

3160 Highway 144, Chelmsford

| | |
|-----------------|----------------------------------------------|
| Presented To: | Planning Committee |
| Meeting Date: | September 26, 2022 |
| Type: | Routine Management Reports |
| Prepared by: | Mauro Manzon Planning Services |
| Recommended by: | General Manager of Growth and Infrastructure |
| File Number: | 751-5/17-003 |

Report Summary

This report provides a recommendation regarding a request to extend the conditional zoning approval that would recognize an existing contractor's yard on Highway 144.

Resolution

THAT the City of Greater Sudbury approves the extension of rezoning application File # 751-5/17-003 by Denis Gratton Construction Limited on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "3160 Highway 144, Chelmsford", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 26, 2022, for a period of two (2) years to August 14, 2024.

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

The application to extend conditional zoning approval is an operational matter under the Planning Act to which the City is responding. The application contributes towards the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan as a form of business retention and growth within the community. There is no conflict with the Community Energy & Emissions Plan, as the application seeks to recognize a long-standing use.

Financial Implications

If approved, any change in taxation is unknown at this time as the change in zoning may increase the assessment value. There would be development charges on the existing building when the building permit is issued but staff is unable to calculate the amount of development charges based on the information available.

Report Overview:

The owner has requested an extension to the conditional zoning approval of File # 751-5/17-003 for a period of two (2) years to August 14, 2024. The rezoning application is concurrent with an Official Plan Amendment which seeks a site-specific exception in order to permit a contractor's yard in an area designated as Rural. Planning Staff are recommending approval of the extension.

STAFF REPORT

Applicant:

Denis Gratton Construction Limited

Location:

Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour (3160 Highway 144, Chelmsford)

Application:

To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "RU", Rural to "RU(S)", Rural Special.

Proposal:

Applications for Official Plan Amendment and rezoning were submitted in 2017 in order to:

- Provide a site-specific exception from the policies of Section 5.2.5 of the Official Plan concerning Rural Industrial/Commercial uses in Rural Areas in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers; and;
- Rezone the subject lands to "RU(S)", Rural Special in order to permit an existing contractor's yard with outdoor storage including the use of shipping containers.

Background:

The following recommendation PL2018-146 was passed by Planning Committee and ratified by City Council on August 14, 2018:

THAT the City of Greater Sudbury approves the application by Denis Gratton Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural to "RU(S)", Rural Special on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "Denis Gratton Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall address the following conditions:
 - i) Provide the Development Approvals Section with a registered survey plan outlining the southerly lands to be rezoned to enable the preparation of an amending zoning by-law;
 - ii) Enter into a Site Plan Control Agreement with the City; and,
 - iii) Submit a building permit application for the existing building to the satisfaction of the Chief Building Official.
2. That the amending by-law includes the following site-specific provisions:

- i) In addition to the uses permitted in the Rural zone, a contractor's yard with outdoor storage shall also be permitted;
 - ii) Outdoor storage shall be permitted subject to the provisions of Section 4.28, except no outdoor storage shall be located within the designated flood plain;
 - iii) The use of shipping containers accessory to a contractor's yard shall be permitted; and,
 - iv) Any additional relief required in order to implement the final site plan.
3. Conditional approval shall lapse on August 14, 2020 unless Condition 1 above has been met or an extension has been granted by Council.

To date, none of the conditions outlined in Part 1 of the resolution have been addressed. The conditional approval was previously extended in 2020.

Planning considerations:

A formal pre-consultation for the site plan process took place on March 6, 2019. A Pre-consultation Understanding was subsequently provided to the proponents on March 27, 2019. To date, there have been no submissions of site plan drawings, or an application for a building permit to address the building that is currently being used as an office and maintenance garage. A final plan of survey is also required to enact the amending by-law.

Staff from Planning Services met with the owner on June 29, 2022 to review requirements related to the site plan control process. Those discussions will continue in order to bring this file to completion. In the interim, the owner has requested another two-year extension (see attached letter).

The application represents an opportunity to finally resolve the non-complying use of the property, which has been an outstanding matter since 1988. Planning Services therefore recommends that the request for a two-year extension be approved.