

## 120 Radisson Avenue, Chelmsford

Presented To:	Planning Committee
Meeting Date:	September 26, 2022
Type:	Routine Management Reports
Prepared by:	Wendy Kaufman Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-5/16-01

## Report Summary

This report provides a recommendation regarding an application for an extension to the conditional zoning approval for the subject lands (File #751-5/16-01) in the community of Chelmsford for a period of two years until June 14, 2024.

## Resolution

THAT the City of Greater Sudbury approves the application by Ronald Belanger to extend the conditional approval of rezoning application File # 751-5/16-1 on lands described as PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside, for a period of two (2) years to June 14, 2024, as outlined in the report entitled “120 Radisson Avenue, Chelmsford”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 26, 2022, and be amended as follows:

- a) Deleting Condition a) and replacing it with the following:
  - a) That the amending by-law for the M2(S), Light Industrial Special zoning include the following site-specific provisions:
    - To permit a corner side yard setback of 3.75 metres where 9.0 metres is required for the existing storage building having a maximum gross floor area of 468 square metres;
    - To permit a building separation of 2.25 metres where 3.0 metres is required;
    - Notwithstanding Section 4.28(b) of the By-law respecting the screening of outdoor storage, opaque fencing with a minimum height of 2.2 m shall be required within 3.0 to 9.0 m of the entire easterly lot line, within 3.0 to 9.0 m of the southerly lot line from the westerly lot line extending to the east to the southeast corner of Part 1, Plan 53R-19705, within 3.0 to 9.0 m of the westerly lot line from a point 45 metres south of the northerly lot line extending to the south to the southerly lot line, and excepting the sight triangle at the intersection of Municipal Road 15 and Radisson Avenue, where an opaque fence surrounding all outdoor storage is required; and
  - That the southerly lot line be deemed to be the front lot line.

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

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The application does not conflict with the 2019-2027 City of Greater Sudbury Strategic Plan or Community Energy and Emissions Plan (CEEP).

## **Financial Implications**

If approved, there will not be any development charges as there are no planned additions to any building. Any change in taxation is unknown at this time as the change in land use designation may impact the assessment value.

## **Background**

The owner has requested an extension to the conditional zoning approval of File # 751-5/16-01, 120 Radisson Avenue, Chelmsford for a period of two (2) years to June 14, 2024. Planning staff is recommending approval with modifications as per the owner's request.

### **STAFF REPORT**

#### **Applicant:**

Ronald Belanger

#### **Location:**

PINs 73347-0509, 73347-0774, 73347-0776, 73347-0911, 73347-1631, Lots 6 to 9, Plan M-956, Parts 1, 2, 5, & 6, Plan 53R-19705, Lot 11, Concession 3, Township of Rayside, 120 Radisson Avenue, Chelmsford

#### **Application:**

Request to extend conditional zoning approval of 751-5/16-1, 120 Radisson Avenue, Chelmsford for a period of two (2) years to June 14, 2024.

#### **Proposal:**

The applicant is requesting a two-year extension to complete the outstanding works in conformity with Schedule "A" of the July 28, 2004 site plan control agreement and enter into an amended Site Plan Control Agreement for the expanded site. The owner has completed survey work of the property and has provided a conceptual site plan sketch illustrating where site-specific zoning relief is requested.

Once the conditions of approval have been addressed, these lands will be rezoned to "M2(S)", Light Industrial Special.

#### **Background:**

An application for rezoning was submitted in February 2016 in order to permit a contractor's yard. The application was conditionally approved by Planning Committee on May 30, 2016 (Recommendation #2016-98) and ratified by Council on June 14, 2016. This is the third request for extension of conditional approval.

Conditional approval was granted to change the zoning classification from M1", Mixed Light Industrial/Business Commercial to "M2(S)", Light Industrial Special in order to permit a contractor's yard.

The majority of the lands subject to this application for rezoning are subject to an existing site plan control agreement entered into on August 10, 2004. Items included in the 2004 site plan that have not been completed include, but are not limited to, the following: the provision of landscape strips with trees, opaque fencing to screen the outdoor storage areas, asphalt paved parking areas and garbage enclosures. The proposal also includes additional lands beyond those governed by the current site plan.

At the time of the initial 2016 application, staff had recommended that no exceptions should be provided to the M2 zone standards. The application requested relief for a 0 m corner side yard setback for an existing storage building, but staff did not support the requested relief due to the adjacent open public roadway. The owner did not request relief to by-law standards with respect to the screening and location of outdoor storage, landscape areas adjacent to public roads, or parking. At the time, staff recommended that these requirements be implemented through a revised site plan control agreement.

The applicant has now requested additional time to address the conditions of approval, and has requested site-specific zoning relief as shown in the attached conceptual site plan sketch, in order to proceed with the site planning process. The following relief is requested:

- To permit a corner side yard setback of 3.75 metres where 9.0 metres is required (shown in red on the attached site plan);
- To permit a building separation of 2.25 metres where 3.0 metres is required; and
- To require an opaque fence around portions of the property where an opaque fence surrounding all outdoor storage is required (areas where a fence is proposed is shown in purple, and where not proposed are shown in yellow on the site plan).

This request is based on recent survey work and a conceptual site plan sketch that has been completed by the owner. The survey has identified the existing storage building that relief was previously sought for is setback 3.75 m rather than 0 metres from Radisson Avenue, and that the required separation distance between certain existing buildings has not been met. The sketch also illustrates where opaque fencing is proposed to provide screening along Radisson Avenue and Municipal Road 15, considering the adjacent uses and mature vegetation, and site operations.

Planning staff circulated the application to Development Engineering, Infrastructure Capital Planning Services and Building Services, who have advised that they have no concerns with respect to the application.

Building Services has provided the following comments for the applicant's information:

- Demolition permit is required for the removal of any existing structure, as identified on the submitted site plan.
- A search of our records indicates there is no building permit for what appears to be multiple existing accessory structures, such as, but not limited to, the office trailer, fabric covered buildings. Accessory structures 15 square metres in area or more require a building permit. A building permit and building permit documents, to the satisfaction of the Chief Building Official, may be required for the accessory structures built without the benefit of a building permit.
- A search of our records indicated there are multiple permits on file which are not completed. Owner shall contact Building Services to discuss outstanding items. Building permit number B04-0465 and B21-0555.
- With respect to additional considerations related to this development, Building Services reserves further comment until the time of Site Plan Agreement.

Traffic has no concerns regarding this application, though advise that no fence is permitted within the sight triangle at the intersection of M.R. 15 and Radisson Avenue. The sight triangle is measured from the corner of the property, 9.0 metres back along M.R. 15 and 7.5 metres along Radisson Avenue.

Planning staff recommends that it would be appropriate to grant a two-year extension with the requested modification to the conditions to enable the requested zoning relief. Staff is not concerned with the proposed setback and building separation, and the proposed screening will serve to improve the appearance of the site from the street. The requested relief is considered to be minor and appropriate for the development, and will

enable the applicant to move forward with the related site planning process. Staff also recommends that the southerly lot line be deemed to be the front lot line for purposes of clarity when implementing the By-law.

**Summary:**

The application for a two-year extension is the third request since initial approval was granted in June 2016. Planning Services Division recommends that the request for a two-year extension to June 14, 2024 be granted with the modification noted in the Resolution. In accordance with Sections 34(17) of the Planning Act no further notice of change to this application is required.