

**Title: K.S. Flinn Investment Inc.**

**Date: December 21, 2020**

## **Staff Report**

### **Applicant:**

K.S. Flinn Investments Inc.

### **Location:**

PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder (339 Harrison Drive, Sudbury)

### **Background:**

In 2018, an application for rezoning was approved in order to permit a paint spray booth as an accessory use within an existing maintenance garage on the southwest portion of the subject property. Site-specific relief was also granted to permit the temporary parking and outdoor storage of vehicles for hire within the front yard without screening. As a condition of approval, the owner is required to remove the shipping containers and partially dismantled vehicles from the site. Planting strips with a minimum depth of five (5) metres were also required along the northerly and southerly lot lines.

The following resolution PL2019-115 was passed by Planning Committee on September 23, 2019 and ratified by Council on October 8, 2019:

THAT the City of Greater Sudbury approves the application by K.S. Flinn Investments Inc. to amend Zoning By-law 2010-100Z by changing the zoning classification from "M1", Mixed Light Industrial/Service Commercial to "M1(S)", Mixed Light Industrial/Service Commercial Special on lands described as PIN 73475-0205, Part 1, Plan 53R-9523, Parcel 46093 S.E.S., in Lot 6, Concession 6, Township of Broder, as outlined in the report entitled "K.S. Flinn Investments Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 23, 2019, subject to the following conditions:

- a) In addition to the uses permitted in the M1 zone, one (1) paint spray booth within the existing maintenance garage shall also be permitted; and,
- b) The temporary parking or outdoor storage of vehicles for the purposes of display, hire or sale shall be permitted within the front yard, except that screening by opaque fencing shall not be required;
- c) That prior to the adoption of the amending by-law, the owner shall address the following conditions to the satisfaction of the Chief Building Official and the Director of Planning Services:
  - i) Install a Precast Test Maintenance Hole (GSSD-1001.030) or Maintenance Access Chamber (GSSD-1001.040) on the sanitary sewer service on the private property side of the property line;
  - ii) Remove the shipping containers and partially dismantled vehicles from the subject lands;

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- iii) Provide a minimum five (5) metre-wide planting strip along the northerly lot line abutting Parts 7 and 8, Plan 53R-12172, excluding the area occupied by the existing fueling facility; and,
  - iv) Provide a minimum five (5) metre-wide planting strip along the southerly lot line.
- d) Conditional approval shall lapse on October 8, 2021 unless Condition c) above has been met or an extension has been granted by Council.

## **Planning Considerations:**

Staff attended the site on November 6, 2020 at the owner's request in order to review and clear various conditions of approval. Landscaping has been installed in the southwesterly portion of the property in an area that was formerly exposed gravel and rock (Photo 1). The shipping containers and partially dismantled vehicles have been removed from the property (Photo 2). A planting strip has also been installed along the northerly lot line abutting a multiple dwelling as per Council's resolution (Photos 3 and 4). Furthermore, the owner has installed the test manhole to City specifications subject to final inspection.

The outstanding condition concerns the required planting strip along the southerly limit of the property, excluding the landscaping provided in the southwest corner. The requirement for enhanced landscaping was implemented by the Committee in order to address concerns from the abutting property owner related to damage to the fence and vehicle parts discarded on their property.

Photos 5 and 6 illustrate existing conditions. The owner has submitted a letter requesting that Council delete this condition due to existing site conditions in the form of a concrete pad, as well as consideration of potential future use of the abutting land, which is designated as Mixed Use Commercial. In response, the abutting property owner has also made a submission presenting some alternative options including installing a second fence equidistant to the lot line, or alternatively, removal of a portion of the concrete pad to accommodate a hedge along the lot line.

Given the site conditions and the history of use, it is unlikely that plantings would survive at this location. As an alternative resolution, Planning Services recommends that a vehicular guard be required in lieu of a planting strip, which would protect the fence from further damage. The vehicular guard should be installed along the southerly lot line where the outdoor parking area abuts the fence line to the satisfaction of the Director of Planning Services.