

Request for Decision

Application for a temporary use by-law in order to permit a temporary parking lot for a period of three (3) years, 5280 Regional Road 55, Whitefish - Gerald McNamara

Presented To:	Planning Committee
Presented:	Monday, Jun 22, 2015
Report Date	Thursday, Jun 04, 2015
Type:	Public Hearings
File Number:	751-8/15-1

Resolution

THAT the City of Greater Sudbury approves the application by Gerald McNamara to amend the Zoning By-law 2010-100Z with respect to lands described as PIN 73382-0496, Parcel 31297 S.W.S., Part 1 Plan 53R-3794, Lot 4, Concession 1, Township of Denison in order to permit a temporary parking lot in accordance with Section 39 of the Planning Act for a temporary period of three (3) years subject to the following condition:

1. That prior to the enactment of the amending By-law the owner shall submit an amendment to the existing Site Plan Control Agreement with the City, to the satisfaction of the Director of Planning Services, which amongst other matters, shall address:

- i) The location and configuration of the proposed temporary parking areas;
- ii) Fire access routes; and
- iii) Siltation control.

STAFF REPORT

Applicant:

Gerald McNamara

Location:

PIN 73382-0496, Parcel 31297 S.W.S., Part 1 Plan 53R-3794, Lot 4, Concession 1, Township of Denison (5280 Regional Road 55, Whitefish)

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "M1(2)", Mixed Light Industrial/Service Commercial Special to Mixed Light Industrial/Service Commercial Special Temporary Use to permit a temporary parking lot pursuant to Section 39 of the Planning Act.

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Jun 4, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Jun 4, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Jun 4, 15

Recommended by the Department

Paul Baskcomb
General Manager of Growth & Development
Digitally Signed Jun 4, 15

Recommended by the C.A.O.

Bob Johnston
Interim Chief Administrative Officer
Digitally Signed Jun 8, 15

Proposal:

The application is to permit a temporary parking lot for a period of three (3) years to support the Victoria Mine Project. The applicant has indicated that no expansion of the existing graded area of the site is proposed in conjunction with this application.

Representatives for KGHM, who are developing the Victoria Mine, have advised staff that the footprint provided for in the Closure Plan for the Victoria Mine site is limited in size and that given the requirements for a lay-down area for materials and equipment to construct the mine, parking is required to be provided off the mine site. KGHM has also advised that having off-site parking will mitigate the amount of traffic on Fairbank Lake Road leading to the mine site. KGHM anticipates that between 300 to 400 parking spaces will be required during the construction phase of the mine. Employees will be transported by bus from the off-site parking lot to the Victoria Mine.

The applicant's sketch shows a parking lot with 366 parking spaces.

Site Description & Surrounding Land Uses:

The subject property is located at the north east corner of the intersection of Municipal Road 55 and Highway 17 in Whitefish and is bounded by the Fairbank Creek to the north. Total property area is 10.73 ha (26.51 acres) with sole vehicular access from Municipal Road 55. The property is occupied by a quonset building and a storage building and is zoned "M1(2)", Mixed Light Industrial/Service Commercial Special permitting a transportation terminal, a mini-storage and rental facility, and a machine shop with provisions limiting the location of open storage uses. The owner advised that the buildings are currently vacant and that he had operated a sawmill business, Northern Wood Products, on the property for several years after purchasing it in 2006.

Rural parcels to the north and west, owned by the Ministry of Transportation, are vacant and there is a rural residential use to the east. To the south are vacant rural parcels, several rural residential properties and a non-conforming salvage business with frontage on Lindala Road.

Departmental & Agency Comments:Building Services

Building Services has no objections to this application other than the following comment for the applicant's information:

Maintain the existing fire access routes to the buildings.

Development Engineering

Development Engineering has reviewed the above noted application and has the following comment:

Prior to approval, the owner must submit a siltation control plan for review due to the close proximity of the site to Fairbank Creek. Plan must clearly show proposed method of silt and sediment control, as well as type and location of materials being implemented. The siltation controls must remain in place for the entire duration of the approved time period of the application. Maintenance of the siltation controls will be the responsibility of the owner.

Roads and Transportation Services

No concerns.

Nickel District Conservation Authority

We have no objection to the parking lot. However, the property is located in a regulated area and development is restricted in areas extending 30 meters from the watercourse and 120 metres from the wetland. Therefore, the parking lot must be constructed on existing grade with no fill being brought in. A Section 28 application will be required for any site alteration proposed on the property.

Ministry of Transportation

In general, the Ministry has no objections. Since the subject property is located within the Ministry of Transportation of Ontario (MTO) permit control area, the owner is to be made aware of the following:

1. An MTO building/land use permit will be required prior to the construction of any parking lot, buildings, septic systems, fences, wells, etc. within 46 m of the limits of the MTO right-of-way (ROW) or within a 395 metre radius of the intersection of Highway 17 and MR 55. New parking lots must be setback a minimum of 3 metres from the limits of the MTO ROW. New buildings, septic systems etc. must be setback a minimum of 14 metres from the limits of the MTO ROW. New wells must be setback a minimum of 30 metres from the limits of the MTO ROW.
2. Access to the property will be restricted to MR 55, access to Highway 17 will not be allowed.
3. Prior to making any permits available, the MTO reserves the right to request that certain studies be prepared and submitted to the MTO for review and approval. Our areas in interest include traffic, drainage and illumination impacts to the highway. Should a traffic study conclude that highway improvements are required; the applicant will be financially responsible to have the improvements constructed to the MTO's satisfaction.

Public Consultation:

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 telephone call and two letters expressing concerns with respect to traffic and the proximity of the Fairbank Creek, attached to this report, have been received by the Planning Services Division.

Planning Considerations:

Official Plan Conformity

The subject lands are designated "Rural" in the City of Greater Sudbury Official Plan. Section 5.2.5 of the Official Plan, Rural Industrial/Commercial, indicates that some limited rural industrial/commercial uses are permitted in Rural Areas, particularly those activities that provide rural economic benefits that are balanced with protection of the natural environment and the agricultural resource base.

Section 20.5.3 of the Official Plan indicates that conformity with the land use policies of the Plan are not required for temporary use by-laws.

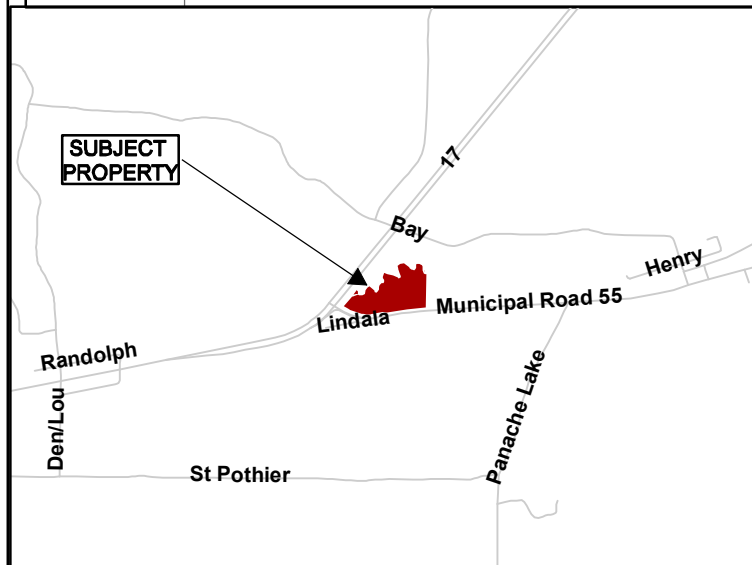
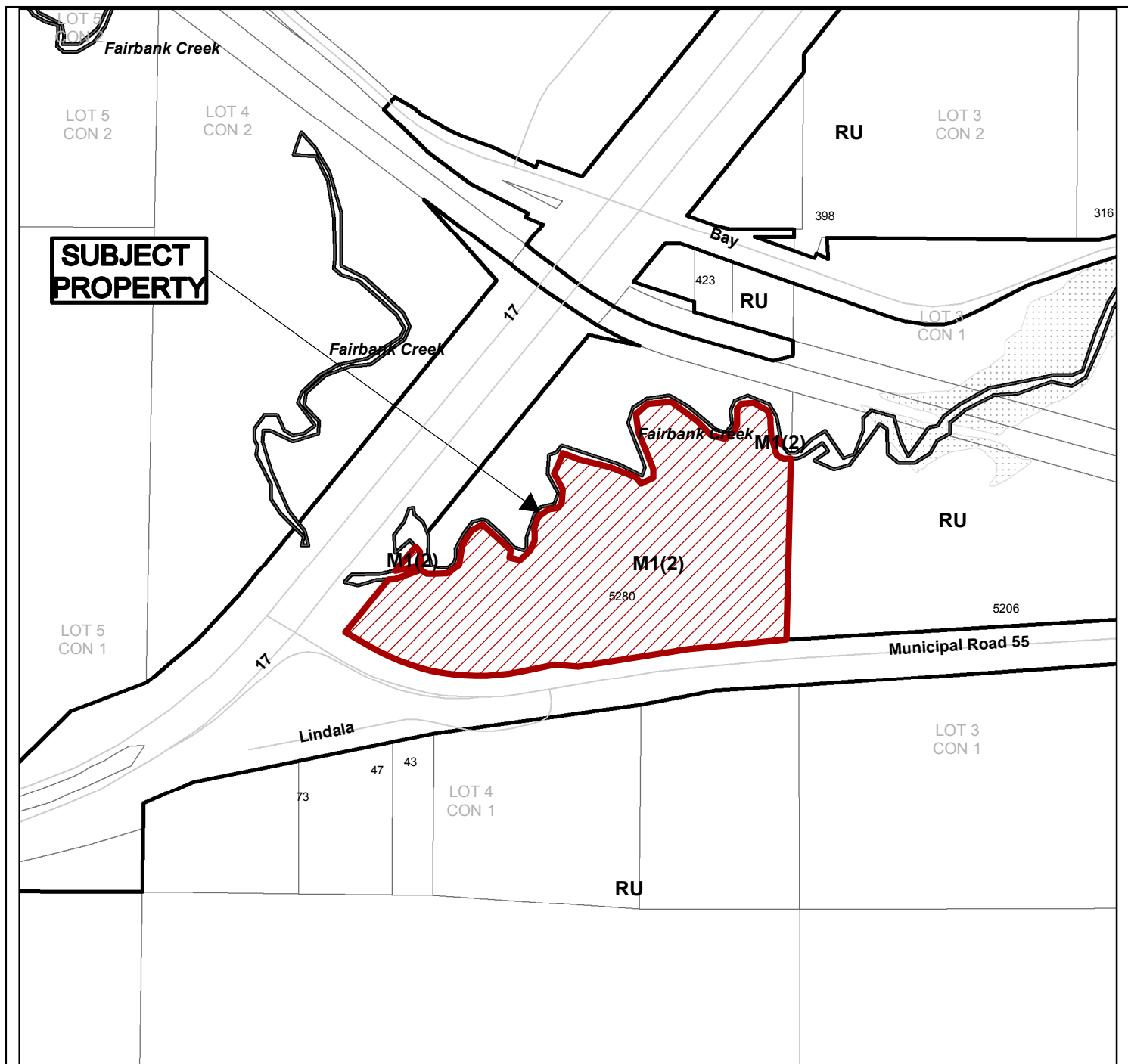
Zoning By-law Conformity

The subject lands are zoned "M1(2)", Mixed Light Industrial/Service Commercial Special permitting a transportation terminal, a mini-storage and rental facility, and a machine shop with provisions limiting the location of open storage uses under By-law 2010-100Z. No new buildings are proposed in conjunction with the temporary parking use and there is adequate area on-site to accommodate this use. The proposed parking areas are internal to the site and adjacent residential uses are well buffered by existing vegetation.

Planning Staff attended the site on May 31, 2015 and observed that the property was partially overgrown along with debris related to the former sawmill operation. Given the condition of the property, additional clearing and grading may be necessary to accommodate the proposed parking areas; although the applicant has indicated that no expansion of the existing graded area is proposed to accommodate the temporary parking lot. Staff is recommending that the existing site plan control agreement for the property be amended to show the proposed parking areas in order to provide the applicant with the opportunity to address the comments provided by Building Services, Development Engineering and the Nickel District Conservation Authority.

Summary:

The proposed temporary parking lot use for a period of three (3) years is expected to have minimal impacts on surrounding land uses. The applicant is advised to contact MTO with respect to the permit and setback requirements and potential requirement for a traffic impact study referred to in the comments provided. Planning Services recommends that the application be approved subject to the condition set out in the Recommendation section of this report.



Growth and Development Department



Subject Property being PIN 73382-0496,
Pcl. 31297 SWS Part 1, Plan 53R-3794,
Lot 4, Con. 1, Twp. of Denison, 5280
Regional Road 55, Whitefish, City of
Greater Sudbury

NTS
Sketch 1

751-08/15-01
Date: 2015 03 04

REMAINDER OF
PARCEL 21781 S.W.S

DATE: 11/11/2014

RECEIVED

APR - 9 2015

PLANNING SERVICES

Proposed Temporary
Parking Lot

- 366 Spaces

In addition to existing parking
- No expansion of
existing graded area

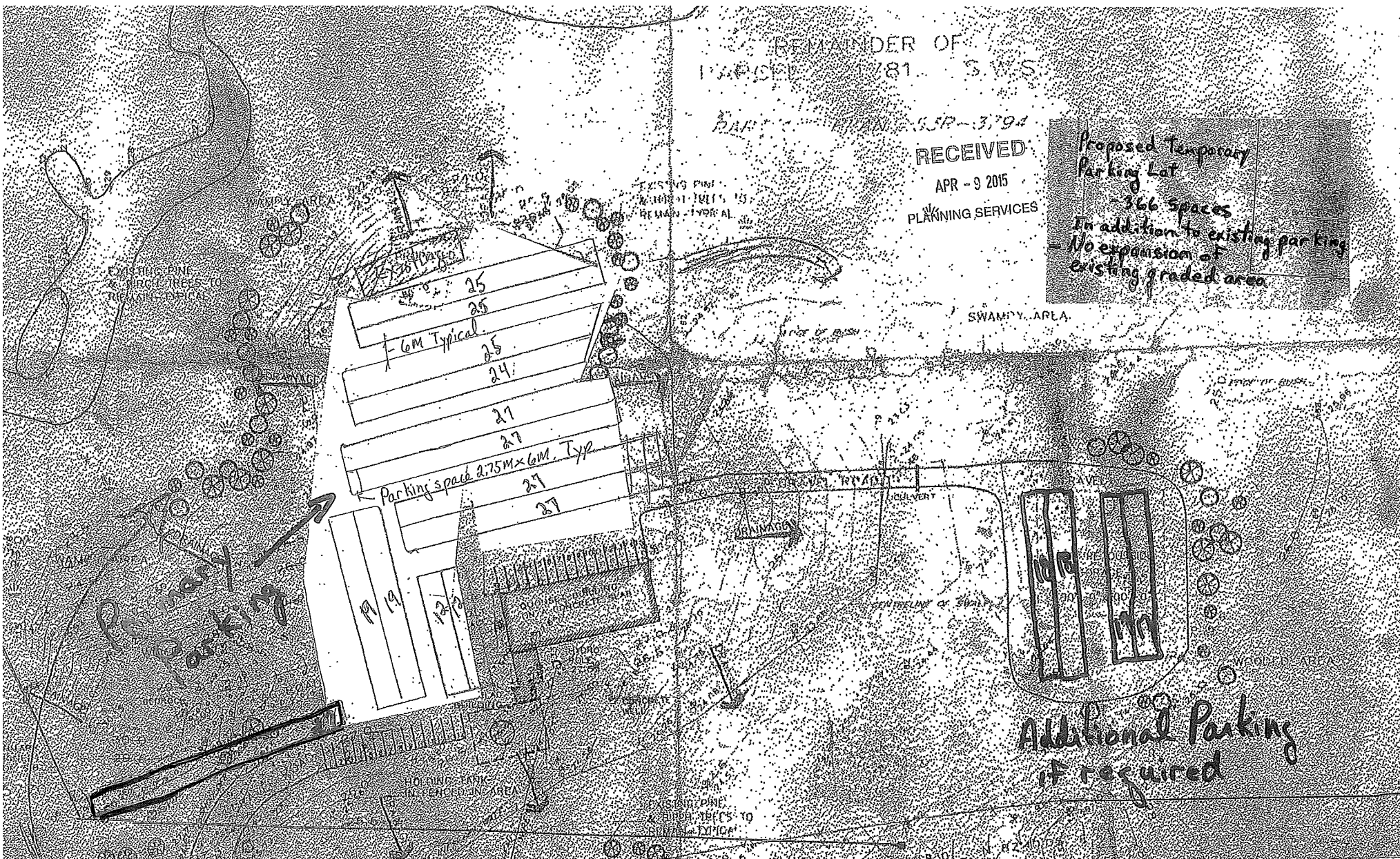




PHOTO 1 SUBJECT LANDS, 5280 MUNICIPAL ROAD 55, VIEWED
LOOKING NORTH EAST FROM MR 55



PHOTO 2 ON-SITE VIEW OF STORAGE BUILDING, 5280 MR 55



PHOTO 3 ON-SITE VIEW OF QUONSET HUT AND ACCESSORY STRUCTURES, 5280 MR 55



PHOTO 4 VACANT RURAL LANDS TO THE SOUTH OF THE SUBJECT LANDS, VIEWED LOOKING SOUTH FROM MR 55

751-8/15-1 PHOTOGRAPHY MAY 31, 2015



PHOTO 5 5206 MR 55, EAST OF THE SUBJECT LANDS, VIEWED
LOOKING NORTH FROM MR 55



PHOTO 6 43 LINDALA ROAD, SOUTH OF THE SUBJECT LANDS,
VIEWED LOOKING SOUTH FROM LINDALA ROAD

751-8/15-1 PHOTOGRAPHY MAY 31, 2015

File: 751-8/15-1
5280 M.R. 55,
Whitefish
2008/2009 Orthophotography



Subject Property



RECEIVED

APR 29 2015

ET ✓
AS ✓

PLANNING SERVICES Registered Letter

April 27th 2015

City of Greater Sudbury

Eric Taylor

Manager of Development Services

Growth and Development Department

Box 5000, Station A

Sudbury, Ontario. P3A5P3

RE: FILE: 751-8/15-1

Dear Sir:

Thank you for your letter dated April 21, 2015 regarding the above application by Gerald McNamara to amend By-law 2010-100Z.

The application is to permit a temporary parking lot for a period of three (3) years.

I spoke briefly with Mr. Alex Singbush at your offices and he informed me that the proposed parking lot would enable employees of Victoria Mines to park their personal vehicles at the proposed parking area and be "bused" into the mine, meaning a bus staging centre for Victoria Mine.

I own a lot of approximately 13 acres directly across from the "proposed" temporary parking lot.

When I purchased the lot many years ago, it was always my wish to be able to build a single family home for myself and my family for my retirement years.

Therefore I strongly object to the proposal to amend the bylaw due to a number of obvious safety and property concerns, as per the following:

- 1) Increased amount of road traffic to and from the proposed site.
- 2) Noise issues from buses waiting/transporting and returning to and from the site at all hours of the day and night.

3) Diesel fumes and noise from buses running during waiting periods especially in the winter months.

4) Noise from employees waiting for their prospective buses.

5) Fire hazards possibly created from employees and bus drivers smoking during waiting periods and discarding live cigarettes.

6) Garbage being thrown on Hwy 55 West due to the number of vehicles accessing the parking lot. Vehicles coming off Hwy 17 West onto Regional Road 55 have already proven to be a problem with garbage constantly thrown onto the highway. This situation would obviously increase.

7) Devaluation of property values would increase.

I am sure there are many more issues the proposed change would produce but at this time, the above concerns immediately come to mind.

Why would the City of Greater Sudbury allow such a change? If Victoria Mine needs an employee parking lot (or any Mine site nearby) for their employees, why would this not be done out closer to the Mine and away from our RU area?

Please be sure to notify me when the above application is scheduled for a public meeting. I will definitely be attending.

Thank you,



Michael Dopson

P.O. Box 1343, Stn. B

Sudbury, Ontario. P3E5K4

CC. Interested Neighbours



Coalition for a
Liveable
Sudbury

Making connections. Working toward sustainability.

May 4, 2015

City of Greater Sudbury
City Clerk
P.O. Box 5000 Station A
200 Brady Street
Sudbury ON P3A 5P3

Re: Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law from "M1(2)", Mixed Light Industrial/Service Commercial Special to Mixed Light Industrial/Service Commercial Special Temporary Use to permit a temporary parking lot pursuant to Section 39 of the Planning Act.

Gerald McNamara

File Number: 751-8/15-1

Written submission from Coalition for a Liveable Sudbury

The Coalition for a Liveable Sudbury (CLS) notes that site is adjacent to Fairbank Creek.

A decision on this application should have regard to the health of Fairbank Creek. Adding parking has the potential to result in run-off of salt and other contaminants to the creek.

This could be mitigated by requirements around storm water management, avoiding directing run off to the creek, using permeable surfaces, and maintaining a 30 metre vegetated buffer along the creek.

Request for Notice

In keeping with subsections 17(35) and 51(37) of the Planning Act, I request to receive notice of any decision of Council related to this development proposal.

Naomi Grant, Chair
Coalition for a Liveable Sudbury
78 Roxborough Drive
Sudbury, Ontario
P3E 1J7