regulatory framework, including issues raised through agency and department circulation.

The lands that are the subject of the extension request are at present legally described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim. Registered Plan of Subdivision M-353 was registered on November 8, 1954.

Title: Dalron Construction Ltd.

Date: March 10, 2020

Staff is recommending that a new by-law be passed by Council, which would have the effect of continuing to remove those lands described above from the part lot control provisions of the Planning Act for an additional maximum period of two years. The extension to the lifting of part lot control will allow the owner to continue to complete a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. Staff notes that a refined and proper legal description of the un-conveyed parcels of land will be required and a registered survey plan prepared if necessary prior to passing a new by-law to continue to exempt these lands from part lot control under the Planning Act.

Staff notes in terms of relevant land use planning background that the lands were also the subject of an application for Zoning By-law Amendment (File # 751-6/16-17), which was approved by Planning Committee on November 21, 2016, and ratified by Council on November 22, 2016. The approved rezoning sought to change the zoning classification applicable to the subject lands from "I", Institutional to "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the conditions of the rezoning approval have been satisfied and the amending zoning by-law has been enacted by Council and is in full force and effect. The lands therefore are now zoned "R2-2" under the City's Zoning By-law.

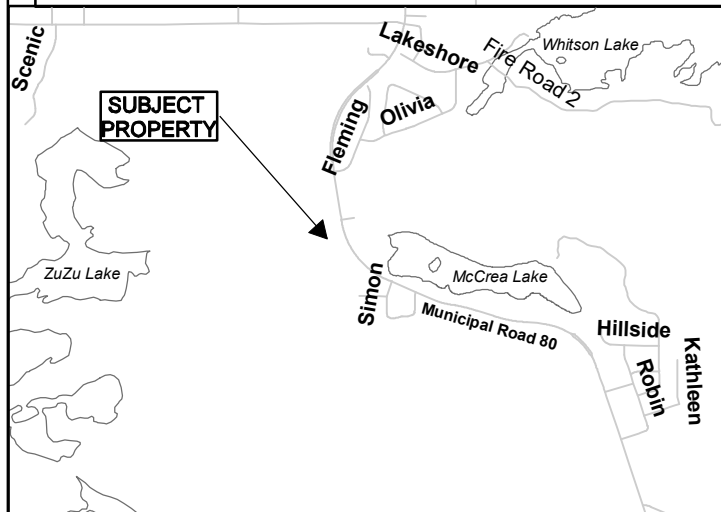
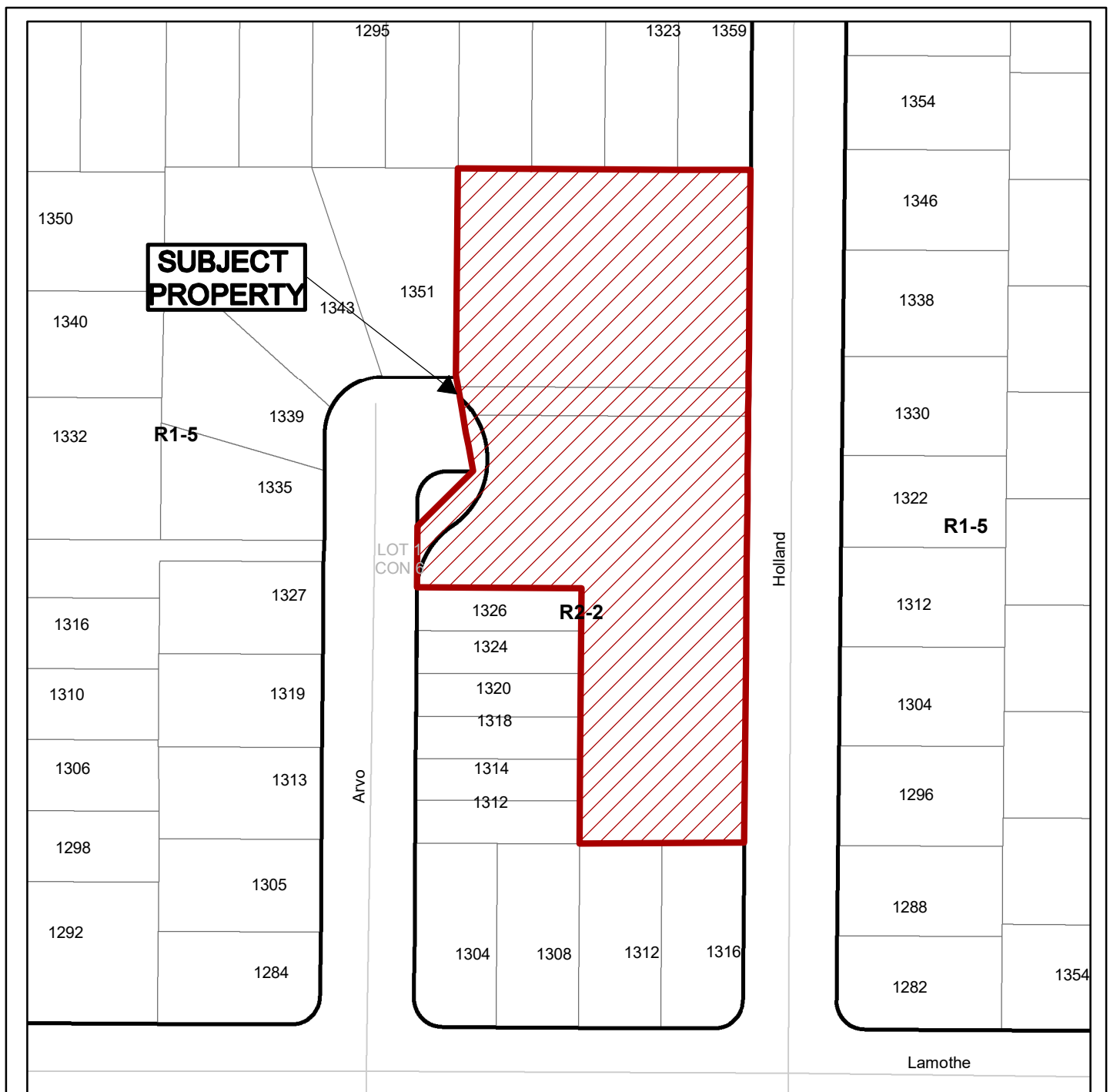
A copy of the first staff report addressing the lifting of part lot control is also attached for reference purposes along with a copy of the as-approved Planning Committee resolution referring to the initial lifting of part lot control.

Staff has also provided an updated and marked up sketch depicting approximately those lands which will continue to have part lot control lifted should the request be approved. An updated zoning map has also been provided for reference purposes.

Staff advises that the proposed further exemption from part lot control would continue to most appropriately implement the development intentions of the approved rezoning in terms of facilitating a series of lot boundary re-alignments resulting in urban residential lots that meet the development standards of the now in full force and effect "R2-2" Zone applicable to the lands.

CONCLUSION:

The Planning Services Division recommends that the application to extend and continue to exempt those lands now described legally as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the Planning Act for an additional maximum period of two years be approved and that a by-law be passed by Council to this effect subject to a condition that prior to the passing of a by-law to exempt the above noted lands from part lot control the owner shall provide a complete updated legal description including a registered survey of those lands which have not been conveyed to the satisfaction of the City Solicitor and the Director of Planning Services.



Growth and Infrastructure Department



Subject Property being PINs 02119-0102 & 02119-0103, and part of PIN 02119-0116, Lot 1, Concession 6, Township of McKim, Holland Road, Sudbury, City of Greater Sudbury

NTS
Sketch 1

PLC 2017-01
Date: 2020 03 11

REMAINING UN-CONVEYED LANDS SEEKING EXTENSION
TO LIFTING OF PART LOT CONTROL

Ronald F. Persian
OWNER

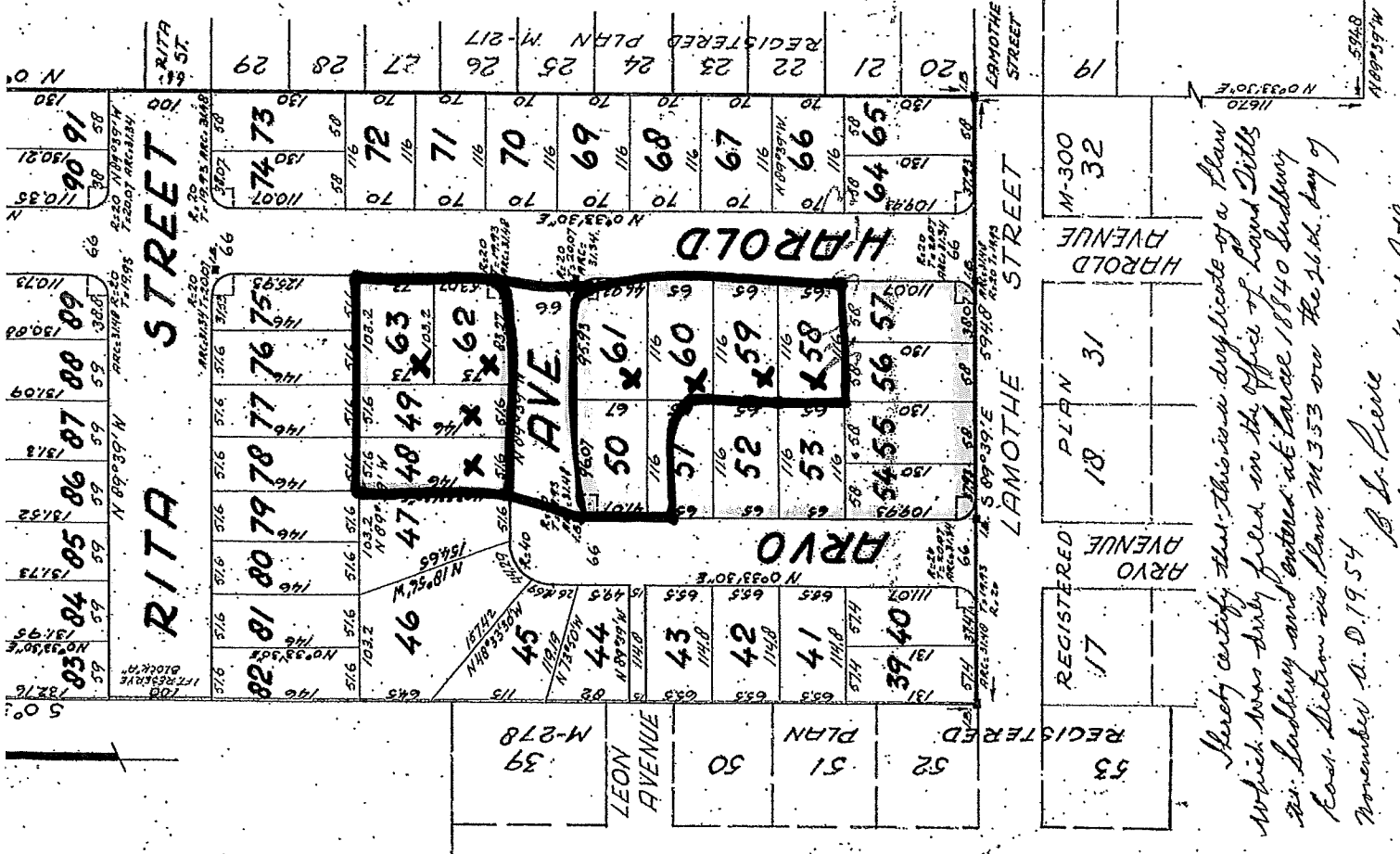
AFFIDAVIT OF WITNESSES
IN THE DISTRICT OF SURREY
TO WIT:

1. THAT I AM WELL-ACQUAINTED WITH MOYLE R. SWINN, OSWALD F. PERSIAN AND ANNIE COOPER, WHO HAVE SIGNED THIS PLAN AND THAT THE SIGNATURES PURPORTING TO BE THEIR SIGNATURES ARE IN THEIR HANDWRITING
2. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND ANNIE COOPER ARE, I VERILY BELIEVE THE OWNERS OF THE LAND SHOWN HEREIN
3. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND ANNIE COOPER ARE OF THE FULL AGE OF 21 YEARS AND OF SOUND MIND
4. THAT THE SAID MOYLE R. SWINN, OSWALD F. PERSIAN AND ANNIE COOPER SIGNED THIS PLAN VOLUNTARILY BY THE CITY OF SURREY IN THE DISTRICT OF SURREY
5. THAT I AM A WITNESSING WITNESS TO THE SAID SIGNING

Allen Thiele
M. J. Jankovich
A COMMISSIONER

I certify that this plan is a duplicate copy of a plan (being a subdivision of PART OF WEST 1/2 OF EAST 1/2 LOT 1 - CON. VI, TR. OF MCKIN) prepared by ME for RECOOPER, M. R. SWINN, & O. F. PERSIAN and dated 18th day of OCTOBER A.D. 1954
Ray T. Lane
O. L. Surveyor

Approved under Section 26 of
THE PLANNING ACT
This day of November 1954
Don H. Wrenn
MINISTER OF PLANNING & DEVELOPMENT



Sherry certify that this is a duplicate of a plan which was duly filed in the Office of Land Titles in the Land Registry and entered at parcel 18740 Subdivy East. Section is plan M-353 on the 26th day of November A.D. 1954
B. L. Picie
Local Master of Titles

Request for Decision PLANNING COMMITTEE



Type of Decision					
Meeting Date	January 8, 2018			Report Date	November 27, 2017
Decision Requested	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Direction Only <input type="checkbox"/>		

Report Title
Dalron Construction Ltd. – Application for Exemption from Part Lot Control, 1305 Holland Road, Sudbury

Section Review	Division Review	Department Review
 Eric Taylor, Manager of Development Approvals	 Jason Ferrigan, Director of Planning Services	Tony Cecutti, General Manager, Growth & Infrastructure

Budget Impact	
<input type="checkbox"/>	This report has been reviewed by the Finance Division and the funding source has been identified.
<input type="checkbox"/>	Background Attached
Recommended by the Department	
Report Prepared By:	File #
Glen Ferguson Senior Planner	PLC2017-01

Resolution	
THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to pass a by-law under Section 50(7) of the Planning Act thereby exempting those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim, from part lot control for a maximum period of two years, as outlined in the report entitled "Dalron Construction Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018 subject to the following conditions:	
<input checked="" type="checkbox"/>	Resolution Continued
Recommended by the C.A.O.	
Ed Archer Chief Administrative Officer	

Title: Dalron Construction Ltd.

Date: November 27, 2017

Resolution Cont'd

1. That prior to the registration of the part lot control by-law on title for Lots 50, 51, 52, 53, 60, 61 and Arvo Avenue, Plan M-353, the owner:
 - a) Shall have paid the City the required tree fee for the street frontages on Arvo, Lamothe and Holland Streets;
 - b) Shall submit a lot grading plan to the City to the satisfaction of the Director of Planning Services.
2. That prior to the registration of the part lot control by-law on title for Lots 48, 49, 58, 59, 62 and 63, Plan M-353, the owner:
 - a) In addition to 1 a) and 1 b) above, the owner shall have entered into a servicing agreement with the City for the servicing of the lots fronting onto Holland Street to the satisfaction of the General Manager of Growth and Infrastructure.
3. Conditional approval shall lapse on January 23, 2020 unless conditions #1 and #2 above have been met or an extension has been granted by Council.

Relationship to the Strategic Plan/Health Impact Assessment:

The application to exempt the subject lands from part lot control is an operational matter under the Planning Act to which the City is responding.

Report Summary:

This application reviews an application to exempt certain lands within a registered plan of subdivision from the part lot control provisions of the Planning Act for a maximum period of two years. The Planning Services Division is recommending that the application be approved and that a by-law be passed by Council to lift part lot control from the lands for the specified time period.

Title: Dalron Construction Ltd.

Date: November 27, 2017

STAFF REPORT

Applicant:

Dalron Construction Ltd.

Location:

PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim (1305 Holland Road, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The lands have a total lot area of 1.23 ha (3.05 acres) with approximately 70.71 m (232 ft) of frontage on Lamothe Street and 283.16 m (929 ft) of frontage on Holland Road. The lands contain a vacant institutional building that was formerly used as an elementary school.

Surrounding uses are primarily urban residential in nature with the predominant built-form being that of single-detached dwellings. There is a more general mix of land uses to the south including both commercial and higher density urban residential uses along the Lasalle Boulevard corridor. There is also a public elementary school located to the south-west which is accessed from Roy Avenue.

Application:

To exempt those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the Planning Act for a maximum period of two years.

Proposal:

The exemption from part lot control would facilitate a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road.

Departmental/Agency Circulation:

Building Services and Roads and Traffic have each advised that they no concerns from respective areas of interest.

Development Engineering has advised that as part of fulfilling the condition on the related rezoning approval, the owner has entered into an agreement with the City for the servicing of Arvo and Lamothe Streets with water and sewer connections. Prior to the registration of the part lot control by-law on title the owner shall enter into a servicing agreement for the extension of water and sanitary services to the lots on Holland Road and the required road remediation.

The owner shall also make payment to the City the street tree fees based on the User Fee By-law and submit a lot grading plan to the satisfaction of the Director of Planning Services, prior to the registration of the part lot control by-law.

Title: Dalron Construction Ltd.

Date: November 27, 2017

Planning Considerations:

Background

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. Plan M-353, which was registered on November 8, 1954.

Part Lot Control By-law

Staff is recommending that a by-law be passed by Council which removes those lands described as PIN 02119-0026, Lots 48, 49, 51, 52, 53 and Lots 58 to 63 and parts of Lot 50 and Arvo Avenue, Registered Plan M-353, Lot 1, Concession 6, Township of McKim, from the part lot control provisions of the Planning Act for a maximum period of two years. The lifting of part lot control will allow the owner to complete a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. A copy of both original Plan M-353 and the draft plan depicting the new lotting once part lot control is lifted is attached to this report.

Related Zoning By-law Amendment

The lands were the subject of a recent application for Zoning By-law Amendment (File # 751-6/16-17), which was approved by Planning Committee on November 21, 2016, and ratified by Council on November 22, 2016.

The approved rezoning would change the zoning classification applicable to the subject lands from "I", Institutional to "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The amending zoning by-law has not yet been enacted as conditions relating to the approval have not yet been satisfied. The conditions of the rezoning approval are as follows:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City lands sufficient for cul-de-sacing Arvo Avenue and a 6m wide walkway block between Holland Road and Arvo Avenue along with any required easements and also agree to enter into a future servicing agreement for the construction of Arvo Avenue cul-de-sac and related services to the satisfaction of the General Manager of Infrastructure Services.

And that the servicing agreement shall provide that the owner construct the Arvo Avenue cul-de-sac at a rural standard and no upgrading of the existing portions of Arvo Avenue and Lamothe Streets abutting the subject lands to an urban standard shall be required.

At the time of finalizing this report, the lands required for the cul-de-sac and walkway in condition 1 above had not been transferred to the City. The owner has entered into a servicing agreement for servicing Arvo Avenue.



Planning Committee Resolutions

Moved By

No. PL2016- 184

Seconded By

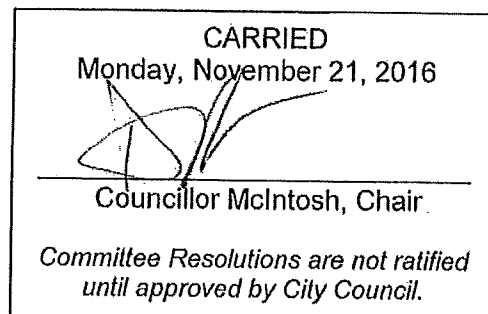
Date Monday November 21, 2016

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "I", Institutional to "R2-2", Low Density Residential on those lands described as PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim, subject to the following condition:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City lands sufficient for cul-de-sac Arvo Avenue and a 6 m wide walkway block between Holland Road and Arvo Avenue along with any required easements and also agree to enter into a future servicing agreement for the construction of Arvo Avenue cul-de-sac and related services to the satisfaction of the General Manager of Infrastructure Services.

And that the servicing agreement shall provide that the owner construct the Arvo Avenue cul-de-sac at a rural standard and no upgrading of the existing portions of Arvo Avenue and Lamothe Streets abutting the subject lands to an urban standard shall be required.

Yea
Landy Altmann
Sizer
Lapierre
Jakubo
McIntosh



Request for Decision

Dalron Construction Ltd. - Application for rezoning in order to create seventeen (17) urban residential lots with single-detached, semi-detached and duplex dwellings as permitted uses, 1305 Holland Road, Sudbury

Presented To: Planning Committee
Presented: Monday, Nov 21, 2016
Report Date: Tuesday, Nov 01, 2016
Type: Public Hearings
File Number: 751-6/16-17

Resolution

THAT the City of Greater Sudbury approves the application by Dalron Construction Ltd. to amend Zoning By-law 2010-100Z to change the zoning classification from "I", Institutional to "R2-2", Low Density Residential Two in order to facilitate the creation of fifteen (15) urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses on those lands described as PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim, subject to the following condition:

1. That prior to the enactment of the amending by-law the owner shall enter into an agreement with the City of Greater Sudbury agreeing to transfer to the City Part 1 on Plan SR-845 being part of Arvo Avenue on Plan M-353 for the purposes of a municipal road and also agree to enter into a future servicing agreement for the construction of Arvo Avenue and related services.

Finance Implications

If approved, staff estimate approximately \$90,000 in taxation revenue based on the assumption of 15 single family dwelling units (and estimated assessed value of \$500,000 per unit) at the 2016 property tax rates.

In addition, this development would result in total development charges of approximately \$225,000 based on assumption of 15 single family dwelling units, as well as building permit fees of approximately \$75,000 based on an estimated construction/assessed value of all units and based on rates in effect as of this report.

STAFF REPORT

Applicant:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Nov 1, 16

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Nov 1, 16

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Nov 1, 16

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Nov 4, 16

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Nov 9, 16

Dalron Construction Ltd.

Location:

PIN 02119-0026, Parts 1 & 2, Plan SR-845, Lots 48 to 63, Plan M-353, Lot 1, Concession 6, Township of McKim (1305 Holland Road, Sudbury)

Site Description & Surrounding Land Uses:

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The lands have a total lot area of 1.23 ha (3.05 acres) with approximately 70.71 m (232 ft) of frontage on Lamothe Street and 283.16 m (929 ft) of frontage on Holland Road. The lands contain a vacant institutional building that was formerly used as an elementary school.

Surrounding uses are primarily urban residential in nature with the predominant built-form being that of single-detached dwellings. There is a more general mix of land uses to the south including both commercial and higher density urban residential uses along the Lasalle Boulevard corridor. There is also a public elementary school located to the south-west which is accessed from Roy Avenue.

Official Plan Conformity & Zoning By-law:

Official Plan

The subject lands are designated Living Area 1 in the Official Plan for the City of Greater Sudbury. Living Areas are primarily intended for housing and related uses that are seen as being compatible with residential neighbourhoods. Low density residential development in the Living Area 1 designation permits single-detached dwellings, semi-detached dwellings and duplexes to a maximum net residential density of 36 units per hectare.

Section 3.2.1(6) of the Official Plan outlines that in considering applications to rezone lands in the Living Area 1 designation, Council is to ensure amongst other matters that:

1. The site is suitable in terms of size and shape to accommodate the proposed density and building form;
2. The proposed development is compatible with the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas;
3. Adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
4. The impact of traffic on local streets is minimal.

Section 3.3 of the Official Plan encourages residential intensification as an effective means of ensuring the efficient use of land and infrastructure in the City. Opportunities for intensification are to be supported on lands:

1. That are no longer viable for the purpose for which they were intended, such as older industrial areas;
2. Where the present use is maintained but the addition of residential uses can be accomplished in a complementary manner;
3. That are vacant and/or underutilized within previously developed areas; and,
4. In fully-serviced Living Areas that could accommodate infill developments.

Any changes to the land use structure through intensification will be assessed so that the concerns of the community and the need to provide opportunities for residential intensification are balanced.

Section 4.4(5) of the Official Plan also permits the conversion of surplus institutional buildings or vacant institutional lands provided that the following criteria is considered:

1. The need for such lands or building for other public uses, and their long-term value to the community;
2. The compatibility of the proposed uses with surrounding land uses and the intent of the policies in the Official Plan with respect to the proposed uses; and,
3. For conversion to residential uses, the appropriateness of the proposed density.

Section 11.7 of the Official Plan addresses active transportation and the provision of sidewalks and access to other transportation linkages including transit stops, encouraging walking and providing safety for pedestrians. The Plan provides that on new and reconstructed roads, when feasible sidewalks are to be provided on at least one side of local roads.

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 provided later in this report.

Zoning By-law

The subject lands are zoned "I", Institutional under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The "I" Zone permits a cemetery, day care centre, institutional use, library, museum, park, private club, recreation and community centre and/or a restaurant and refreshment pavilion accessory to a park. The proposed creation of seventeen urban residential lots comprised of single-detached, semi-detached and duplex dwellings are not permitted uses in the "I" Zone.

Application:

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 "I", Institutional to "R2-2", Low Density Residential Two.

Proposal:

The application is intended to facilitate the creation of seventeen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses.

Departmental & Agency Circulation:

Building Services, Development Engineering, Drainage and Operations have advised that they have no concerns from their respective areas of interest. Roads, Traffic and Transportation have expressed concern with respect to eliminating the Arvo Avenue connection to Holland Road, as well as noting that Arvo Avenue and Lamothe Street should be urbanized as per the City's cost-sharing policy.

Public Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to landowners and tenants within a minimum of 120 m (400 ft) of the subject lands. 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 of the application prior to the public hearing. At the time of writing this report, no phone calls or written submissions with respect to this application have been received by the Planning Services Division.

Staff also understands that the applicant held a resident's meeting with an open house format at the former St. Andrew elementary school building which is located on the subject lands between 6:00 p.m. and 7:30 p.m. on September 14, 2016.

Planning Considerations:

Provincial Policy Statement

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that

decisions affecting land use planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. Settlement areas are to be the focus of growth and their vitality and regeneration is to be promoted. The community of Sudbury is an identified settlement area in the City's Official Plan and the addition of urban residential lots in this urban setting and location should be promoted;
2. Municipalities are required to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Forms of housing which meet social, health and well-being needs are to be encouraged. Staff is of the opinion that the proposed rezoning would positively contribute to and allow for additional housing options in the form of single-detached, semi-detached and duplex dwellings in this particular neighbourhood in Sudbury; and,
3. Intensification and redevelopment is generally to be directed to appropriate locations where the wise use and management of infrastructure and other resources can be achieved. Staff notes the subject lands can be fully serviced with municipal infrastructure that is available in the area and further that the lands are currently underutilized as a vacant and former elementary school building. The opportunity for intensification as proposed by the applicant in this particular location is viewed as being appropriate.

Official Plan

With respect to Living Area 1 policies, staff has the following comments:

1. The development proposal for seventeen urban residential lots would result in a residential density of approximately 14 units per hectare, which is in keeping with the policies for low density residential development. If each lot were to contain two residential dwelling units it would result in a residential density of approximately 28 units per hectare which is also in keeping with the low density residential development policies of the Living Area 1 designation. It is noted that later in this report staff is recommending that Arvo Avenue be extended to Holland Road, potentially reducing the number of lots from 17 to 15;
2. Staff is satisfied that the lots as depicted on the submitted sketch are generally suitable for low density residential development in terms of the size and shape of the lots being proposed from a density and built-form perspective;
3. Staff is satisfied that the development proposal is generally compatible with surrounding low density residential neighbourhood that exists along Arvo Avenue, Lamothe Street and Holland Road. The lots as proposed are appropriate in this setting from a scale, massing, height, siting, setbacks and parking and amenity area land use planning perspective;
4. Staff is of the opinion that adequate on-site parking can be provided on each of the lots being proposed. Staff has no concerns with lighting or the ability to provide appropriate landscaping and outdoor amenity areas on the lots should the rezoning be approved; and,
5. Staff does not anticipate any negative impact on surrounding local streets such as Arvo Avenue, Lamothe Street or Holland Road should the rezoning be approved to facilitate additional urban residential lots in this neighbourhood.

With respect to residential intensification policies in the Official Plan, staff is supportive of intensification in this location and has the following comments:

1. The lands are no longer used as an elementary school and are presently vacant and underutilized. There is no demonstrated need for these lands to continue to be used as a school and alternative land uses in this location should be promoted;
2. Staff notes that Development Engineering has indicated that the lands are currently serviced with full municipal water and sewer infrastructure. No extension of municipal infrastructure is proposed; and,
3. Staff is satisfied that the intensification proposed is balanced against the character and needs of the

local area as it would take the form of single-detached, semi-detached and duplex dwellings which are appropriate and compatible built-forms in this particular residential neighbourhood.

With respect to policies addressing the conversion of surplus institutional lands in the Official Plan, staff is supportive of the proposed conversion and has the following comments:

1. Following the Sudbury Catholic District School Board closing St. Andrew's school, the City received a letter from the School Board in June 2015 inquiring as to whether the City was interested in purchasing the property. At the Council meeting of November 24, 2015, Council approved a motion to defer the matter without further debate for one year. The City's rights as a preferred agent with the School Board subsequently expired and the property was sold to a private party.
2. The proposed conversion to urban residential dwelling lots is viewed as being compatible and in keeping with the existing residential character of the surrounding neighbourhood along Arvo Avenue, Lamothe Street and Holland Road. Staff is of the opinion however that Arvo Avenue should be extended as originally planned and shown on Plan M-353, extending to Holland Road. The development proposal is also in keeping with the general intent of the Living Area 1 policies in the Official Plan; and,
3. Staff is of the opinion that the proposed conversion to urban residential lots would yield an appropriate residential density given the context of the area.

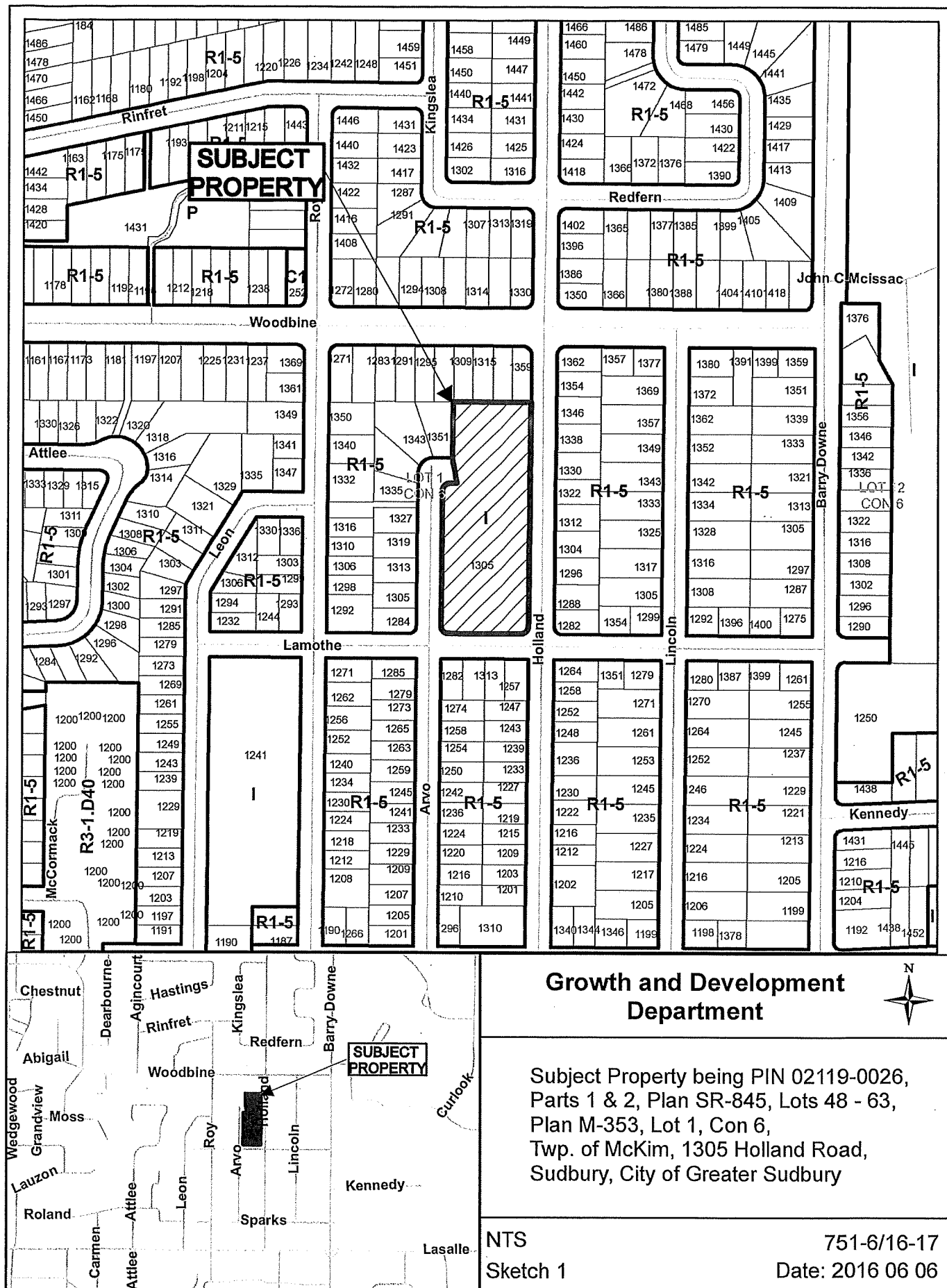
Zoning By-law

The applicant is requesting that the subject lands be rezoned from "I", Institutional to "R2-2", Low Density Residential Two in order to facilitate the creation of seventeen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses. Staff has reviewed the request and has no concerns with the requested zone category, but would advise that the Arvo Avenue connection be made through to Holland Road in order to provide greater connectivity to the surrounding road network consistent with the intended road network in the area. Roads, Traffic and Transportation have also recommended that this connection be made noting concerns with respect to snow removal as well as highlighting that the intended secondary access from Arvo Avenue to Holland Road be maintained. A condition has been included requiring that the owner agree to transfer to the City lands for the extension of Arvo Avenue connecting to Holland Road.

Summary:

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 consistent with the land use planning policy directions identified in PPS. The development of fifteen urban residential lots in this location generally represents good land use planning provided that the Arvo Avenue connection is made to Holland Road and offers an opportunity to provide for appropriate residential intensification while at the same time improving the mix of housing options in the area.

The Planning Services Division therefore recommends that the subject lands be rezoned accordingly in order to facilitate the creation of fifteen urban residential lots allowing for single-detached, semi-detached and duplex dwellings as permitted uses be approved.



SR-845

SR-845

PLAN-SR-845

APPROVED JULY 13TH 1965
DUPLICATE*D. W. Endleman*
ASSOC. EXAMINER OF SURVEYS

REGISTERED UNDER No. _____

RECORDED _____

LOCAL MASTER OF TITLES

PART 1 BEING PART OF PCL
PART 2 BEING PART OF PCL 16894 S.E.S.

5-851

NOTE

ALL BEARINGS SHOWN HEREON ARE ASSUMED AND DERIVED FROM THE BEARING OF $N0^{\circ}33'30''E$ FOR THE WEST LIMIT OF HOLLAND ROAD (FORMERLY HAROLD AVE) AS SHOWN ON REG'D PLAN M-353 OF RECORD IN THE OFFICE OF LAND TITLES AT SUDBURY.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY

- 1) THAT THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
- 2) THAT I WAS PRESENT AT AND DID PERSONALLY SUPERVISE THE SURVEY REPRESENTED BY THIS PLAN;
- 3) THAT THIS PLAN CONTAINS A TRUE COPY OF THE FIELD NOTES OF SURVEY;
- 4) THAT THE SURVEY WAS COMPLETED ON THE 3RD DAY OF JUNE, 1965

JUNE 7, 1965
DATE*D. W. Endleman*
D. W. ENDLEMAN O.L.S.

LEGEND

- S.I.B. DENOTES 1" x 1" x 48" LONG IRON BAR.
- S.S.I.B. DENOTES 1" x 1" x 24" LONG IRON BAR.
- I.B. DENOTES 1/2" x 1/2" x 24" LONG IRON BAR.
- R.B. DENOTES 1" x 1" x 6" LONG IRON BAR IN ROCK.
- W.S. DENOTES 2" x 2" x 24" LONG WOOD STAKE.
- C.M. DENOTES CONCRETE MONUMENT.
- I.P. DENOTES IRON PIPE.
- x C.C. DENOTES CUT CROSS.
- FD. DENOTES MONUMENT FOUND.
- PL. DENOTES MONUMENT PLANTED.
- (P & M) DENOTES PLAN AND MEASURED.

PLAN OF SURVEY OF PART OF

ARVO AVENUE AND PART OF LOT 50
REG'D PLAN M-353CITY OF SUDBURY
DISTRICT OF SUDBURY

DATE JUNE 7, 1965

SCALE
1" = 40'REF. No.
(5)-M-353-M^{CK}M

D. W. ENDLEMAN

ONTARIO LAND SURVEYOR - PROFESSIONAL ENGINEER
172 ELM ST. W. SUDBURY, ONTARIO

65-198 EAL

WOODBINE AVENUE
(FORMERLY RITA ST.)PART 1
ARVO AVENUE

REG'D PLAN M-353

LAMOthe STREET

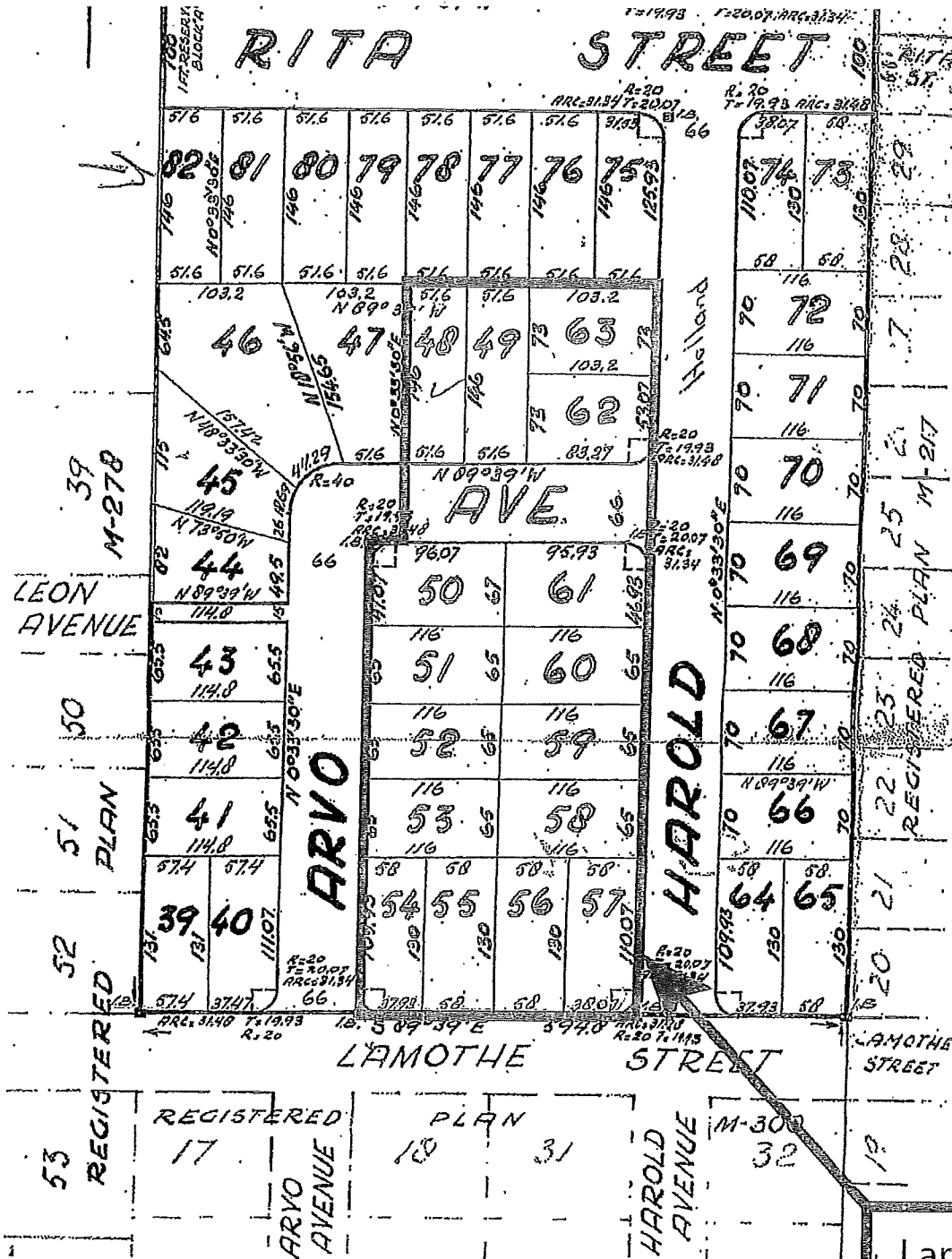
HOLLAND ROAD
(FORMERLY HAROLD AVE)

R = 20.0
A = 31.34 (CALC.)
A = 31.48 (PLAN)
CH = 29.23
N45°27'15"E

R = 20.0
A = 31.48 (CALC.)
A = 31.34 (PLAN)
CH = 28.54
N44°32'45"W

R = 20.0
A = 31.34 (CALC.)
A = 31.48 (PLAN)
CH = 28.23
N45°27'15"E

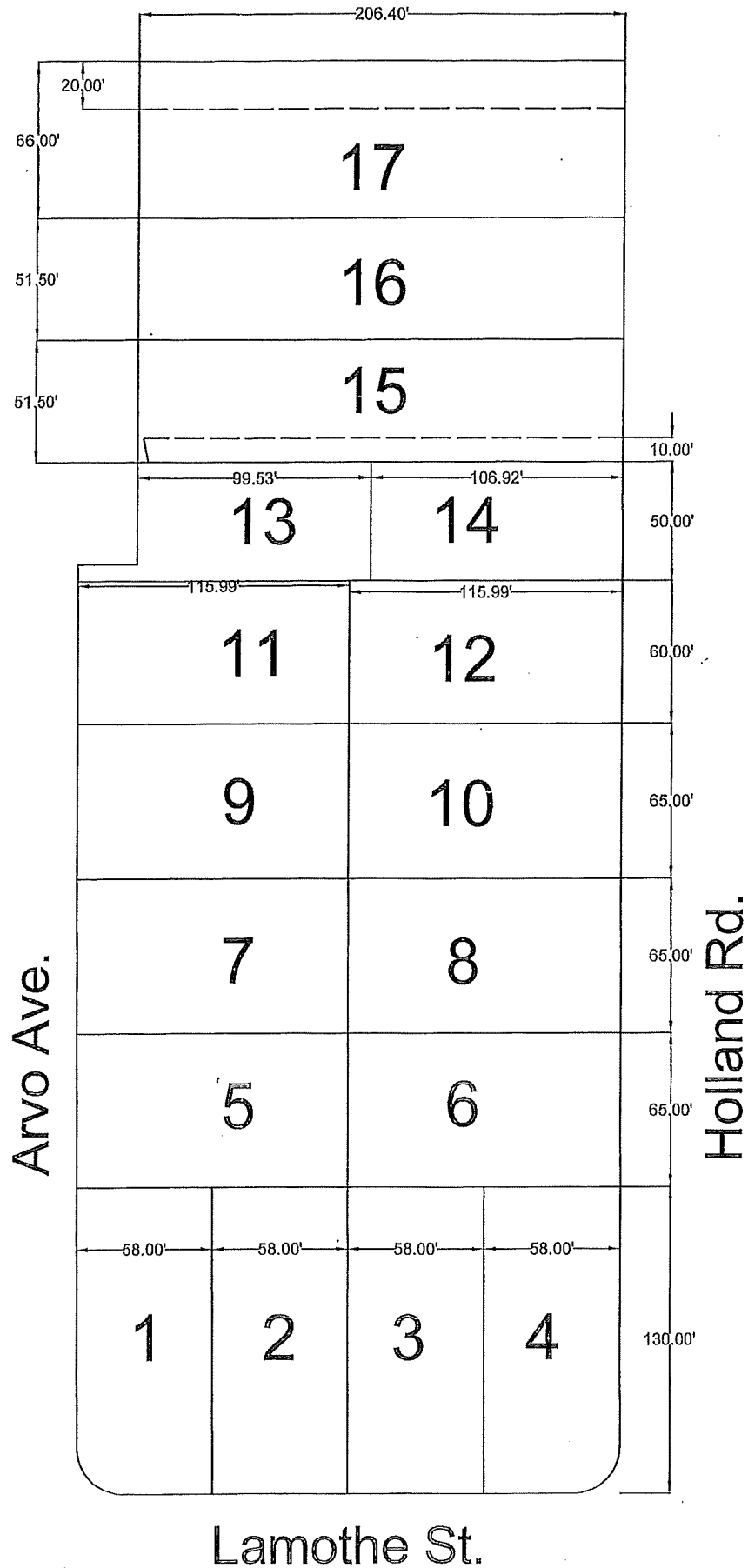
LOTTING PATTERN IN CURRENT
REGISTERED PLAN M-353



I hereby certify that this is a duplicate of a Plan which was duly filed in the Office of Land Titles at Sudbury and entered at Larce 18840 Sudbury East. Section is Plan M-353 on the 26th day of April A.D. 1954.

Lands to be
rezoned
R2-2

APPLICANT'S PROPOSED LOTTING CONFIGURATION



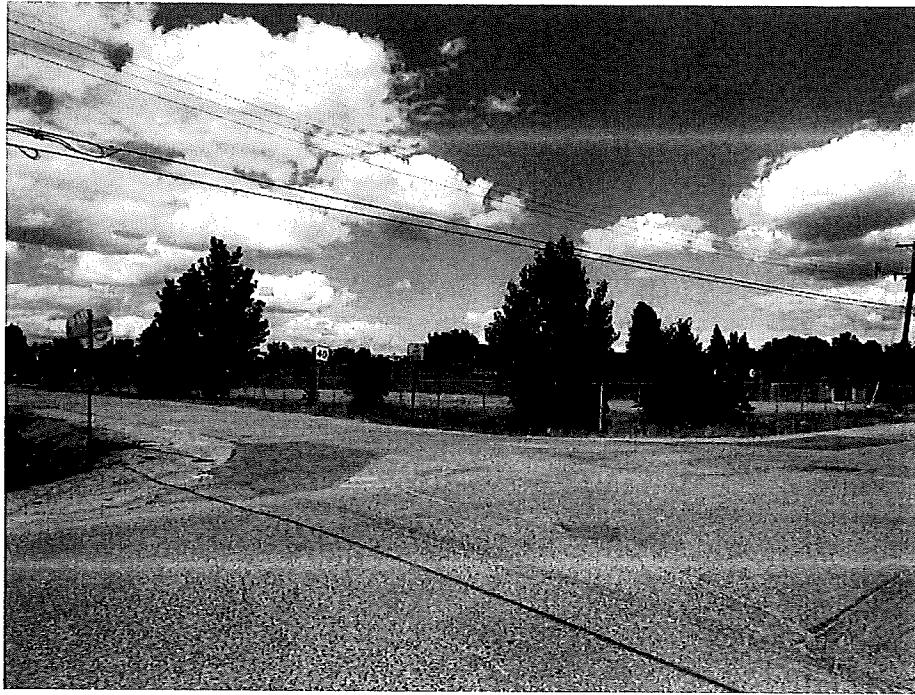


PHOTO 1 SUBJECT LANDS AS VIEWED FROM LAMOTHE STREET
LOOKING NORTH EAST

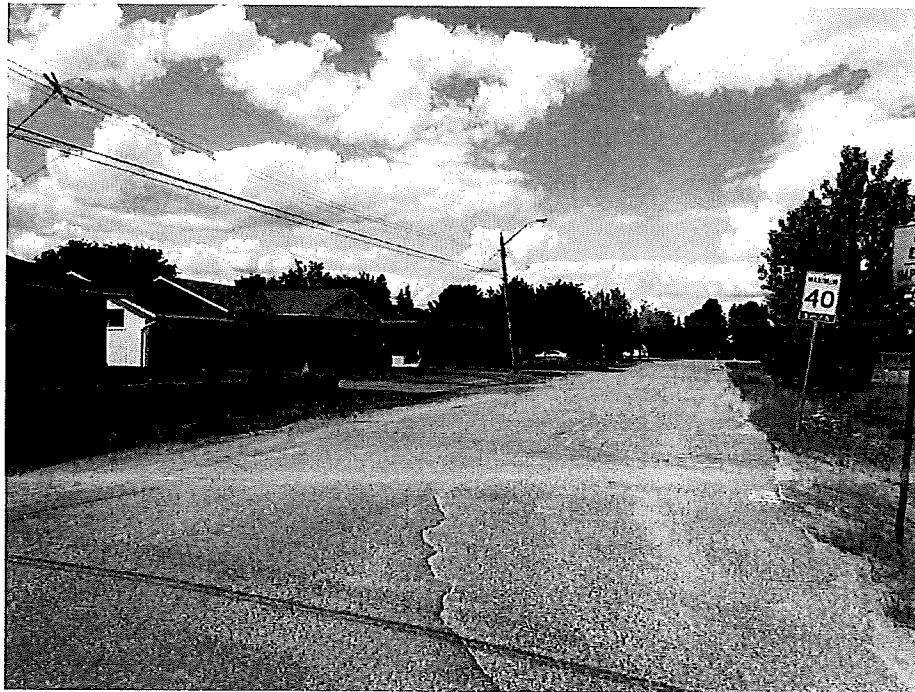


PHOTO 2 EXISTING SINGLE DETACHED DWELLINGS AS VIEWED
FROM ARVO AVENUE LOOKING NORTH

751-6/16-17 PHOTOGRAPHY JUNE 28, 2016



PHOTO 3 EXISTING SINGLE DETACHED DWELLINGS AS VIEWED
FROM HOLLAND AVENUE LOOKING NORTH

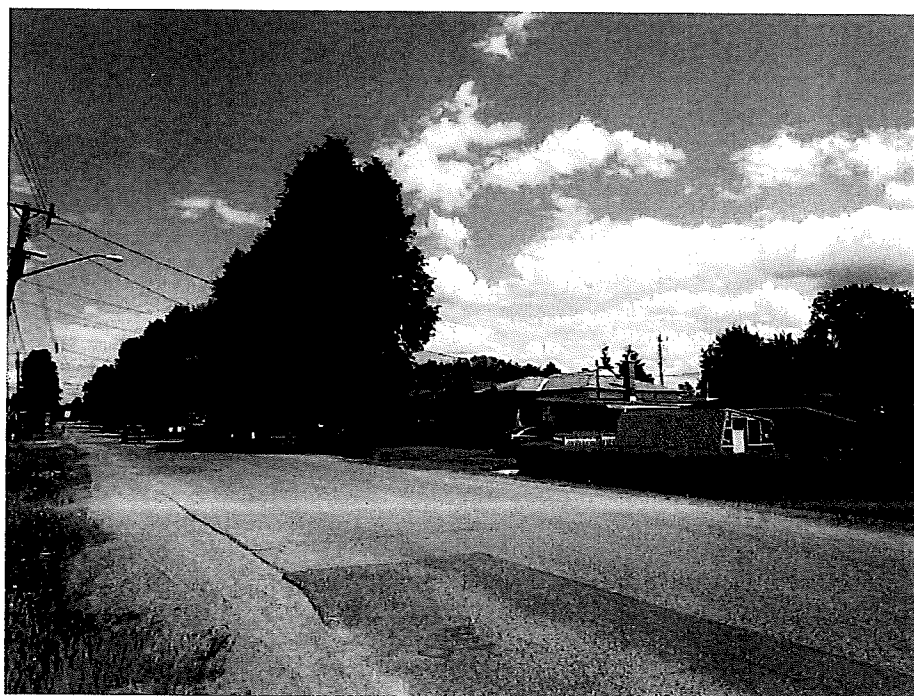


PHOTO 4 EXISTING SINGLE DETACHED DWELLINGS TO THE SOUTH
OF THE SUBJECT LANDS AS VIEWED FROM LAMOTHE STREET

751-6/16-17 PHOTOGRAPHY JUNE 28, 2016

Bill 73 Requirements

Regarding Resolution No. PL2016-184

Date November 21, 2016

Public Hearing No. 1.

Option 1:

- ☐ As no public comment, written or oral, has been received, there was no effect on the Planning Committee's decision.

Option 2:

- ☐ Public comment has been received and considered and had no effect on Planning Committee's decision as the application represents good planning.

Option 3:

- ☒ Public comment has been received and considered and has effected Planning Committee's decision in the following manner:


a) Letters asked Arvo be not desoicid
and the committee agreed

b) _____

c) _____

d) _____

e) _____



Councillor McIntosh, Chair