

Presented To:	Planning Committee
Presented:	Monday, Jun 24, 2019
Report Date	Friday, May 31, 2019
Type:	Public Hearings
File Number:	751-5/19-2 & 701-5/19-1

Request for Decision

Nickel Belt Boom Truck Ltd. - Applications for Official Plan Amendment and rezoning in order to permit the expansion of a recreation vehicle sales and service establishment onto abutting rural lands, Joannette Road, Chelmsford

Resolution

Resolution regarding Official Plan Amendment:

THAT the City of Greater Sudbury approves the application by Nickel Belt Boom Truck Ltd. to amend the City of Greater Sudbury Official Plan to provide a site-specific exception to the policies of Section 5.2.5 concerning Rural Industrial/Commercial uses in Rural Areas in order to permit the expansion of a recreation vehicle sales and service establishment on lands described as Part of PIN 73350-0593 in Lot 4, Concession 2, Township of Balfour, as outlined in the report entitled "Nickel Belt Boom Truck Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 24, 2019, subject to the following conditions:

1. That the Official Plan Amendment be enacted concurrently with the zoning amendment;
2. Conditional approval shall lapse on July 9, 2021 unless Condition 1 above has been met or an extension has been granted by Council.

Resolution regarding the Rezoning Application:

THAT the City of Greater Sudbury approves the application by Nickel Belt Boom Truck Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural to a revised "RU(4)", Rural Special on lands described as Part of PIN 73350-0593 in Lot 4, Concession 2, Township of Balfour, as outlined in the report entitled "Nickel Belt Boom Truck Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on June 24, 2019, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall address the following conditions:

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed May 31, 19

Manager Review

Alex Singbush
Manager of Development Approvals
Digitally Signed May 31, 19

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed May 31, 19

Financial Implications

Jim Lister
Manager of Financial Planning and
Budgeting
Digitally Signed Jun 5, 19

Recommended by the Department

Tony Cecutti
General Manager of Growth and
Infrastructure
Digitally Signed Jun 7, 19

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jun 9, 19

- i) Provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law;
 - ii) Remove the shipping containers from the property to the satisfaction of the Director of Planning Services; and,
 - iii) Amend the Site Plan Control Agreement with the City to include the subject lands.
2. That the RU(4) special zoning be amended by applying the following site-specific provisions to the lands to be rezoned:
- i) The only permitted uses shall be the outdoor display and sales of recreation vehicles and the accessory outdoor storage of recreation vehicles;
 - ii) An opaque fence with a minimum height of 2.2 metres shall not be required for the accessory outdoor storage of recreation vehicles;
 - iii) A natural vegetative buffer shall be maintained as follows:
 - a) A minimum 14 metre-wide buffer abutting the rear lot lines of Parts 1 and 2, Plan SR-3123;
 - b) A minimum 30 metre-wide buffer abutting the rear lots lines of Parts 3 to 8, Plan SR-3123;
 - iv) A planting strip with a minimum depth of 5 metres shall be provided along the southerly interior side lot line abutting Part 1, Plan SR-3123;
 - v) For the purposes of this by-law, the accessory outdoor storage of recreation vehicles shall be defined as follows:

“An outdoor area that is provided for the parking and storage of recreation vehicles for remuneration, but does not include a camping ground or facilities for the disposal of recreation vehicle wastewater.”
3. Conditional approval shall lapse on July 9, 2021 unless Condition 1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan / Health Impact Assessment

The applications to amend the Official Plan and Zoning By-law are operational matters under the Planning Act to which the City is responding.

Report Summary

Applications for Official Plan Amendment and rezoning have been submitted in order to permit the expansion of recreation vehicle sales and service establishment located at 401 Joannette Road Chelmsford onto abutting rural lands under the same ownership. The existing commercial use is subject to a Site Plan Control Agreement registered in June 1994 and amended in September 2003.

Land use compatibility can be achieved by implementing enhanced vegetative buffering along the westerly lot line where the expanded use abuts low density housing on Joannette Road. Significant site alteration has also occurred without approval, which shall be remedied as part of an amendment to the Site Plan Control Agreement.

Planning Services recommends approval, as there is a land use rationale to support an exception to the Rural policies of the Official Plan. The application is also consistent with the 2014 Provincial Policy Statement related to Rural Lands in Municipalities, and does not conflict with the Growth Plan for Northern

Ontario.

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 rezoning may increase the assessment value based on the change in the zoning.

Title: Nickel Belt Boom Truck Ltd.

Date: May 30, 2019

STAFF REPORT

Applicant:

Nickel Belt Boom Truck Ltd. (Agent: Adrian Bortolussi, OLS)

Location:

Part of PIN 73350-0593 in Lot 4, Concession 2, Township of Balfour (Joanette Road, Chelmsford)

Official Plan and Zoning By-law:

Official Plan

The subject land is designated Rural under the Official Plan, which permits a limited range of commercial use and does not include recreation vehicle sales and service. An Official Plan amendment is therefore required in order to address the expansion of the use onto adjacent lands. The owner is requesting a site-specific exception to the Rural policies of the Official Plan.

Zoning By-law

The RU(4) special zoning applied to the benefitting parcel has the following site-specific provisions:

“The only permitted uses shall be the following: a dealership for the sale of motor homes and travel trailers used for the temporary vacation living accommodation of one or more persons, and related accessory uses which among other uses may include accessory repair, accessory sale of parts and accessories and accessory offices.”

Site Description & Surrounding Land Uses:

The subject property forms part of a rural parcel that directly abuts Nickel Belt Camping at the intersection of Highway 144 and Joanette Road in Chelmsford. The area is serviced by municipal water but there is no sanitary sewer. Highway 144 is a Provincial Highway under the jurisdiction of the Ministry of Transportation. Joanette Road is designated as a Local Road and is constructed to a rural standard.

Total area of the land to be rezoned is 3.7 ha, with 69 metres of frontage on Highway 144 and 26.2 metres of frontage on Joanette Road. The lands are under the same ownership as the RV dealership. A septic field bed is located directly south of the main commercial building. A site visit revealed five (5) shipping containers on the property.

Significant site alteration has occurred without approval and the RV use has been expanded onto the subject land as an outdoor storage area. The lands have been surfaced with a soft asphalt-gravel mix. A drainage channel has also been constructed along the easterly limit of the property.

Single detached dwellings on Joanette Road abut directly to the west. Unimproved rural lands are located to the east and south.

Title: Nickel Belt Boom Truck Ltd.

Date: May 30, 2019

Application:

1. To amend the City of Greater Sudbury Official Plan in order to provide a site-specific exception from the policies of Section 5.2.5 concerning Rural Industrial/Commercial uses in Rural Areas;
2. To amend By law 2010-100Z being the City of Greater Sudbury Zoning By-law from "RU", Rural to "RU(4)", Rural Special.

Proposal:

Applications for Official Plan Amendment and rezoning have been submitted in order to permit the expansion of a recreation vehicle sales and service establishment onto abutting lands under the same ownership. The expanded use would encompass the outdoor display and sales of recreation vehicles, as well as the parking and storage of recreation vehicles as an accessory use. No new buildings are proposed.

Departmental/Agency Circulation:

Commenting departments have no objections provided the owner amends the existing Site Plan Control Agreement to encompass the expanded use as a condition of approval. More detailed comments will be provided at the site plan stage.

Ministry of Transportation advised that they have no objection and indicated that no access is permitted to Highway 144. The owner is further advised that a traffic impact statement will be required at the site plan stage to assess any potential impacts to the Joannette Road/Highway 144 intersection.

Neighbourhood 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 240 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The owner indicated that abutting residents on Joannette Road and Highway 144 would be contacted by registered letter in order to address any questions or concerns.

As of the date of this report, one (1) phone call seeking clarification on the application has been received.

Background:

In February 1993, approval was granted through Committee of Adjustment in order to change the legal non-conforming use of the adjacent land municipally known as 401 Joannette Road from a swimming pool dealership to a travel trailer and motor home dealership (File A0010/1993). A Site Plan Control Agreement was required as a condition of approval and was subsequently registered on title on June 3, 1994.

In March 2003, a rezoning application was approved in order to recognize the legal non-conforming use and to permit the easterly expansion of the RV dealership onto Part 1, Plan 53R-17334. An amendment to the Site Plan Control Agreement was required prior to the adoption of the amending by-law. The entire site was subsequently rezoned to "A-27", Agricultural Special in order to permit a recreation vehicle dealership (now RU(4) under By-law 2010-100Z).

Title: Nickel Belt Boom Truck Ltd.

Date: May 30, 2019

Planning Considerations:

The owner has expanded the commercial use onto abutting lands without zoning approval or an amendment to the Site Plan Control Agreement. Site alteration has also taken place without benefit of a permit, including construction of a drainage channel along the easterly limit of the subject land. The owner has applied to rectify the above matters by filing applications for Official Plan Amendment and rezoning.

The Planning review of this file is focused on the following:

- Land use compatibility with existing uses, most notably the low density housing abutting to the west;
- Suitability of the site for the expanded use including restricted access and any potential traffic impacts; and,
- Land use rationale for an exception to the Rural policies of the Official Plan.

Land use compatibility

The main consideration related to land use compatibility concerns the low density housing that abuts the westerly limit of the subject land. There are eight (8) occupied residential lots on the east side of Joannette Road containing single detached dwellings, comprising Parts 1 to 8 of Plan SR-3123. The lots are undersized for a rural area and are deemed to be legal existing lots of record.

The owner is proposing to maintain a vegetative buffer of 33 metres between the expanded outdoor storage area and the westerly property line. The buffer is reduced in depth to 14 metres abutting Parts 1 and 2, Plan SR-3123 due to the location of the septic field bed. The depth of the proposed buffers is adequate given the nature of the use, which will be limited to the outdoor storage of recreation vehicles. The following site-specific zoning provisions are recommended, to be implemented as part of the amended site plan:

A natural vegetative buffer shall be maintained as follows:

- a) A minimum 14 metre-wide buffer abutting the rear lot lines of Parts 1 and 2, Plan SR-3123;
- b) A minimum 30 metre-wide buffer abutting the rear lots lines of Parts 3 to 8, Plan SR-3123.

In consideration of the buffers proposed above, it is further recommended that relief be granted for an opaque fence that is typically required for screening purposes under the outdoor storage provisions of Section 4.28 of the Zoning By-law.

In the southerly interior side yard abutting the northerly lot line of Part 1, Plan SR-3123, which is the residential lot directly adjacent to the southerly driveway access, it is recommended that a minimum five (5) metre-wide planting strip be installed.

Suitability of site

There is adequate site area to provide an expanded storage area for recreation vehicles. Only a portion of the parent parcel is proposed to be rezoned and the remainder of the lands will retain Rural zoning. The owner intends to utilize the two (2) existing driveway entrances on Joannette Road.

Although no access to Highway 144 is proposed, the owner is advised that the subject land falls within the Ministry of Transportation's area of permit control. MTO has advised that a traffic impact statement will be required at the site plan stage in order to evaluate any potential impact on the Joannette Road/Highway 144 intersection.

Title: Nickel Belt Boom Truck Ltd.

Date: May 30, 2019

Official Plan

Planning Services can recommend an exception to the Rural policies of the Official Plan based on the following considerations:

- The expanded use is considered to be a dry industrial use in an area where only municipal water is available;
- The proposal involves the outdoor storage of recreation vehicles, which does not require the extension of services;
- The site is large enough to accommodate the proposed use while providing adequate separation from residential uses;
- Driveway entrances are restricted to the Local Road; and,
- The property is subject to site plan control given the proximity to Highway 144.

2014 Provincial Policy Statement (PPS)

The owner is proposing a site-specific exception to the Rural policies of the Official Plan. The application is consistent with Provincial policies applied to Rural Lands in Municipalities under Section 1.1.5 of the PPS based on the following observations:

- The proposal does not entail a change in land use designation that would have the effect of expanding the settlement area of Chelmsford.
- The use is appropriate to the level of existing and planned infrastructure in the area. The extension of municipal services is not required in order to support development, which would be restricted to outdoor storage for an RV dealership.
- The lands are not designated as Agricultural Reserve or other resource-related uses that require protection under the PPS.

2011 Growth Plan for Northern Ontario (GPNO)

There is no conflict with the GPNO, which encourages a diverse mix of land uses in Economic and Service Hubs such as Greater Sudbury. Furthermore, there are no specific policies applied to rural lands within municipalities under the GPNO.

Conditions of approval

It is recommended that the RU(4) zoning be extended to the subject land, provided the use is limited to the outdoor display and sale and outdoor storage of recreation vehicles.

The owner is proposing to add the outdoor parking and storage of RVs for remuneration as an accessory use. Site-specific provisions are therefore recommended that would prohibit the use of the land as a camping ground and/or a disposal facility for RV wastewater.

It is recommended that the removal of the shipping containers be made a condition of approval, as the containers are not permitted as an accessory use.

In order to ensure that the site works are completed to the satisfaction of the City, and also because the use has already been expanded onto abutting lands, it is recommended that the Site Plan Control Agreement be required prior to the adoption of the amending by-law.

Title: Nickel Belt Boom Truck Ltd.

Date: May 30, 2019

Summary

Planning Services recommends that the applications for Official Plan Amendment and rezoning be approved subject to the conditions outlined in the Resolution section of this report.

The owner is advised that a final plan of survey is required in order to enact the amending bylaw.

Appendix 1

Departmental & Agency Comments

Files: 701-5/19-1 & 751-5/19-2

RE: Applications for Official Plan Amendment and Rezoning – Nickel Belt Boom Truck Ltd. Part of PIN 73350-0593 in Lot 4, Concession 2, Township of Balfour (Joanette Road, Chelmsford)

Development Engineering

Development Engineering has reviewed the above noted application. The site is not serviced with municipal water or sanitary sewer. An amendment to the Site Plan Control Agreement for 401 Joanette Road is required, which shall address the requirements of stormwater management.

Roads and Transportation

No concerns.

Ministry of Transportation (MTO)

There is no direct access to Highway 144. MTO permits may be required. A traffic impact statement completed by a RAQS-qualified consultant is required, detailing the impacts to the Joanette Road/Highway 144 intersection.

Building Services

- 1) A planting strip is required where the lands abut a residential lot as per Section 4.15.4 of Zoning By-law 2010-100Z.
- 2) All outdoor storage shall comply with Section 4.28 of Zoning By-law 2010-100Z.
- 3) All outdoor display and sales of vehicles shall comply with Section 4.27.2 of Zoning By-law 2010-100Z.

Conservation Sudbury (Nickel District Conservation Authority)

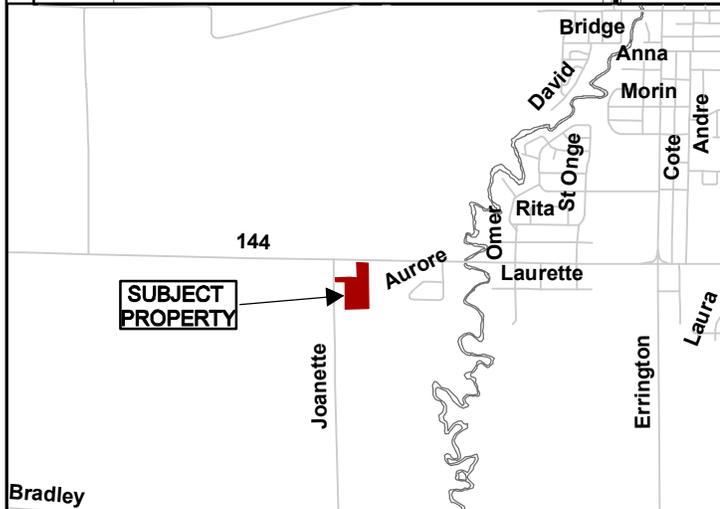
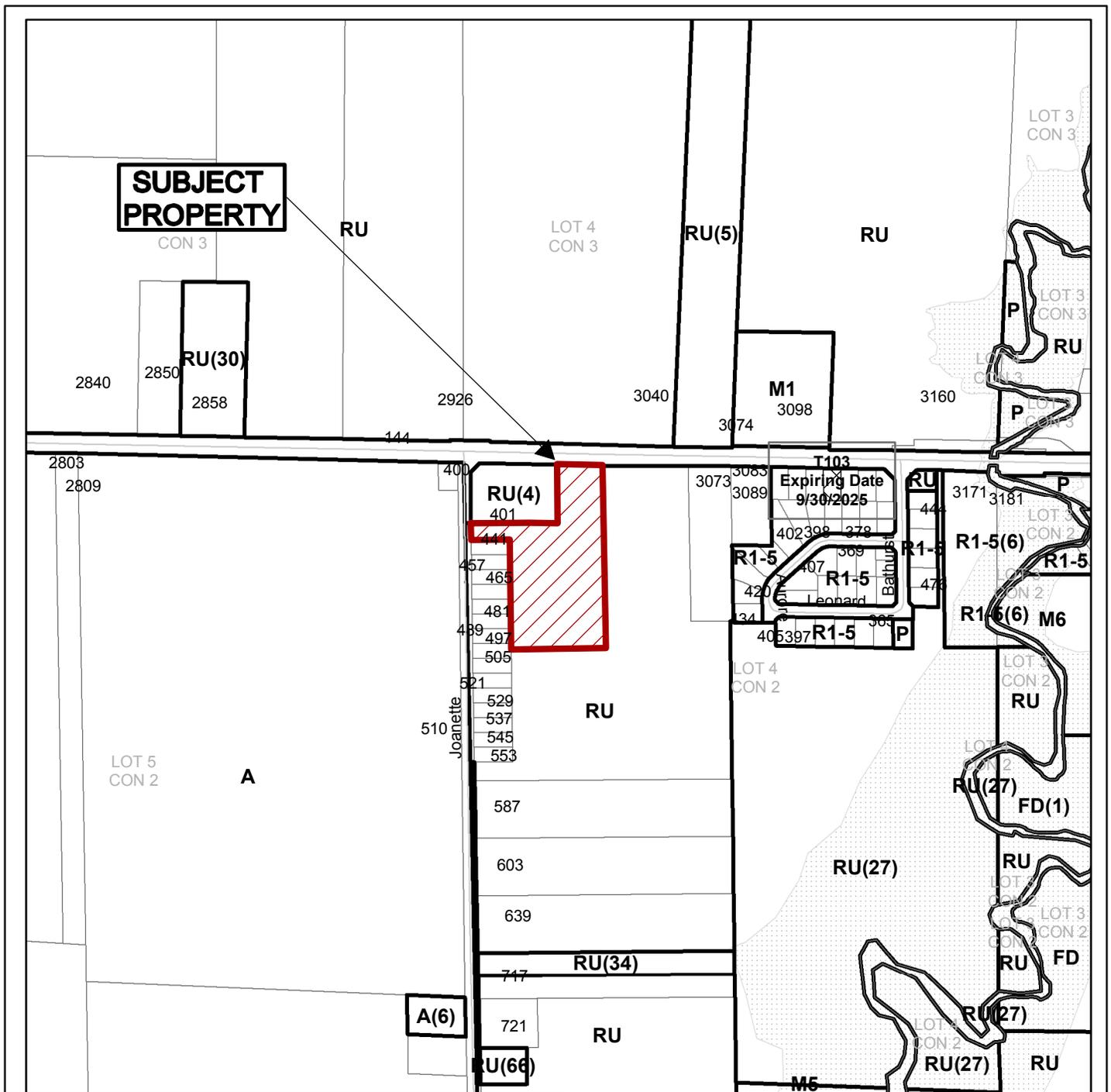
Conservation Sudbury responded to a drainage complaint for this property in October 2018. Staff met with the property owner along with Development Engineering, Building Services and By-law Enforcement. It was recommended at that meeting that the landowner apply to Planning Services for rezoning and site plan control in order to address all drainage issues.

Conservation Sudbury advised the owner that the drainage complaint would be put on hold until such time that the appropriate applications are submitted (e-mail dated October 31, 2018).

Conservation Sudbury therefore requests that an amendment to the Site Plan Control Agreement be made a condition of the rezoning and Official Plan amendments. The site plan must be reviewed by the Conservation Authority.

Environmental Planning Initiatives

No concerns related to Species at Risk.



**Growth and Infrastructure
Department**



Subject Property being part of PIN 73350-0593,
Lot 4, Concession 2, Township of Balfour,
Joannette Road, Chelmsford,
City of Greater Sudbury

NTS
Sketch 1

751-5/19-2 & 701-5/19-1
Date: 2019 02 28

ASBUILT PLAN
PART OF LOT 4
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF BALFOUR

SCALE 1 : 500 METRIC
0 5 10 15 20 25

HIGHWAY No 144



PIN
73350
0132

PART 1
SR-100

PART 1
53R-14881

PIN 73350-0532

PART 1
53R-17334

ZONING -- RURAL (4)

NICKEL BELT CAMPING - SALES / SERVICE / STORAGE
(#401 JOANETTE ROAD)

OPEN AREA (GRASS)
TO REMAIN NATURAL

OPEN AREA (GRASS)
FUTURE EXPANSION
(PARKING & STORAGE FOR TRAILORS)

EXISTING TRAILOR
PARKING & STORAGE

SWAMPY
AREA

GRAVEL

GRASS AREA

EXISTING
FIELD BED

ZONING -- RURAL

PIN 73350-0593

OPEN AREA (10 years of regrowth)
FUTURE EXPANSION
(PARKING & STORAGE FOR TRAILORS)

EXISTING TRAILOR
PARKING & STORAGE

BUSH
TO REMAIN NATURAL

PROPOSED
DITCH
TO BE CONSTRUCTED

PILES OF FILL
(TO BE REMOVED)

APPROXIMATE LOCATION OF
PRESENT TREE LINE

DECEMBER 20, 2018
DATE

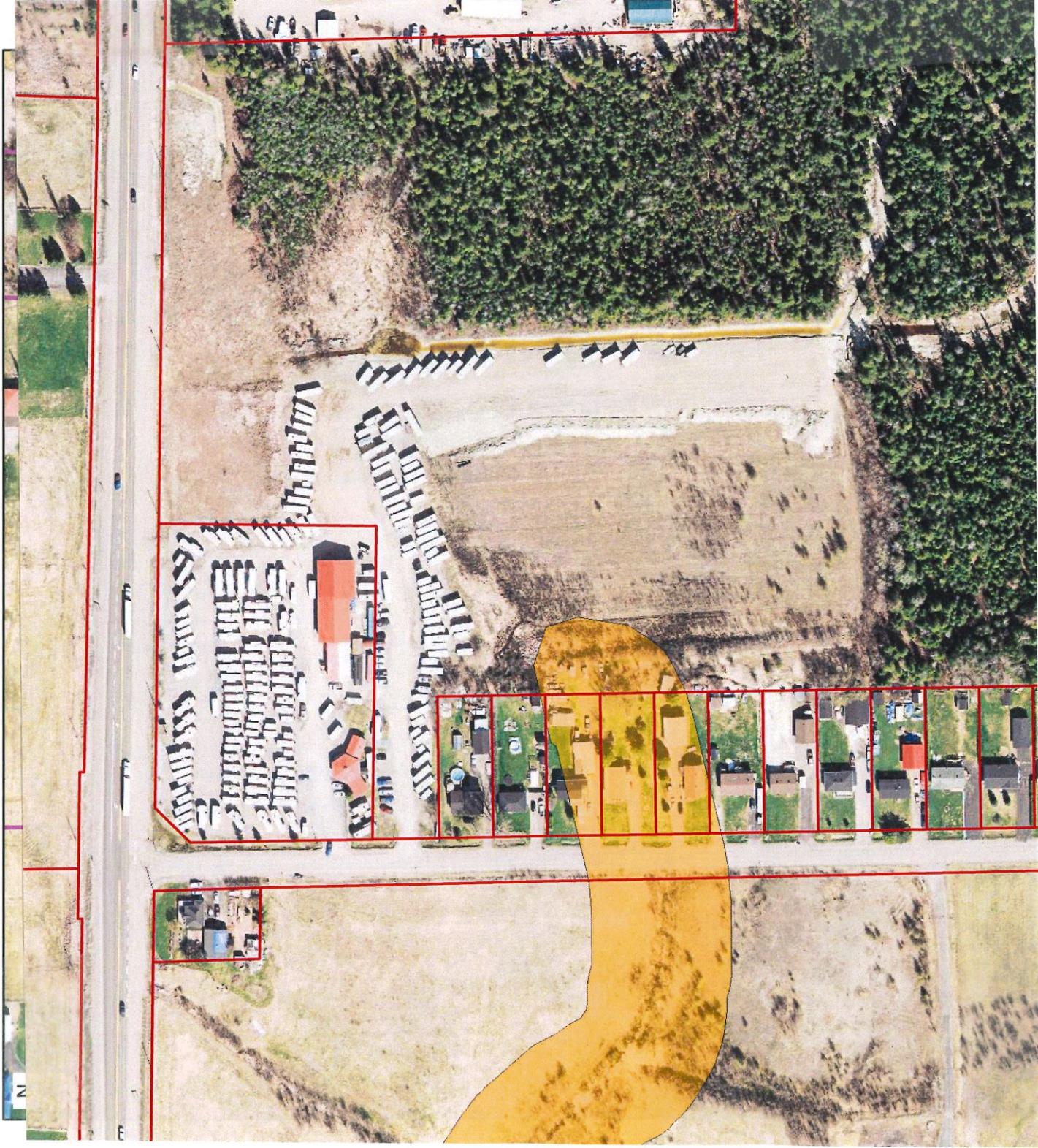
A BORTOLUSSI, OLS

NOTE:
ELEVATION ARE GEODETIC AND ARE SHOWN IN METERS

AREA
TOTAL = 12.4 ha (30.73 ACRES)
TO BE REZONED = 3.7 ha (9.1+/- ACRES)



Spart PC2019-003
 0 Joannette Road
 PIN 73350-0593
 Parcel 21812
 part 1, Plan 53R-4276
 Lot 4, Concession 2
 Township of Balfour



Legend

- Roads
- Waterbody
- Wetlands
- Watercourse
- Parcels
- Flood Plain
- Regulation Limits

190 95 0 190 Meters



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Legend

- Parcel Owners
- Parcel PIN
- Flood Plain
 - Flood Fringe and Cond. Dev. A-G
 - Flood Plain, Floodway and Cond. Dev. H
- Temporary Zoning
- Zoning

229.3 0 114.66 229.3 Meters

Scale 1: 4,514

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Notes

2016 Orthophotography



Photo 1: Joannette Road, Chelmsford
View of southerly driveway entrance on Joannette Road (service entrance)
Files 701-5/19-1 & 751-5/19-2



Photo 2: Joannette Road, Chelmsford
Southerly interior side yard abutting single detached dwelling to the south
Files 701-5/19-1 & 751-5/19-2



Photo 3: Joannette Road, Chelmsford
Location of septic field bed behind main building with shipping containers at left
Files 701-5/19-1 & 751-5/19-2



Photo 4: Joannette Road, Chelmsford
View of outdoor storage area facing south
Files 701-5/19-1 & 751-5/19-2



Photo 5: Joannette Road, Chelmsford
View facing southwest towards abutting single detached dwellings with proposed 14-
metre buffer in background
Files 701-5/19-1 & 751-5/19-2



Photo 6: Joannette Road, Chelmsford
Southerly section of outdoor storage area facing southwest with proposed 30-metre
buffer in the background
Files 701-5/19-1 & 751-5/19-2



Photo 7: Joannette Road, Chelmsford
Southerly section of outdoor storage area facing southeast
Files 701-5/19-1 & 751-5/19-2



Photo 8: Joanette Road, Chelmsford
Drainage channel along easterly limit of outdoor storage area
Files 701-5/19-1 & 751-5/19-2