

## 2687 Highway 144, Chelmsford

Presented To:	Planning Committee
Meeting Date:	August 29, 2022
Type:	Public Hearing
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/22-03

## Report Summary

This report provides a recommendation with respect to an application to rezone the subject lands to “A(S)”, Agricultural Special in order to add a contractor’s yard as a permitted use.

This report is presented by Glen Ferguson, Senior Planner.

## Resolution

THAT the City of Greater Sudbury approves the application by Wayne & Carrie-Ann MacLean to amend Zoning By law 2010 100Z for the City of Greater Sudbury by changing the zoning classification on a south-westerly portion of the subject lands from “A”, Agricultural to “A(S)”, Agricultural Special on those lands described as PIN 73350-0102, Parcel 16989 SWS, Lot 6, Concession 2, Township of Balfour, as outlined in the report entitled “2687 Highway 144, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on August 29, 2022, subject to the following conditions:

1. That prior to the enactment of an amending zoning by-law:
  - a) The owner shall have entered into a site plan control agreement with the City that is to be registered on-title to the satisfaction of the Director of Planning Services; and,
  - b) The owner shall apply for a building permit for the existing metal clad garage on the lands to the satisfaction of the Chief Building Official.
2. That the amending zoning by-law include the following site-specific provisions:
  - a) That the only permitted use on the lands shall be a single-detached dwelling and a contractor’s yard in the form of a truck and trailer haulage business where the commercial vehicles are stored and parked along with related accessory uses, buildings and structures as well as all other uses permitted under Section 4.40 of the City’s Zoning By-law; and,
  - b) That the extent of the contractor’s yard use be limited to the northerly 160 metres of the subject lands.

3. That conditional approval shall lapse on September 13, 2024 unless Condition #1 above has been met or an extension has been granted by Council.

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

The application to amend the City's Zoning By-law is an operational matter under the Planning Act to which the City is responding.

The rezoning application amounts to a re-application for a conditional rezoning approval that has lapsed and therefore it does not either directly align with or negatively impact any of strategic goals and objectives that are identified within the City's Strategic Plan.

The rezoning application is technical in nature and amount to a re-application on a conditional rezoning approval that has lapsed and therefore it is not expected to have any direct negative impacts on the stated goals and recommendations that are contained within the CEEP.

## **Financial Implications**

There are no financial implications associated with this report as no new building structures or additions are planned at this time.

## **Report Overview**

This report reviews an application for Zoning By-law Amendment that seeks to change the zoning classification on the subject lands from "A", Agricultural to "A(S)", Agricultural Special in order to add a contractor's yard as a permitted use on the subject lands. This is a re-application as the previous conditional rezoning approval to permit a contractor's yard on the lands has lapsed (File # 751-5/15-10). If the re-application approved and conditions are cleared, the amending zoning by-law would implement the land use permission (i.e., contractor's yard) established by the approved Official Plan Amendment application (i.e., OPA #81).

The Planning Services Division is recommending that the re-application be approved as outlined and noted in the Resolution section of this report.

## **Staff Report**

### **PROPOSAL:**

The application for Zoning By-law Amendment is a re-application and seeks to amend By-law 2010-100Z being the Zoning By law for the City of Greater Sudbury by changing the zoning classification on the subject lands from "A", Agricultural to "A(S)", Agricultural Special in order to add a contractor's yard as a permitted use on the subject lands. This is a re-application as the previous conditional rezoning approval to permit a contractor's yard on the lands has lapsed (File # 751-5/15-10).

The owner's agent has submitted a Concept Plan in support of the proposed rezoning that would add the existing contractor's yard as a permitted use on the subject lands.

**Existing Zoning:** "A", Agricultural

The “A” Zone permits a range of residential and non-residential land uses that can be found under Part 9, Section 9.2, Tables 9.1 and 9.2 of the City’s Zoning By-law.

Permitted residential land uses include a single-detached dwelling, mobile home dwelling, bed and breakfast establishment within a single-detached dwelling and having a maximum of two guestrooms, group home type 1 having a maximum of ten beds, and a private home daycare. There is a special provision applicable in the “A” Zone which permits a maximum of one dwelling unit per agricultural lot (e.g., cannot situate a single-detached dwelling and a mobile home dwelling on the same rural lot).

Permitted non-residential land uses include an agricultural use, animal shelter, cannabis production facility provided it is not closer than 70 m (229.66 ft) to any lot line that abuts a zone where any residential use is permitted, forestry use if a 300 m (984.25 ft) separation distance from a residential building or zone is provided, garden nursery, kennel if a 300 m (984.25 ft) separation distance from a residential building or zone is provided, public utility, and a veterinarian clinic.

Those development standards that are applicable to the “A” Zone can be found under Section 9.3, Table 9.3 – Standards for All Rural Zones of the City’s Zoning By-law.

**Requested Zoning:** “A”, Agricultural Special

The current rezoning application is a re-application as a previous conditional rezoning approval to permit a contractor’s yard on the lands has lapsed (File # 751-5/15-10). The initial conditional rezoning approval included direction from the City’s Planning Committee and Council that the amending zoning by-law permit only a single-detached dwelling and a contractor’s yard in the form of a truck and trailer haulage business where commercial vehicles are stored and parked along with related accessory buildings and structures as well as all other uses permitted under Section 4.40 – Uses Permitted in All Zones of the City’s Zoning By-law. The owner’s agent has not indicated that they are seeking to alter the previous conditional rezoning approval in any manner.

**Location and Site Description:**

The subject lands are located on the south side of Highway #144 being to the west of Joannette Road and to the east of Vermilion Lake Road in the community of Chelmsford. The lands have a total lot area of 4.03 ha (9.95 acres) with approximately 120 m (400 ft) of lot frontage onto Highway #144. The lands contain a one-storey single-detached dwelling along with a gravel surfaced parking area containing a detached garage, shed and storage trailer. The owners have indicated that the gravel surfaced parking area along with the detached garage, shed and storage trailer are presently being used as a contractor’s yard.

**Surrounding Land Uses:**

North: Rural residential land uses, several large vacant and well-vegetated rural lots, Bradley Drain, a railroad right-of-way (i.e., Canadian Pacific Railway) and McKenzie Road.

East: Several large vacant and well-vegetated agricultural lots, rural residential land uses, recreation vehicle sales and service establishment (i.e., Nickel Belt Camping), and Joannette Road.

South: Vacant and well vegetated agricultural lands, rural residential land uses, and Bradley Road.

West: Immediately abutting large and well-vegetated agricultural lot with a single-detached dwelling having frontage on Bradley Road to the south, several large tracts of agricultural land, rural residential land uses, a single-detached dwelling with garden suite (i.e., 2555 Highway #144), and lands zoned to permit a motel on the north side of Highway #144 at McKenzie Road.

The existing zoning and location map attached to this report indicates the location of the subject lands that

are to be rezoned, as well as the applicable zoning in the immediate area. The submitted Concept Plan is also attached to this report for reference purposes.

### **Public Consultation:**

The statutory Notice of Application was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands on May 31, 2022. The statutory Notice of Public Hearing dated August 11, 2022 was provided to the public by newspaper and to nearby landowners and tenants located within 244 m (800 ft) of the subject lands.

The owner's agent was also 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. The owner's agent indicated on their application form that they have in the past and would continue to liaise remotely where appropriate with nearby residents.

At the time of writing this report, no phone calls, emails or letter submissions with respect to the development proposal have been received by the Planning Services Division.

### **Department/Agency Review:**

The application including relevant accompanying materials was circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the application and to formulate appropriate development standards in an amending zoning by-law should the application be approved.

Based on the above, it is noted that Active Transportation, Distribution and Collection, the City's Drainage Section, Operations, Roads, and Transportation and Innovation have each advised that they have no concerns with respect to the rezoning application from their respective areas of interest.

Building Services notes there may be structures placed and/or constructed on the subject lands without the benefit of a building permit (e.g., "metal clad garage"). The owner is advised that building permit applications are to be submitted to the satisfaction of the Chief Building Official. The owner is cautioned that a building permit is required for any building and/or structure greater than 15 m<sup>2</sup> (161.46 ft<sup>2</sup>) for storage purposes or 10 m<sup>2</sup> (107.64 ft<sup>2</sup>) for all other uses require a building permit.

Conservation Sudbury has noted that there appears to be a wetland feature on the subject lands and these wetland features must be shown on the site plan along with a 12 m (39.37 ft) buffer. Wetlands should be mapped by a qualified professional and development must conform to the [Direction on the Administration of Ontario Regulation 156/06 – Wetlands Guidelines](#) which has been adopted by Conservation Sudbury. It is noted that all plans should also indicate a 15 m (49.21 ft) buffer from the bank of the municipal drain on both sides. It is further noted that any development within this buffer will require permission from Conservation Sudbury. There are also several discrepancies between the lot grading and drainage plan and the site plan that were submitted in support of the re-application.

Development Engineering has no concerns provided that the development is subject to site plan control. Development Engineering advises that the subject lands are serviced only with municipal water infrastructure. The lands are not serviced with municipal sanitary sewer infrastructure. Development Engineering has noted that matters such as lot grading, storm-water management, and erosion and sedimentation control will be dealt with accordingly during the site planning process.

Site Plan Control has no concerns and has noted that a site plan control application was submitted to the City on March 23, 2021 for the proposed contractor's yard. The owner has not completed the site planning process. The last set of agency and department comments were provided to the owner after a review of their second submission was completed on October 7, 2021.

### **PLANNING ANALYSIS:**

The City's Planning Committee previously approved an application for Official Plan Amendment (i.e., [PL2017-47](#)) on April 10, 2017, which was later ratified by Council on April 25, 2017. The amendment to the City's Official Plan (i.e., OPA #81) permits the contractor's yard to be situated on a northerly portion of the subject lands that are within the Rural land use designation. Staff notes that at the time there was an accompanying rezoning application (File # 751-5/15-10) that was also approved (i.e., [PL2017-48](#)) and would have implemented the land use permissions established as a policy exception under OPA #81. Staff notes that the previous rezoning approval noted above was extended twice previously however it was not extended for a third time and it therefore expired on April 25, 2021. For information purposes, the original [staff report](#) that resulted in the approval of the Official Plan Amendment and Zoning By-law Amendment applications have been attached to this report. It is noted that staff did not support the applications to amend the City's Official Plan and rezone the lands in order to permit the contractor's yard.

With respect to the City's Zoning By-law, the proposed "A(S)" Zone is appropriate from the perspective of implementing the additional land use permission (i.e., contractor's yard) that was established when the related Official Plan Amendment application was approved. Staff notes that both previous conditions have not been cleared and it would therefore be appropriate to carry them forward should the re-application to rezone the lands be approved.

With respect to comments received from agencies and departments, staff would note that areas of concern will be dealt with most appropriately through the site planning process. It is noted that there is an active site plan control application on the lands (File # SPCA 2021-008). Staff would also note that it is recommended that the previous conditions of approval be reinstituted should the re-application be approved in order to ensure that building permit and site planning matters be properly addressed.

## **CONCLUSION:**

Staff has noted in this report that the proposed rezoning would change the zoning classification on the subject lands from "A" to "A(S)" in order to add a contractor's yard as a permitted use on the subject lands. It has further been noted in this report that the current development proposal amounts to a re-application as a previous conditional rezoning approval to permit a contractor's yard on the lands has lapsed (File # 751-5/15-10). Staff notes that comments from agencies and departments with respect to the re-application can largely be addressed through the site planning process. It is recommended that the previous conditions of approval be reinstituted in order to ensure that building permit and site planning matters are addressed by the owner prior to an amending zoning by-law being enacted. Staff also has no concerns with the requested zone category. If the re-application is approved and conditions are cleared, the amending zoning by-law would implement the land use permission (i.e., contractor's yard) established by the approved Official Plan Amendment application (i.e., OPA #81).

The Planning Services Division therefore recommends that the re-application for Zoning By-law Amendment be approved in accordance with the Resolution section of this report.