

Request for Decision

Ronald Belanger - Application for rezoning in order 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, 120 Radisson Avenue, Chelmsford

Presented To: Planning Committee
Presented: Monday, May 30, 2016
Report Date: Wednesday, May 11, 2016
Type: Public Hearings
File Number: 751-5/16-1

Resolution

THAT the City of Greater Sudbury approves the application by Ronald Belanger to amend Zoning By-law 2010-100Z by changing the zoning classification of 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 from "M1", Mixed Light Industrial/Business Commercial to "M2(S)", Light Industrial Special subject to the following conditions:

- a) That no exceptions shall be provided to the M2 Zone standards.
- b) That prior to the enactment of the amending by-law the owner shall:
 - i) Complete the outstanding works in conformity with Schedule "A" of the July 28, 2004 site plan control agreement to the satisfaction of the Director of Planning Services, and;
 - ii) Enter into an amended Site Plan Control Agreement with the City, which amongst other matters, shall include the following:
 1. The addition of the lands comprising Parts 1, 2, 5 & 6, Plan 53R-19705 abutting Municipal Road 15;
 2. The removal of the existing driveway onto Municipal Road 15;
 3. The screening of outdoor storage areas; and,
 4. The provision of required landscaping abutting public roadways.

STAFF REPORT

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed May 11, 16

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed May 11, 16

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 11, 16

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed May 11, 16

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed May 17, 16

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:

To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M2(S)", Light Industrial Special in order to permit the existing Contractor's Yard and to permit the location of the existing buildings.

Proposal:

The applicant is proposing to rezone the lands to permit a contractor's yard and to permit the location of the existing buildings.

Official Plan Conformity:Background

The application indicates that the current use as a contractor's yard was established in 1973, prior to the adoption of By-law 76-327 which was the first zoning by-law in effect for Rayside-Balfour. On September 9, 1976, Belanger Construction Limited entered into a Site Plan Agreement with the Regional Municipality of Sudbury for the development of Lot 7 on Plan M-956 and as such the current land use on that parcel appears to be legal non-conforming.

With respect to this application, staff notes that the applicant has not requested approval to expand a non-conforming use in accordance with Section 20.5.5 of the Official Plan which contains policies with respect to non-conforming land uses; the Official Plan provides guidance in Section 20.5.5.4. for evaluating requests for expansion, extension or change on non-conforming uses. This application, an application for rezoning to the "M2", Light Industrial zone which permits the existing contractor's yard use has therefore not been evaluated against the criteria of Section 20.5.5.4. of the Official Plan.

General Industrial

The subject property is designated "General Industrial" in the Official Plan for the City of Greater Sudbury. Section 4.5 Industrial Area Designations, states:

General Industrial allows a range of industrial activities, such as manufacturing and processing facilities. Heavy Industrial permits all industrial uses, including core infrastructure facilities such as water and wastewater treatment plants and landfill sites. Any expansion to these areas will require an amendment to the Zoning By-law.

Policy 4.5.1 indicates that:

1. Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.
2. Complementary uses, such as administrative offices, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.
3. General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.

4. Where development occurs in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted.
5. Heavy industrial uses may also be permitted by rezoning.

As detailed in the Planning Considerations section of this report, the application is considered to conform to the policies in Sections 4.5.1 of the Official Plan.

Site Description & Surrounding Land Uses:

The subject property is located at the north east corner of Municipal Road 15 and Radisson Avenue in Chelmsford. The lands, which have an approximate area of 4.05 ha (10 acres), are comprised of five parcels with road frontage on Radisson Avenue on the south and east sides and Regional Road 15 on the west side (2012 air photo attached). Municipal water and sanitary sewer services exist at this location.

The applicant's sketch indicates that there are three existing buildings on the property, however when visiting the property staff observed additional canopies, fabric covered buildings, shipping and storage containers on-site. The site is also occupied by a collection of equipment and material, some of which appears to have spilled out onto the Radisson Avenue right-of-way.

Lands, located in the "M1", Mixed Light Industrial/Business Commercial Zone, to the east are vacant and to south are occupied by the City of Greater Sudbury's North-West Depot. Also to the south are lands located in the "M1(32)", Mixed Light Industrial/Business Commercial Special Zone, occupied by automobile related businesses. Lands to the west, on the west side of Municipal Road 15 include the Chelmsford Mall, located in the "C5(1)", Shopping Centre Commercial Special zone and vacant lands zoned "C2(7)", General Commercial Special permitting a bingo hall, funeral parlour and a special needs facility. Lands to the north in the M2 and M2(4) zones are occupied, respectively, by industrial land uses and a single detached dwelling.

Departmental & Agency Comments:

Building Services

Building Services has the following comments:

1. Opaque fencing as required by the August 2004 Site Plan Control Agreement and as per CGS Zoning By-law 2010-100Z, Section 4.28.1 shall be provided.
2. Outdoor storage shall only be permitted in a rear or interior side yard and shall not be located any closer than 9.0 metres to any street line as per CGS Zoning By-law 2010-100Z, Section 4.28.1.
3. A 3.0 metre wide landscaped area shall be required abutting all public roads in all zones as per CGS Zoning By-law 2010-100Z, Section 4.15.1.
4. All shipping containers are to be removed from the property as per CGS Zoning By-law 2010-100Z, Section 4.34.
5. A building permit will be required for all buildings constructed without benefit of a permit including the fabric covered building located at the rear of Building 2 prior to the approval of the zoning amendment.
6. An amendment to the Site Plan Control Agreement will be required.
7. All buildings are to be shown on the property sketch.
8. The use of all buildings shall be shown on the property sketch.
9. All parking areas are to be shown on the property sketch.

Development Engineering

No objection. This site is presently serviced with municipal water and sanitary sewer.

Roads & Traffic and Transportation

In this area, Municipal Road 15 is designated as a Primary Arterial Roadway. In accordance with the policies of the Official Plan, "Access to this type of roadway is to be strictly regulated and kept to a minimum." The Transportation Study for the new Official Plan further indicates that "road access policies and by-laws need to be more stringently enforced in order to uphold the intended function of the specific road segment."

We ask as a condition of approval that the owner be required to close off the driveway onto Municipal Road 15 and we also require that the owner dedicate to the City a 0.3 metre reserve across the entire frontage of Municipal Road 15.

Operations and Drainage

No concerns.

Public Consultation:

A notice of complete application was mailed to property owners and tenants within the surrounding area on February 24, 2016. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. As of the date of this report one email citing a list of concerns has been attached to this report and two telephone inquiries requesting additional information with respect to the proposal have been received by the Planning Services Division.

Planning Considerations:

Official Plan Conformity

The proposal broadens the range of industrial uses that can be permitted on the lands to permit the existing use of the property as a contractor's yard. The site is currently serviced with sanitary sewer and municipal water. Official Plan policy 4.5.1.3. indicates that uses which may impact surrounding areas and cause nuisance will be appropriately buffered and screened. This application provides the City with the opportunity to implement site plan control on all of the lands currently occupied by this land use, which includes the western portion of the site which is not currently included in the existing site plan control agreement.

Zoning By-law Conformity

The application requests relief from the setback standards of the M2 zone with respect to the location of Building 3, a storage structure constructed around three shipping containers, which was erected without the benefit of building permits. The applicant's sketch indicates that Building 3 has been constructed with a 0 m east side setback where a 6.0 m setback is required and has requested relief from the by-law standard in order to allow the building to remain in its current location. Staff does not support the request for setback relief adjacent to an open public roadway and are of the opinion that the structure should be relocated accordingly.

As noted in the comments provided by Building Services Section 4.28.1 of By-law 2010-100Z contains the following standards for Outdoor Storage:

Where accessory *outdoor storage* is permitted in a zone, the following provisions apply unless otherwise permitted by this Bylaw:

- a) *Outdoor storage* shall be permitted only in a rear or interior side yard and shall

not be located any closer than 9.0 metres to any street line;

- b) *Outdoor storage* shall be screened by opaque fencing with a minimum height of 2.2 metres, except that no such barrier shall be required:
 - i) where a permitted *outdoor storage* area abuts a railway right-of-way; and,
 - ii) where a permitted *outdoor storage* area in a M3, M4, M5 or M6 one is located more than 150 metres from a Residential Zone or arterial road;
- c) *Outdoor storage* is not permitted within any yard abutting a residential zone boundary.

The application does not request relief to the by-law standards with respect to the screening and location of outdoor storage. Section 4.15.1. of By-law 2010-100Z also requires that 3.0 m planting strips be provided abutting all public roads. Accordingly, it is appropriate for the landscape strip and screening standards of the by-law to be implemented through a revised site plan control agreement encompassing the lands subject to the current application. Parking for the uses proposed will be required in accordance with zoning by-law standards.

While Building Services comments indicate that the shipping containers and storage trailers are to be removed from the property, Planning Staff note that prior to the adoption of By-law 2010-100Z in September 2010, the use of shipping containers at this location was not addressed by Zoning By-law 83-302. Therefore, the applicant is advised to work with Building Services to determine if any of the shipping containers and storage trailers located on the property have legal non-conforming status.

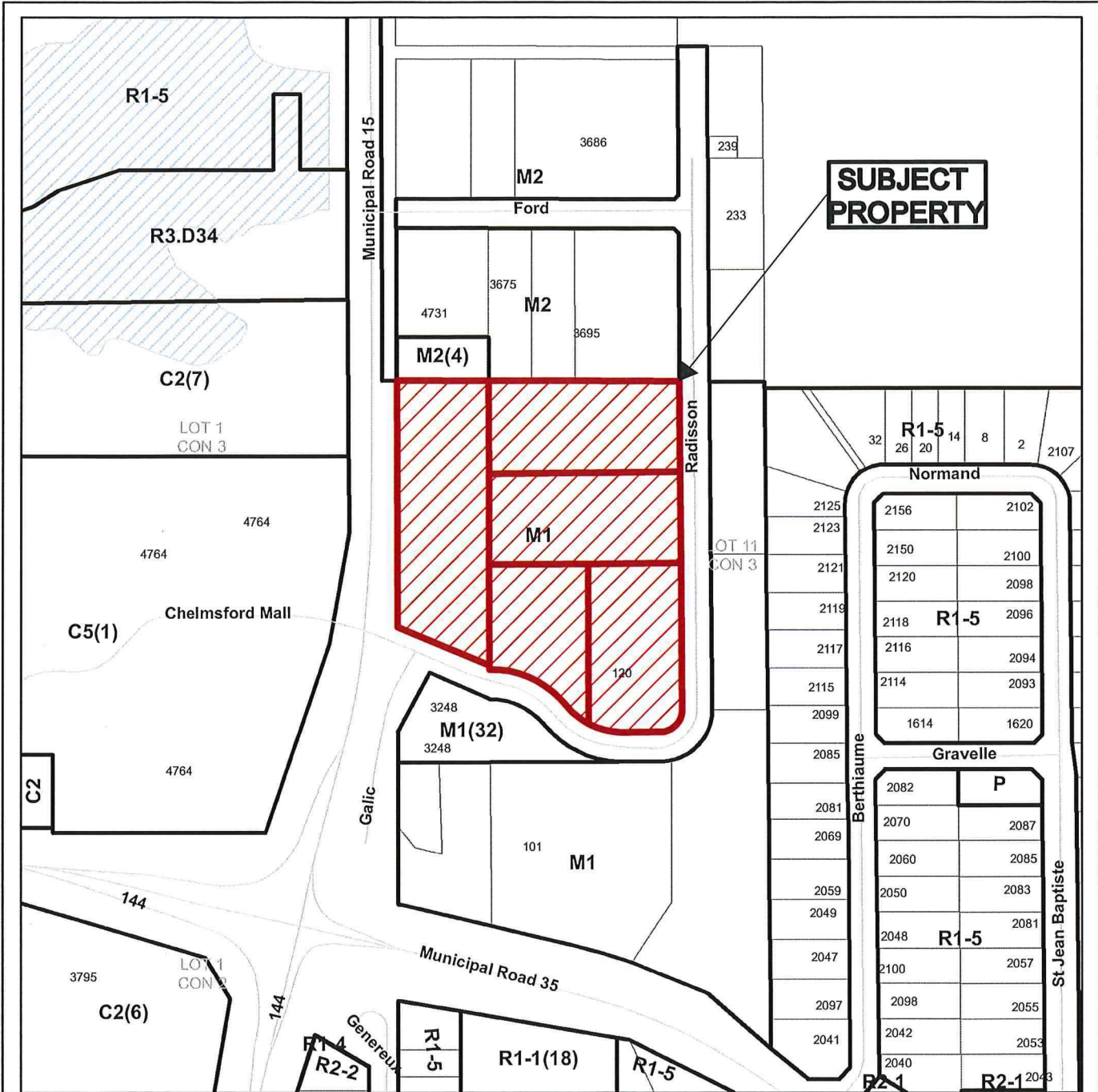
Site Plan Control

The majority of the lands subject to this application for rezoning are subject to an existing site plan control agreement for the properties entered into on August 10, 2004; Schedule A to that agreement has been attached to this report for reference purposes. Staff notes that the City is holding a bond for the completion of the required site works in accordance with that agreement and that in correspondence dated November 3, 2015 R. M. Belanger Limited advised that they will be working in the next few months to resolve the uncompleted works. 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.

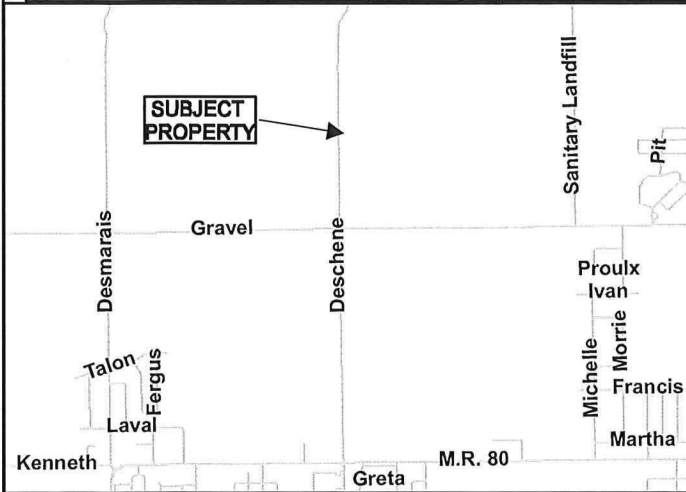
The requests from Roads and Transportation Services for the removal of the existing driveway on Municipal Road 15 and the dedication of a 0.3 m reserve across the Municipal Road 15 frontage can be addressed through a revised site plan control agreement that would add the western most parcel to the current site plan control agreement. It is noted that the existing driveway, which is currently blocked with a concrete barrier, was not on lands subject to the 2004 site plan control agreement and City records indicate that in August 2014 an application for a permit for this driveway entrance was denied.

Summary


The proposed rezoning conforms to the Official Plan. This application to change the zoning classification from "M1", Mixed Light Industrial/Business Commercial to "M2", Light Industrial in order to permit a contractor's yard is appropriate at this location and the Planning Services Division recommends that the application to amend By-law 2010-100Z be approved subject to the conditions noted.



SUBJECT PROPERTY



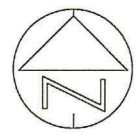
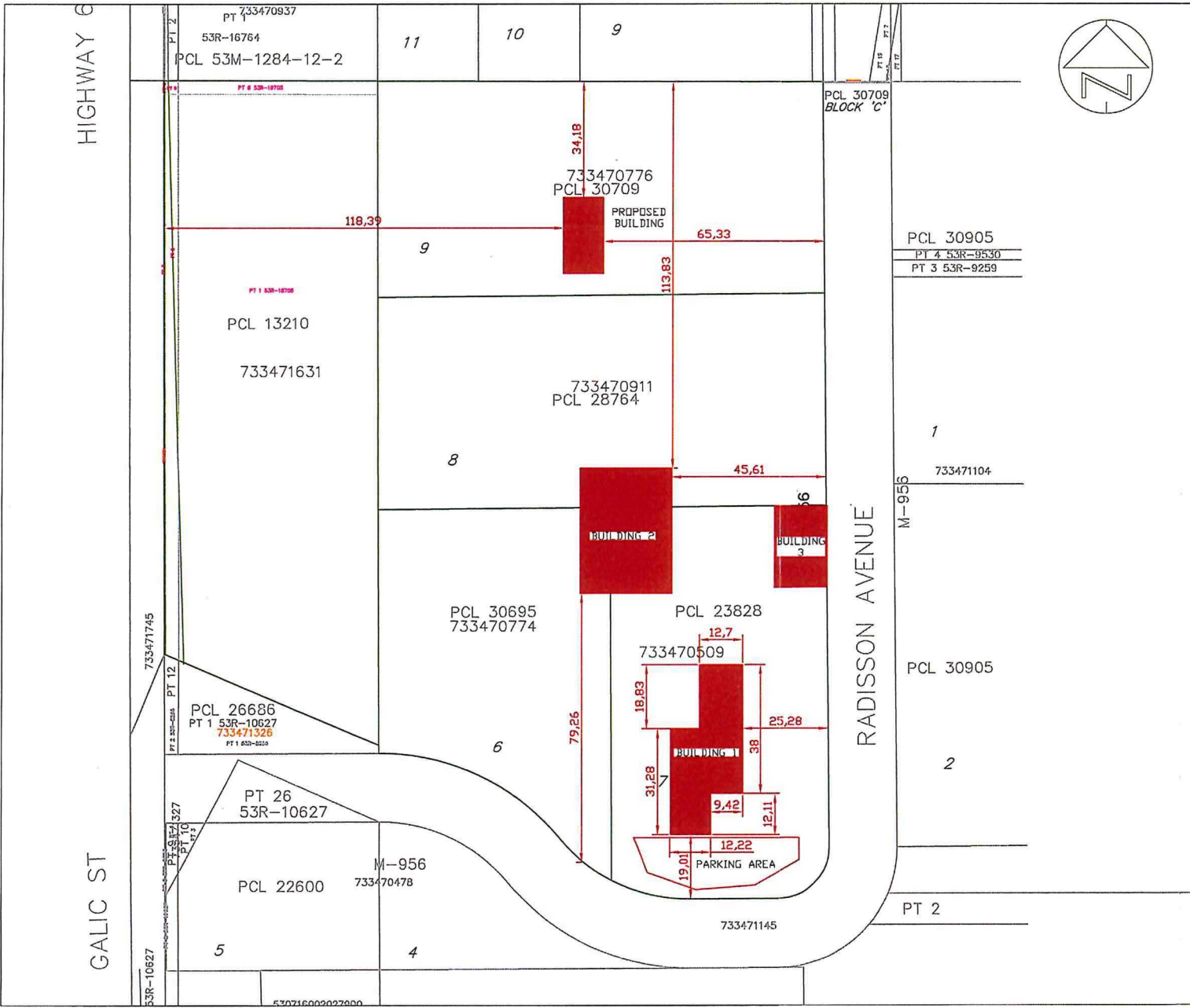
**Growth and Development
Department**

N


Subject Property being 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, Con 3, Twp. of Rayside, 120 Radisson Avenue, Chelmsford, City of Greater Sudbury

NTS
Sketch 1

751-5/16-1
Date: 2016 02 11



BUILDING 1
 GROSS FLOOR AREA = 196m²
 NO. OF STOREYS = 1
 WIDTH= AS SHOWN
 LENGTH= AS SHOWN
 HEIGHT= 5.18m

BUILDING 2
 GROSS FLOOR AREA = 1000m²
 NO. OF STOREYS = 1
 WIDTH= 27.1m
 LENGTH= 36.9m
 HEIGHT= 5.18m

BUILDING 3
 GROSS FLOOR AREA = 375m²
 NO. OF STOREYS = 1
 WIDTH= 15.6m
 LENGTH= 24.1m
 HEIGHT= 3.66m

PROPOSED BUILDING 4
 GROSS FLOOR AREA = 269.79m²
 NO. OF STOREYS = 1
 WIDTH= 12.04m
 LENGTH= 22.41m
 HEIGHT= 3.66m

*
 APPROXIMATE DIMENSIONS
 DIMENSIONS IN METERS UNLESS SPECIFIED



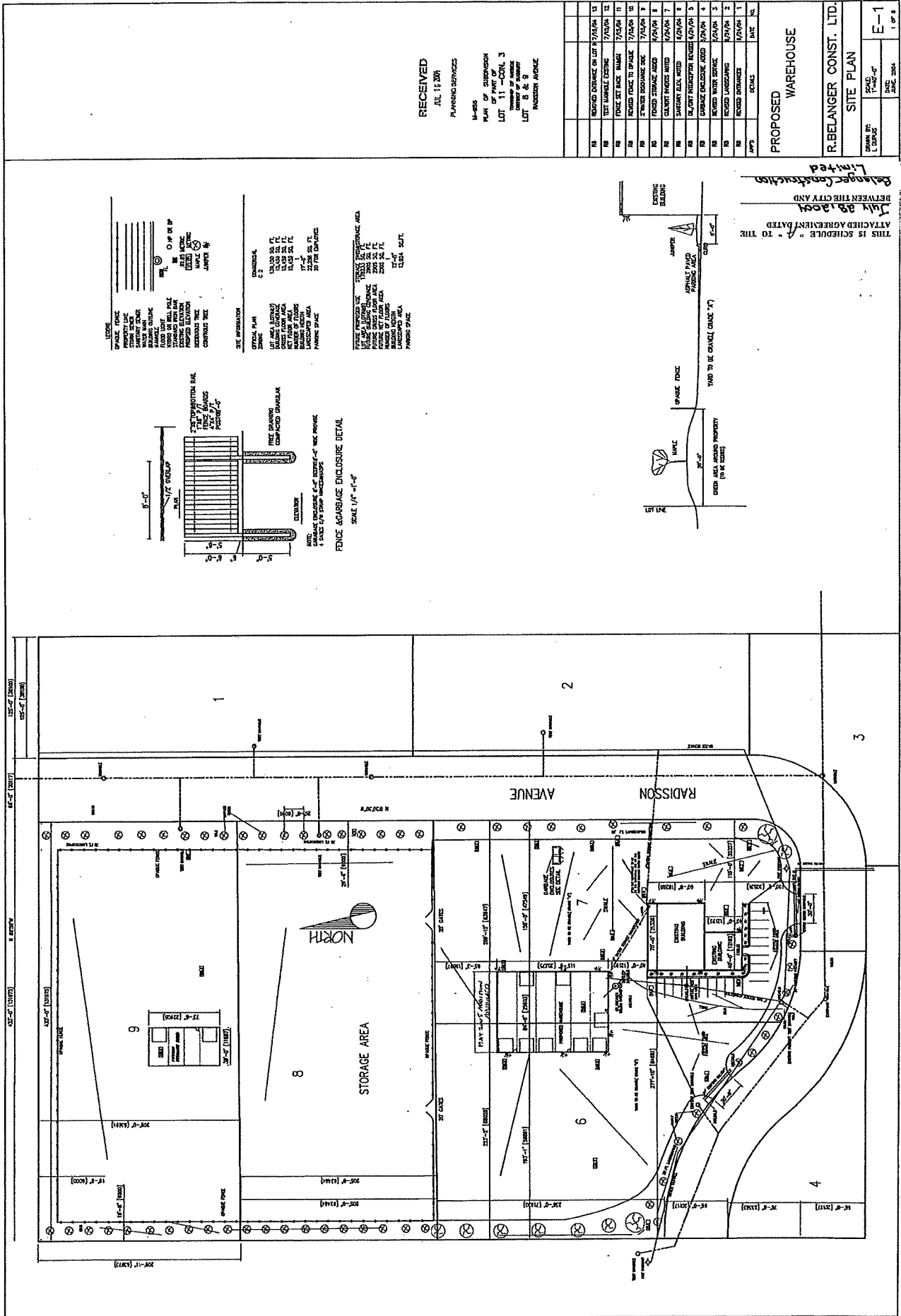
100 RADISSON AVENUE, CHELMSFORD, ONTARIO, P0M 1L0
 Tel: (705) 855-4555 Fax (705) 855-3014

REZONING APPLICATION

SCALE: NTS
 DRAWING NO. - 1
 100 RADISSON - REZONING

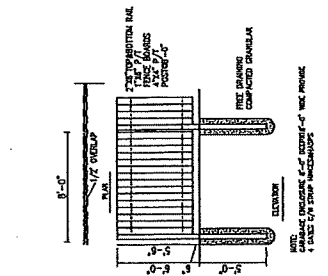
PROPERTY SET-BACKS SKETCH

2004 SITE PLAN AGREEMENT SCHEDULE A



RECEIVED
JUL 15 2004
PLANNING SERVICES
M-855
PLAN OF SUBDIVISION
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ITEM	DESCRIPTION	DATE
1	PROPOSED WAREHOUSE	7/15/04
2	PROPOSED PARKING LOT	7/15/04
3	PROPOSED ACCESS ROAD	7/15/04
4	PROPOSED FENCE	7/15/04
5	PROPOSED GABRISE	7/15/04
6	PROPOSED STORAGE AREA	7/15/04
7	PROPOSED DRIVEWAY	7/15/04
8	PROPOSED DRIVEWAY	7/15/04
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100	PROPOSED DRIVEWAY	7/15/04



FENCE & GABRISE ENCLOSURE DETAIL
SCALE 1/4" = 1'-0"

THIS IS SCHEDULE "A" TO THE
ATTACHED AGREEMENT DATED
July 15, 2004
BETWEEN THE CITY AND
Belanger Construction
Limited

PROPOSED WAREHOUSE
R. BELANGER CONST. LTD.
SITE PLAN
E-1
1 of 4

RECEIVED
JUL 15 2004
PLANNING SERVICES
M-855
PLAN OF SUBDIVISION
LOT 11 - CON. 3
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PROPOSED WAREHOUSE
R. BELANGER CONST. LTD.
SITE PLAN
E-1
1 of 4



PHOTO 1 SUBJECT LANDS, 120 RADISSON AVENUE, VIEWED
LOOKING NORTH EAST FROM THE CORNER OF MUNICIPAL
ROAD 15 AND RADISSON AVENUE



PHOTO 2 SUBJECT LANDS VIEWED LOOKING NORTH WEST FROM THE
SOUTH EAST CORNER OF THE SITE FROM RADISSON AVENUE



PHOTO 3 SUBJECT LANDS VIEWED LOOKING SOUTH WEST FROM THE NORTH WEST CORNER OF THE SITE FROM RADISSON AVENUE



PHOTO 4 3248 RADISSON AVENUE, SOUTH OF THE SUBJECT LANDS, VIEWED LOOKING SOUTH EAST FROM MUNICIPAL ROAD 15 AND RADISSON AVENUE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 5 101 RADISSON AVENUE, SOUTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM RADISSON AVENUE



PHOTO 6 VACANT LANDS EAST OF THE SUBJECT LANDS,
VIEWED LOOKING EAST FROM RADISSON AVENUE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 7 3695 FORD DRIVE, NORTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM FORD DRIVE



PHOTO 8 3675 FORD DRIVE, NORTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM FORD DRIVE

751-5/16-1 PHOTOGRAPHY APRIL 26, 2016



PHOTO 9 4379 MUNICIPAL ROAD 15, NORTH OF THE SUBJECT
LANDS, VIEWED LOOKING EAST FROM MUNICIPAL ROAD 15

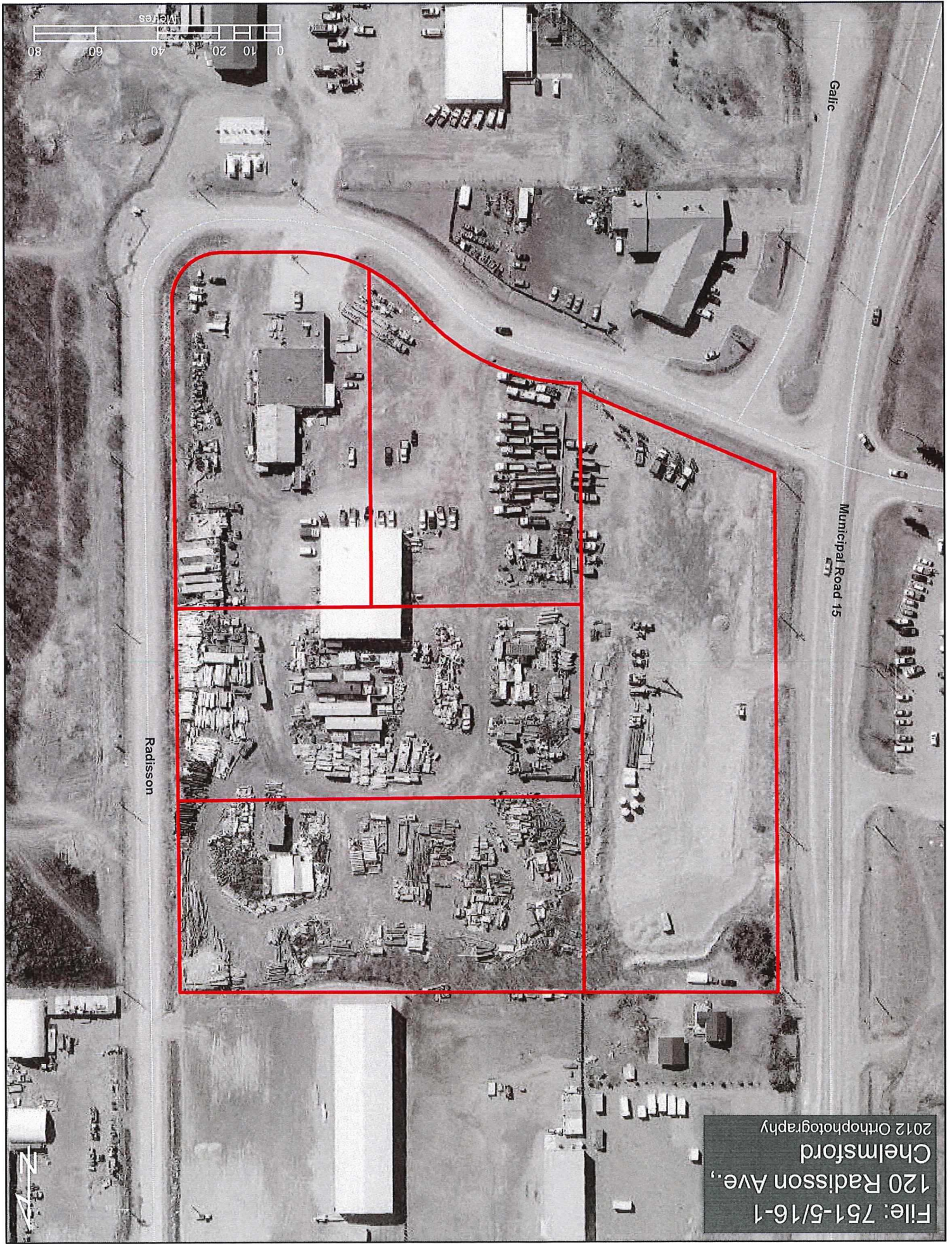
751-5/16-1 PHOTOGRAPHY APRIL 26, 2016

File: 751-5/16-1
120 Radisson Ave.,
Chelmsford
2012 Orthophotography

Galie

Municipal Road 15

Radisson



Alex Singbush - In the Matter of an Application under Section 34.

From: Marcel Goulet
To: "evelyn.dutrisac@greatersudbury.ca" <evelyn.dutrisac@greatersudbury.ca>,...
Date: 3/2/2016 10:14 PM
Subject: In the Matter of an Application under Section 34.

Hi Evelyn:, Eric:

I received another letter from Growth and Development Planning Service about Rezoning Classification from (M1) to(M2(S) at 120 Radisson St in Chelmsford for Ronald Belanger to extend is yard witch looks like a scrapyard ? This was reject 1 or 2 years ago by Eric Taylor and You and the Counsel plus there was a petition from the subdivision and the reason was

#1 was there any environmental assessment completed.

#2were worried about hydraulic oil and diesel fuel leaking from heavy equipment into the ground and then Contaminating our property.

#3Noise pollution to homes affecting tranquility.

#4If their lot is raised it will affect water drainage.

#5 Concern about this proposal affecting my property value.

#6 Take a ride down Radisson and you will see how it looks like a Junk Yard in the summer time plus they make noise there sometime till 2 A.M.

so just think if they move a building or built one next to R back yard we will never get any sleep.Plus the smell of diesel and welding .

My question will this be accepted because its Ronald Belanger making the Application ??????