

234 and 240 Fielding Road, Lively

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:	751-8/20-002

Report Summary

This report provides a recommendation regarding a request to extend the conditional zoning approval for two (2) abutting industrial properties on Fielding Road in Lively.

Resolution

THAT the City of Greater Sudbury approves the extension of rezoning application File # 751-8/20-002 by Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc. on lands described as Part of PINs 73372-0231 & 73372-0232, Part of Parts 1 & 2, Plan 53R-19603 in Lot 3, Concession 5, Township of Waters, as outlined in the report entitled “234 & 240 Fielding Road, Lively”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 26, 2022, for a period of one (1) year to July 6, 2023.

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

The request to extend the conditional rezoning is an operational matter under the Planning Act to which the City is responding. The application supports the goals and objectives of the 2019-2027 City of Greater Sudbury Strategic Plan by contributing towards business retention and growth within the community. There is no conflict with the Community Energy & Emissions Plan.

Financial Implications

This report has no financial implications as it consists of an application to eliminate the split zoning on the lands described. The rezoning would not have a financial impact as the lands would remain zoned under the Industrial classification.

Report Overview:

A conditional approval was granted in July 2020 in order to eliminate the split zoning on the properties municipally known as 234 and 240 Fielding Road, Lively by applying "M3", Heavy Industrial zoning to the entire lands. The existing M5 zoning permitted a former quarry, which was rehabilitated in 2014.

The application is recommended for approval, as it is desirable from a land use perspective to have the lands subject to one set of zoning standards. Furthermore, the M5 zoning is no longer relevant given that the aggregate licence has been surrendered. Staff recommend a one-year extension as per the owners' request.

STAFF REPORT

Applicant:

Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc.

Location:

Part of PINs 73372-0231 & 73372-0232, Part of Parts 1 & 2, Plan 53R-19603 in Lot 3, Concession 5, Township of Waters (234 & 240 Fielding Road, Lively)

Application:

Application to rezone the subject lands from "M5", Extractive Industrial to "M3", Heavy Industrial.

Proposal:

The initial application was submitted in order to eliminate the split zoning on two (2) abutting industrial properties and to expand the range of permitted use given that the aggregate licence has been surrendered. The entire lands would therefore be subject to one set of zoning regulations. The owners are requesting a one-year extension to July 6, 2023.

Background:

The following resolution PL2020-76 was passed by Planning Committee on July 6, 2020 and ratified by City Council on July 7, 2020:

THAT the City of Greater Sudbury approves the application by Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "M5", Extractive Industrial to "M3", Heavy Industrial on lands described as Part of PINs 73372-0231 & 73372-0232, Part of Parts 1 & 2, Plan 53R-19603 in Lot 3, Concession 5, Township of Waters, as outlined in the report entitled "Rintala Construction Company Limited & Industrial Holdings (Sudbury) Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 6, 2020, subject to the following conditions::

1. That prior to the adoption of the amending by-law, the following conditions shall be addressed:
 - i) That the applicants provide the Development Approvals Section with a final plan of survey in order to enact the amending by-law;
 - ii) That any outstanding requirements related to the site alteration permit for PIN 73372-0232 be addressed to the satisfaction of the Chief Building Official and Conservation Sudbury.
2. Conditional approval shall lapse on July 6, 2022 unless Condition 1 above has been met or an extension has been granted by Council.

To date, the conditions imposed by Council have not been addressed.

Department/Agency Review:

Building Services

The previous Site Alteration Permit lapsed in 2018 (after 5 years). A new Site Alteration Permit application is required.

Conservation Sudbury

Conservation Sudbury does not oppose the extension of the conditional zoning approval 751-8/20-002.

There is a watercourse that traverses the eastern portion of the subject property. Any development within 15 metres of the top of bank of the watercourse requires permission from Conservation Sudbury under Ontario Regulation 156/06. This includes, but is not limited to, the alteration of a watercourse, grading, placement or removal of fill (even if it originated from the same site), site preparation for construction, and the erection of a building or structure. Future plan submissions should show the regulated areas and that no non-permitted development is occurring within these (see attached map).

Planning considerations:

The application is generally viewed as a technical amendment required to eliminate the split zoning on the subject lands. It is desirable from a land use perspective to have the properties subject to one set of zone standards for clarity. Furthermore, the M5 zoning is no longer relevant given that the aggregate licence was surrendered in 2014. The owners will therefore benefit by having a broader range of permitted use under the proposed M3 zoning, provided servicing needs can be addressed.

The owner advised that an additional year is required in order to fulfill the above noted conditions of approval due to pandemic delays (see attached letter). Staff are therefore recommending a one-year extension in order to move this file towards completion.