

4292 Municipal Road 15, Chelmsford

Presented To:	Planning Committee
Meeting Date:	May 10, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/18-04

Report Summary

This report provides a recommendation regarding a request to extend a conditional approval on a rezoning application, 4292 Municipal Road 15, Chelmsford – Luc Soenens.

Resolution

THAT the City of Greater Sudbury approves the application by Luc Soenens to extend the approval of a Zoning By-law Amendment Application, File # 751-5/18-4, on those lands described as PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside, for a period of one year until May 7, 2022, as outlined in the report entitled “4292 Municipal Road 15, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on May 10, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

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.

Financial Implications

If the rezoning extension is approved, staff estimates approximately \$4,800 in taxation revenue in the supplemental tax year only, based on the assumption of 1 single detached dwelling unit at an estimated assessed value of \$400,000 at the 2020 property tax rates.

This additional taxation revenue will only occur in the supplemental tax year. Any taxation revenue generated from new development is part of the supplemental taxation in its first year. Therefore, the City does not receive additional taxation revenue in future years from new development, as the tax levy amount to be collected as determined from the budget process, is spread out over all properties within the City.

In addition, this development would result in total development charges of approximately \$18,000 based on the assumption of 1 single detached dwelling units based on the rates in effect as of this report.

Report Summary

This application reviews a request to extend the approval of a rezoning application that would facilitate the creation of one new rural lot on Municipal Road #15 having a minimum lot frontage of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division, the submission of a satisfactory site alteration permit application to Building Services, and the removal of all unlicensed motor vehicles from the subject lands.

At the time of writing this report, staff understands from the owner's agent that said registered survey plan is nearing completion, pending receipt of comments received from agencies and departments on the associated application for consent that would legally create the new rural lot (File # B0023/2021). The owner's agent has also advised that a site alteration permit application has been submitted to Building Services and is in circulation for comments from relevant agencies and departments. The owner's agent has further advised that all unlicensed motor vehicles have now been removed from the subject lands.

This current request to extend the conditional rezoning approval is the first instance in which an extension is being requested. The fee for the requested extension has been provided by the owner. The Planning Services Division is recommending that the rezoning approval be extended for a one year period until May 7, 2022.

Staff Report

Applicant:

Luc Soenens

Location:

PIN 73345-0193, Parcel 1881, Lot 10, Concession 5, Township of Rayside (4292 Municipal Road #15, Chelmsford)

Application:

The original application for rezoning for which an extension is now 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", Rural to "RU(S)", Rural Special.

Proposal:

Staff received an email from the owner's agent dated March 31, 2021, requesting that their client's rezoning approval be extended for a period of one year until May 7, 2022. The resolution to conditionally approve the rezoning was ratified by Council initially on May 7, 2019. This is the first request made by the owner's agent to extend the conditional rezoning approval. The fee for the requested extension has also been received from the owner's agent.

The rezoning once completed would facilitate the creation of one new rural lot having a minimum lot frontage of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law.

Site Description & Surrounding Land Uses:

The subject lands are located on the north side of Municipal Road #15 between Fire Route U to the west and Montee Principale to the east in the community of Chelmsford. The lands have a total lot area of approximately 30.98 ha (76.56 acres) along with approximately 133 m (436.35 ft) of frontage onto Municipal Road #15. The lands presently contain a single-detached dwelling on the easterly portions. The single-detached dwelling is accessed via an existing driveway on the easterly portions of the lands out to Municipal Road #15. At the time of writing the original staff report to the City's Planning Committee, there was a number of unlicensed motor vehicles located on the lands and the owner has recently advised that they have removed said unlicensed motor vehicles.

Surrounding uses are rural residential in nature with the predominant built-form being single-detached dwellings. There is a veterinary clinic located immediately to the south. There are also a number of large vacant agricultural and rural lots in the area and further there is an existing extractive use in the form of a pit located further to the east on Municipal Road #15. The lots along the north side of Municipal Road #15 are deep rural lots and are generally well vegetated. There are a number of large and deep agricultural lots located to the south of the subject lands along Municipal Road #15.

Planning Considerations:

Staff would first note that the City's Planning Committee concurrently approved Official Plan Amendment (File # 701-5/18-4) and Council has since now enacted Official Plan Amendment #99 on August 13, 2019. There were no appeals received with respect to the enactment of OPA #99 and said amendment to the City's Official Plan is now in full force and effect. OPA #99 provides for a rural lot creation exception that is to be implemented through an amending zoning by-law, which is the subject of this particular conditional rezoning extension request.

The application for rezoning was originally approved by Planning Committee through resolution PL2019-43 on April 8, 2019 and ratified by Council on May 7, 2019. The rezoning approval was conditional upon the owner providing or addressing the following items:

1. That prior to passing an amending zoning by-law the owner provide the Development Approvals Section with a registered survey plan delineating the lands to be rezoned to the satisfaction of the Director of Planning Services;
2. That prior to passing an amending zoning by-law the owner apply for a site alteration permit to the satisfaction of the Chief Building Official; and,
3. That prior to passing an amending zoning by-law the owner remove all unlicensed vehicles from the lands to the satisfaction of the Chief Building Official and the Director of Planning Services

The owner's agent has indicated to staff by requesting an extension to their conditional approval that they wish to continue to pursue the rezoning of the subject lands. At the time of writing this report, staff have the following observations and comments with respect to the status of the above noted conditions of approval:

1. The owner's agent has not yet submitted a registered survey necessary for the purposes of enacting the amending zoning by-law has not been submitted. Staff understands from the owner's agent that said registered survey plan is nearing completion pending receipt of comments received from agencies and departments on the associated application for consent that would legally create the new rural lot (File # B0023/2021);
2. The owner's agent has advised that a site alteration permit application has been submitted to Building Services and is in circulation for comments from relevant agencies and departments; and,
3. The owner's agent has advised in their extension request letter dated March 31, 2021, that all unlicensed motor vehicles have now been removed from the subject lands. Staff is in receipt of site photos and will be attending the lands for an inspection prior to clearing this condition of approval.

A copy of the approved resolution from Planning Committee, which was ratified by Council on May 7, 2019, is attached to this report for reference purposes. A copy of the original staff report, which recommended approval of the rezoning request, is also attached to this report for reference purposes.

Staff has reviewed the extension request and has no concerns with a one year extension at this time, but would reiterate that the amending zoning by-law can only be enacted once all of the above noted conditions of approval are satisfied.

Summary:

The owner's agent has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would facilitate the creation of one new rural lot having a minimum lot frontage on Municipal Road #15 of approximately 62 m (203.41 ft) along with a retained portion having approximately 72 m (236.22 ft) of lot frontage whereas 90 m (300 ft) is required under both the rural lot creation policies of the Official Plan and within the "RU", Rural Zone of the Zoning By-law. The original rezoning approval granted by Council is conditional upon a registered survey being provided to the Planning Services Division, the submission of a satisfactory site alteration permit application to Building Services, and the removal of all unlicensed motor vehicles from the subject lands. This current request to extend the conditional rezoning approval would be the first extension granted. The owner's agent has provided the fees necessary for this extension request. Staff therefore has no concerns 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 May 7, 2022.