

## Request for Decision

**Rheal Belanger – Request to extend a conditional approval on a rezoning application, 3171 & 3181 Highway #144, Chelmsford**

Presented To:	Planning Committee
Presented:	Monday, Jan 08, 2018
Report Date	Monday, Dec 04, 2017
Type:	Routine Management Reports
File Number:	751-5/14-7

### Resolution

THAT the City of Greater Sudbury approves the application by Rheal Belanger to extend the approval of a Zoning By-law Amendment Application, File # 751-5/14-7, on those lands described as Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour, for a period of one year until November 4, 2018, as outlined in the report entitled “Rheal Belanger” from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 8, 2018.

### 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 facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until November 4, 2018.

### Financial Implications

If approved, staff estimates approximately \$17,900 in taxation revenue, based on the assumption of four single family dwellings and based on an estimated assessed value of \$400,000 per dwelling unit at the 2017

#### Signed By

**Report Prepared By**

Glen Ferguson  
Senior Planner  
*Digitally Signed Dec 4, 17*

**Manager Review**

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Dec 4, 17*

**Recommended by the Division**

Jason Ferrigan  
Director of Planning Services  
*Digitally Signed Dec 4, 17*

**Financial Implications**

Apryl Lukezic  
Co-ordinator of Budgets  
*Digitally Signed Dec 13, 17*

**Recommended by the Department**

Tony Cecutti  
General Manager of Growth and Infrastructure  
*Digitally Signed Dec 14, 17*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Dec 15, 17*

property tax rates.

In addition, this would result in total development charges of approximately \$64,600 based on assumption of four single family dwellings and based on the rates in effect as of the date of this report.

**Date: December 1, 2017**

## **STAFF REPORT**

### **Applicant:**

Rheal Belanger

### **Location:**

Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour (3171 & 3181 Highway #144, Chelmsford)

### **Application:**

The original application for rezoning for which an extension is being applied for 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 "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion.

### **Proposal:**

Staff received a letter from the owner dated October 25, 2017, requesting that the rezoning approval be extended for an additional one year until November 4, 2018. The owner has advised that they continue to work on the conditions of approval that were ratified by Council initially on November 4, 2014. There has been one previous extension to the rezoning approval, which was ratified by Council on January 24, 2017. The rezoning once completed would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford.

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the south side of Highway #144 and extend in behind the rear of those dwelling lots which front Bathurst Street and Leonard Street in Chelmsford. The entire property which the subject lands form part of has a total lot area of approximately 26.31 ha (65 acres) with approximately 80 m (262.47 ft) of frontage onto Highway #144. The lands presently contain two single-detached dwellings with accessory buildings which are accessed via an existing shared driveway onto Highway #144. The new dwelling lots which would front Bathurst Street (Area C) and Leonard Street (Area D) are vacant. The applicant has also indicated that the balance of the lands to the south is to be merged with the parcel to the south zoned "M5", Extractive Industrial and is known municipally as 10 Bradley Avenue.

Surrounding uses are predominantly residential in nature with a general mix of both urban residential and rural residential lots. Urban residential lots exist in the immediate area along Aurore Avenue, Leonard Street, Bathurst Street and further to the east in the urban community of Chelmsford. Larger rural residential lots exist to the west outside of the urban area. There are also several commercial and industrial uses located along Highway #144.

**Date: December 1, 2017**

**Planning Considerations:**

The application for rezoning was originally approved by Planning Committee through recommendation PL2014-205 on November 3, 2014 and ratified by Council on November 4, 2014. The approval was conditional upon the owner providing a registered survey of the lands to be rezoned in order to allow for the preparation of an amending zoning by-law.

The agent for the owner has indicated that they continue to work toward providing a registered survey to the satisfaction of the Planning Services Division. Staff has reviewed the request and has no concerns with a further one year extension at this time.

**Summary:**

The owner has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway #144 in Chelmsford. The rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division in order to allow for the preparation of an amending zoning by-law. Staff is supportive of and recommends approval of the request to further extend the rezoning approval as it pertains to the subject lands for a period of one year until November 4, 2018.

## Request for Decision

**Application for rezoning in order to permit the development of four (4) single-detached dwelling lots, Highway 144, Bathurst Street & Leonard Street, Chelmsford – Rheal Belanger**

Presented To: Planning Committee

Presented: Monday, Nov 03, 2014

Report Date Friday, Oct 17, 2014

Type: Public Hearings

File Number: 751-5/14-7

### Recommendation

THAT the City of Greater Sudbury approve the application by Rheal Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion of those lands described as Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour subject to the following conditions:

1. That prior to the enactment of the amending by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow the preparation of the by-law; and,
2. That the amending by-law contain the following site-specific provisions to the "R1-5" zone standards:
  - a) A Minimum Setback for a dwelling on Areas A, B and C of 150 metres from the Sewage Plant tanks located on Part 1, Plan 53R-4758;
  - b) A Minimum Interior Side Yard (Area D) of 26 metres from the easterly lot line; and,
  - c) Alterations to the "R1-5(6)" Zone with respect to minimum lot areas and frontage for Areas A and B be recognized based on a registered survey plan provided to the Planning Services Division to the satisfaction of the Director of Planning Services.

### STAFF REPORT

**Applicant:**

#### Signed By

##### Report Prepared By

Glen Ferguson  
Senior Planner  
*Digitally Signed Oct 17, 14*

##### Reviewed By

Eric Taylor  
Manager of Development Approvals  
*Digitally Signed Oct 17, 14*

##### Recommended by the Division

Mark Simeoni  
Acting Director of Planning Services  
*Digitally Signed Oct 17, 14*

##### Recommended by the Department

Paul Baskcomb  
Acting General Manager of Growth & Development  
*Digitally Signed Oct 17, 14*

##### Recommended by the C.A.O.

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Oct 20, 14*

Rheal Belanger

**Location:**

Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour (Highway 144, Chelmsford)

**Application:**

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification on portions of the subject lands from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion of the subject lands.

**Proposal:**

The application is intended to facilitate the creation of two urban residential dwelling lots fronting Leonard Street and two urban residential dwelling lots fronting Highway 144 in Chelmsford.

**Official Plan Conformity:**

The subject lands are located at the boundary of the Living Area 1, Rural and Parks and Open Space designation in the Official Plan for the City of Greater of Sudbury. Section 20.9 of the Official Plan provides that boundary designations on the map are to be considered as general guidelines only, except where such areas or boundaries coincide with existing roads, rail-ways, rivers, waterbodies and other defined features. The Official Plan also permits minor adjustments without a formal amendment, through the passing of by-laws provided the general purpose and intent of the Plan is maintained. Planning staff are satisfied that the subject lands can be considered as being within the Living Area 1 designation.

Living Area 1 includes urbanized communities that are fully serviced and are the primary focus of residential development in the City. Low density, medium density and high density residential development is permitted in the Living Area 1 designation subject to densities of 36 units/ha, 90 units/ha and 150 units/ha respectively.

Section 3.2.1 of the Official Plan outlines policies for considering applications to rezone lands situated within Living Area 1. These considerations are as follows:

1. That the site is suitable in terms of size and shape to accommodate the proposed density and form;
2. That 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. That adequate on-site parking, lighting, landscaping and amenity areas are provided; and,
4. That the impact of traffic on local streets is minimal.

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.

**Site Description & Surrounding Land Uses:**

The subject lands are located on the south side of Highway 144 and extend in behind the rear of those dwelling lots which front Bathurst Street and Leonard Street in Chelmsford. The entire property which the subject lands form part of has a total lot area of approximately 26.31 ha (65 acres) with approximately 80m (262.47 ft) of frontage onto Highway 144. The lands presently contain two single-detached dwellings with accessory buildings which are accessed via an existing shared driveway onto Highway 144. The new dwelling lots which would front Bathurst Street (Area C) and Leonard Street (Area D) are vacant. The applicant has also indicated that the balance of the lands to the south is to be merged with the parcel to the south zoned "M5", Extractive Industrial and is known municipally as 10 Bradley Avenue.

Surrounding uses are predominantly residential in nature with a general mix of both urban residential and rural residential lots. Urban residential lots exist in the immediate area along Aurore Avenue, Leonard Street, Bathurst Street and further to the east in the urban community of Chelmsford. Larger rural residential lots exist to the west outside of the urban area. There are also several commercial and industrial uses located along Highway 144.

### **Departmental & Agency Comments:**

#### Building Services

No concerns.

#### Development Engineering

No objections. Municipal water and sanitary sewer are available along Highway 144. The properties fronting on Highway 144 (areas A and B) appear to be serviced jointly with municipal water and sanitary sewer. Each property is to be serviced individually to Highway 144. Municipal water and sanitary sewer are available along Aurore Drive, Leonard Street and Bathurst Street; proposed areas C and D are to be connected to municipal services at the cost of the owner.

One foot reserves are in place at the entrance to areas C and D (Blocks A and B, Plan M-421). The owner must request that the one foot reserves be released by the City. The owner is responsible for ensuring that the one foot reserves are acquired prior to the consent process.

#### Drainage

No concerns.

#### Leisure Services

No comments.

#### Ministry of Transportation

The applicant is advised that access to the two lots fronting Highway 144 will be restricted to the existing shared entrance. The Ministry of Transportation (MTO) will require that proper easements be registered on all resulting deeds and shown as blocks on the reference plan to ensure continuous rights of access exist for both lots. The MTO will require draft copies of the transfer documents and that the plan be submitted for review and approval prior to registration.

Also, since all lots are located within the MTO's area of permit control, MTO building/land use permits will be required for any proposed buildings, septic systems, wells, etc. located within 46 metres of the MTO right-of-way (ROW) limits or within a 395 metre radius of intersections. New buildings, septic systems, etc. must be setback a minimum of 8 metres from the limits of the MTO ROW.

An MTO entrance permit will also be required to reflect any changes in land ownership or to reflect the "shared" status of the entrance.

#### Nickel District Conservation Authority

While we do not oppose the application, we wish to advise that Area C is partially in a designated floodplain as well as the remainder. Any development on these areas will require the approval of the NDCA.

#### Operations

No concerns.

#### Roads, Traffic and Transportation

While we are not opposed to the application, the creation of the lot at the west end of Leonard Street will result in the need to share a portion of the existing driveway to 434 Aurore Drive.

#### **Public Consultation:**

The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing. At the time of writing this report, phone calls seeking clarification on the proposal and no written submission regarding the application have been received by the Planning Services Division.

#### **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 planning matters are consistent with the Provincial Policy Statement (PPS). The proposed rezoning is consistent with the PPS for the following reasons:

1. New development is to be directed toward existing settlement areas. The subject development proposal seeks to create a total of four single-detached dwelling lots within the existing fully serviced settlement area of Chelmsford. The development proposal is therefore consistent with PPS policy with respect to focusing and encouraging new development within existing settlement areas.
2. Municipalities are generally encouraged to support land use patterns having a mix of densities and land uses within a settlement area. Staff is satisfied that the proposed development will make efficient use of a large and presently under-utilized parcel of urban residential land. The development as proposed will not negatively impact the intended mix of varying residential densities and built forms in the Chelmsford settlement area.
3. Municipalities are encouraged to avoid unjustified or uneconomical expansion of infrastructure. Staff



notes that the subject development proposal will make use of existing infrastructure and services that are available along the Highway 144, Bathurst Street and Leonard Street frontages. No new infrastructure is required to be constructed in order to service the resulting four single-detached dwelling lots. The development proposal is therefore consistent with PPS policy with respect to avoiding unjustified or uneconomical expansion of infrastructure.

4. Municipalities are generally required to direct development away from lands which present natural hazards, such as designated flood-plains. Staff notes that while the subject lands do contain designated flood-plains, the existing dwellings on Areas A and B are outside of the designated flood-plain and a total of approximately 3,500 m<sup>2</sup> (37,674.92 ft<sup>2</sup>) are located outside of the designated flood-plain in Area C. Staff is satisfied that the resulting lot fabric will provide for sufficient area to construct buildings which are outside of the designated flood-plain and development can be appropriately situated away from any natural hazards on the lands.

#### Official Plan

Staff has reviewed the applicable policies with respect to rezoning lands that are within the Living Area 1 designation. Staff is generally supportive of the development proposal from an Official Plan policy perspective and would note the following:

##### *1) Living Area 1 – Density & Built Form Policies*

The proposed new lots would accommodate a total of four single-detached dwelling lots and is considered to be low density development. Staff is satisfied that the development proposal conforms to density and built form policies within the Living Area 1 designation.

##### *2) Living Area 1 – Rezoning Policies*

- a) Staff is satisfied that the proposed lots are suitable in terms of size and shape to accommodate single-detached dwelling development. Each of the proposed lots would comply with minimum lot area, lot frontage and lot depth requirements of the proposed R1-5 and R1-5(S) Zones. The density being proposed also complies with low density residential policies within the Living Area 1 designation;
- b) Staff is satisfied that the resulting four lots can be developed in a generally compatible manner with respect to the surrounding neighbourhood in terms of scale, massing, height, siting, setbacks and the location of parking and amenity areas. The lots along Leonard Street and Bathurst Street are similar in size and depth to what already exists today. The single-detached dwellings that are to be constructed on the lots fronting Leonard Street and Bathurst Street should comply with all height, yard setbacks and parking/amenity area requirements under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to properly fit with the character of the residential neighbourhood;
- c) Staff is satisfied that the resulting single-detached dwelling lots are of sufficient size and configured in a manner that will facilitate adequate on-site parking, open space landscaping and amenity areas; and,
- d) Staff does not expect the introduction of the two single-detached dwelling lots along Leonard Street and Bathurst Street will significantly impact traffic on these local streets. The two single-detached dwelling lots which front Highway 144 exist currently and the creation of these lots are technical in nature as they have merged under the same ownership.

## Zoning By-law

The applicant has requested that the two lots along Leonard Street and Bathurst Street be rezoned to "R1-5", Low Density Residential One under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. The R1-5 Zone generally requires minimum lot areas of 465m<sup>2</sup> (5,005.38 ft<sup>2</sup>) with minimum lot frontages of 15 m (50 ft) and lot depths of 30 m (100 ft). The two lots along Leonard Street and Bathurst Street would appear to comply with these requirements. Staff has noted the following matters which should be included in the amending by-law:

1. Any single-detached dwelling lot that is to be constructed on Area C on the submitted sketch must maintain a minimum 150 m (492.13 ft) from the tanks of the sewage treatment plant to the east of the Whitson River in accordance with the Ministry of Environment D-2 Guidelines. Staff has reviewed this requirement and it would appear possible to locate a dwelling on this proposed lot in such a manner as the westerly boundary of Area C is approximately 230 m (754.59 ft) from the treatment plant. The existing dwellings on Areas A and B are approximately 190 m (623.36 ft) and 210 m (688.98 ft) from the treatment plant; and,
2. The single-detached dwelling lot described as Area D on the submitted sketch should be setback 26 m (85.30 ft) from the easterly lot line in order to facilitate the possible extension of Aurore Drive in the future.

The applicant is also requesting that the existing R1-5(6) Zone which contains the two lots containing existing dwellings and fronting Highway 144 be amended in order to properly recognize the lot area and frontages. Staff anticipates that the required survey plan will resolve the proper dimensions of these two lots on Highway 144. The amending by-law will include these dimensions where required. Staff has no concerns with the proposed zone classifications.

Staff notes that the remainder of the subject lands to the south which are zoned RU(27) are to be consolidated with those lands zoned M5 to the south described as PIN 73350-0043 and known municipally as 10 Bradley Road. Staff has no objections with respect to the proposed lot consolidation as the remaining lands would establish lot frontage onto Bradley Road once consolidated.

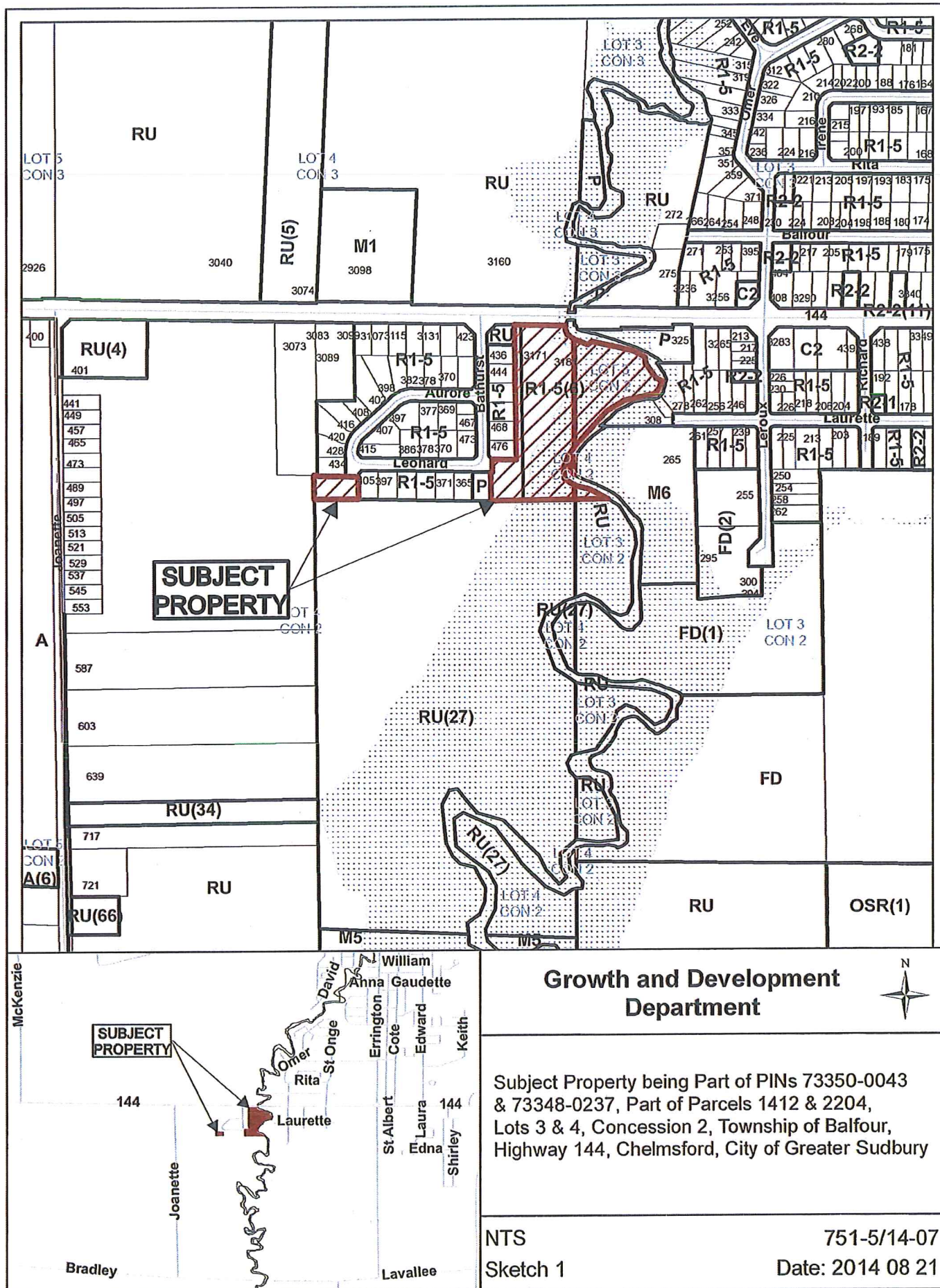
## Consent Applications

At the time of writing this report, staff are not in receipt of the consent applications that will be required in order to facilitate the creation of the four single-detached dwelling lots and the lot consolidation with 10 Bradley Road. It is noted that a number of agencies and departments have submitted comments which are to be addressed by the applicant during the consent process. In particular, Development Engineering has noted that one foot reserves are in place at the entrance to areas C and D (Blocks A and B, Plan M-421). The owner must request that the one foot reserves be released by the City. The owner is responsible for ensuring that the one foot reserves are acquired prior to the consent process. MTO, NDCA and Roads, Traffic and Transportation concerns are also to be addressed as conditions of consent where appropriate.

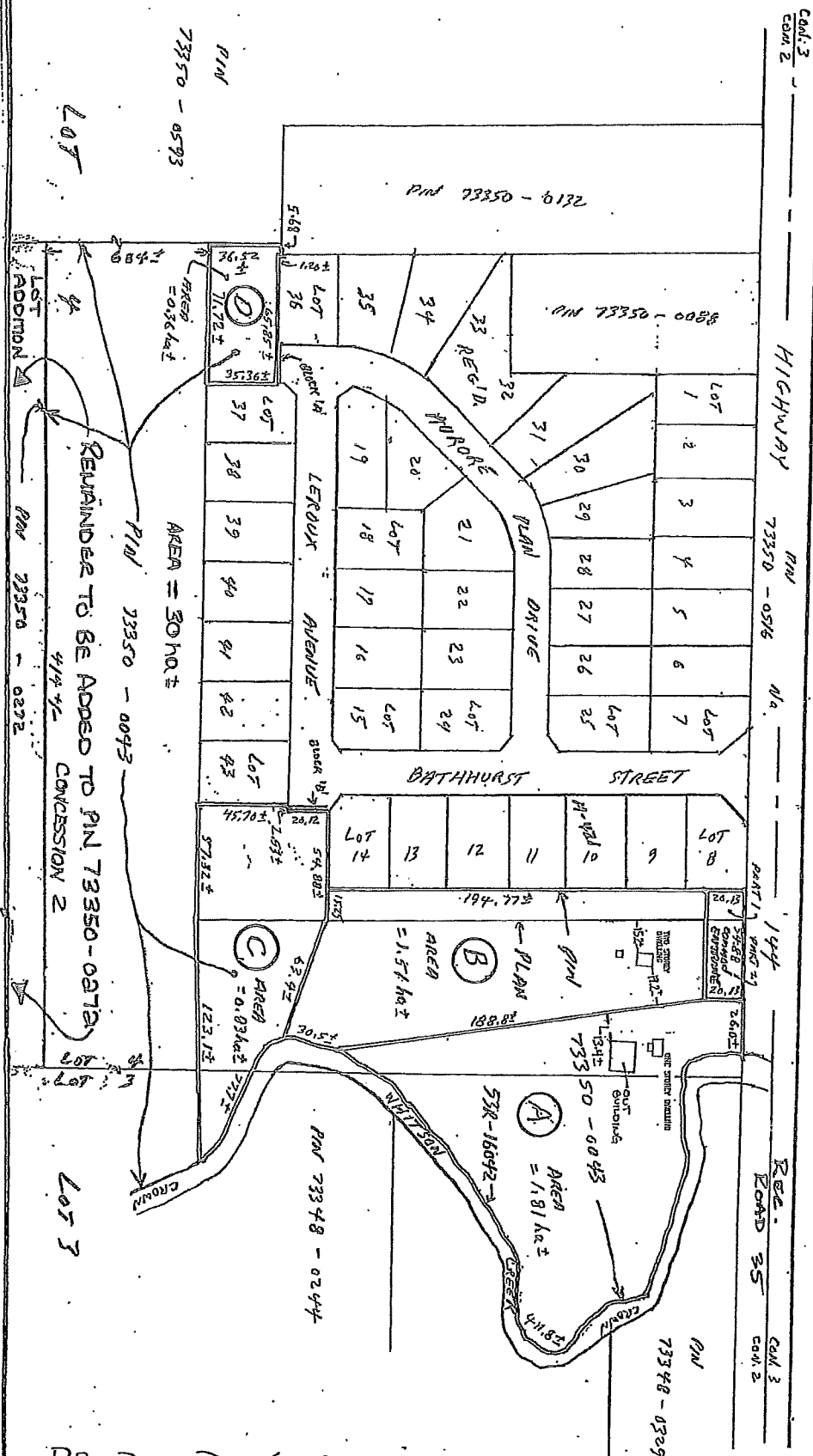
## Summary

Staff has reviewed the development proposal and is satisfied that it conforms to the Official Plan for the City of Greater Sudbury, as well as the PPS. The development proposal to create a total of four single-detached dwelling lots on the lands represents good land use planning. Staff has also noted that there are a number of issues which are to be addressed by the applicant during the consent process. The Planning Services

Division is therefore recommending that the application to rezone the lands be approved subject to the conditions noted in the recommendation section of this report.



# LOT 4, Concession 3 TOWNSHIP OF BALFOUR



PROPOSED SEVERANCES

REQUIRED SKETCH

SCALE: 1:2500 METRIC

D.S. DORLAND LTD. FILE: 16915





PHOTO 1 EXISTING SINGLE DETACHED DWELLINGS FRONTING  
HIGHWAY 144 LOOKING SOUTH (AREAS A & B ON  
SUBMITTED SKETCH)



PHOTO 2 PROPOSED SINGLE DETACHED DWELLING LOT AT  
BATHURST STREET AND LEONARD STREET LOOKING  
SOUTH (AREA C ON SUBMITTED SKETCH)

751-5/14-7 PHOTOGRAPHY OCT 7, 2014



PHOTO 3 PROPOSED SINGLE DETACHED DWELLING LOT AT THE  
CORNER OF AURORE DRIVE AND LEONARD STREET  
LOOKING SOUTHWEST (AREA D ON SUBMITTED SKETCH)



PHOTO 4 EXISTING SINGLE DETACHED DWELLING TO THE NORTH  
OF PROPOSED LOT (AREA C)





PHOTO 5 EXISTING PLAYGROUND TO THE WEST OF PROPOSED LOT (AREA C)



PHOTO 6 EXISTING SINGLE DETACHED DWELLING LOCATED TO THE NORTH OF PROPOSED LOT (AREA D)

751-5/14-7 PHOTOGRAPHY OCT 7, 2014



File: 751-5/14-07  
Highway 144,  
Chelmsford





## **MINUTES – NOVEMBER 3, 2014**

### **APPLICATION FOR REZONING IN ORDER TO PERMIT THE DEVELOPMENT OF FOUR (4) SINGLE-DETACHED DWELLING LOTS, HIGHWAY 144, BATHURST STREET & LEONARD STREET, CHELMSFORD – RHEAL BELANGER**

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

Report dated October 17, 2014 was received from the Acting General Manager of Growth and Development regarding an application for rezoning in order to permit the development of four (4) single-detached dwelling lots, Highway 144, Bathurst Street & Leonard Street, Chelmsford – Rheal Belanger.

Dave Dorland, agent for the applicant, was present.

The Manager of Development Approvals outlined the application to the Committee.

Mr. Dorland stated that his client is satisfied with the report with the exception of the 26 metre setback requirement. He believes that it is not necessary to have the house set back away from the street. He understands the requirement is for future street development but feels that it is an unnecessary constraint and requested the requirement be eliminated from the recommendation.

The Manager of Development Approvals explained the lands south of the property are designated rural and are located outside the Urban Expansion area. He stated the requirement for the set back is for the future extension of the street system.

Mr. Dorland stated that his client has sold the lot and feels that the house should face north, as the other homes on the street do. He stated that he understands the need to be able to extend the road in the future but believes the set back requirement will compromise the opportunity to develop the land if the home is built to the rear of the property.

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 recommendation was presented:

PL2014-205 Craig/Dutrisac: THAT the City of Greater Sudbury approve the application by Rheal Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU(27)", Rural Special and "R1-5(6)", Low Density Residential One Special to "R1-5", Low Density Residential One and to amend the existing "R1-5(6)", Low Density Residential One Special on the north-easterly portion of those lands described as Part of PINs 73350-0043 & 73348-0237, Part of Parcels 1412 & 2204, Lots 3 & 4, Concession 2, Township of Balfour subject to the following conditions:

1. That prior to the enactment of the amending by-law the owner shall submit to the Planning Services Division a registered survey of the lands to be rezoned in order to allow the preparation of the by-law; and,

2. That the amending by-law contain the following site-specific provisions to the "R1-5" zone standards:
- a) Minimum Setback for a dwelling on Areas A, B and C of 150 metres from the Sewage Plant tanks located on Part 1, Plan 53R-4758; and,
  - b) Alterations to the "R1-5(6)" Zone with respect to minimum lot areas and frontage for Areas A and B be recognized based on a registered survey plan provided to the Planning Services Division to the satisfaction of the Director of Planning Services.

**YEAS: Councillors Dutrisac, Craig, Caldarelli**

**CARRIED**