

Request for Decision

2210985 Ontario Ltd. - Application to remove the holding symbol at 821 Spanish River Road, Worthington

Presented To:	Planning Committee
Presented:	Monday, Apr 25, 2016
Report Date	Tuesday, Apr 05, 2016
Type:	Routine Management Reports
File Number:	751-8/13-8

Resolution

THAT the City of Greater Sudbury approves the application by 2210985 Ontario Ltd. to amend Zoning By-law 2010-100Z with respect to lands described as Part of PINs 73383-0175, 73383-0079, 73383-0108, Part of Parcels 4907, 4882, 6071 S.W.S., Lot 7, Concessions 1 and 2, Township of Drury to change the zoning classification from "H33M5", Hold - Extractive Industrial to "M5", Extractive Industrial.

STAFF REPORT

Applicant:

2210985 Ontario Ltd.

Location:

Part of PINs 73383-0175, 73383-0079, 73383-0108, Part of Parcels 4907, 4882, 6071 S.W.S., Lot 7, Concessions 1 and 2, Township of Drury (Spanish River Road, Worthington)

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law by changing the zoning classification from "H33M5", Hold - Extractive Industrial to "M5", Extractive Industrial.

Proposal:

The applicant is requesting that the City lift the holding designation on the zoning of the property, which requires that the owner enter into an agreement with the City to upgrade Spanish River Road, from High Falls Road to Municipal Road 4, to the satisfaction of the General Manager of Infrastructure Services.

Official Plan Conformity:

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Apr 5, 16

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Apr 5, 16

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Apr 5, 16

Recommended by the Department

Tony Cecutti
General Manager of Infrastructure Services
Digitally Signed Apr 6, 16

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative Officer
Digitally Signed Apr 13, 16

The subject lands are designated Rural in the Official Plan for the City of Greater Sudbury. The Official Plan permits rural industrial/commercial uses and uses that are resource related.

The application to lift the holding provision has no Official Plan conformity implications.

The entrance to the southerly pit/quarry site is to be onto Spanish River Road. The entrance to the northerly quarry site is to be at the south east corner of the property exiting onto lands to the south owned by Carman Construction zoned "M5", Extractive Industrial with the haul route ultimately exiting onto Spanish Road in the same location as the southerly pit /quarry.

Background

In January 2011 the Planning Committee passed Recommendation #2011-55, to rezone the subject lands from "RU", Rural to "M5", Extractive Industrial and included the "H33", Holding provision requiring an agreement with the owner to upgrade Spanish River Road, from High Falls Road to Municipal Road 4, to the satisfaction of the General Manager of Infrastructure Services.

Legal Services has advised that on March 30, 2016 a payment agreement with respect to the Haulage of Aggregate was registered on the title of the subject properties. The agreement provides that the owner will annually pay the City at a specific rate per tonne of aggregate removed from the subject lands. The amount per tonne is to be adjusted in accordance with the Consumer Price Index. The agreement also provides that the owners contributions are to be placed in a reserve for use by the City in repaving and maintaining Spanish River Road.

The Development Approvals Section is therefore satisfied that the condition for lifting the holding provision on the "H33M5", Hold – Extractive Industrial zone has been cleared. It would therefore be appropriate for Council to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury in order to remove the holding symbol from the subject lands. This removal will allow for the development of a licensed pit and quarry on the subject lands.

Summary

Legal Services has confirmed that an agreement with the City to upgrade Spanish River Road, from High Falls Road to Municipal Road 4, has been entered into. Staff therefore recommend that the application to rezone the lands from "H33M5", Hold – Extractive Industrial to "M5", Extractive Industrial be approved.

