

Minutes - August 14, 2018

Denis Gratton Construction Limited - Applications for Official Plan amendment and rezoning in order to permit a contractor's yard with outdoor storage on lands designated and zoned as Rural, 3160 Highway 144, Chelmsford

**The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application:**

Report dated June 4, 2018 from the General Manager of Growth and Infrastructure regarding Denis Gratton Construction Limited - Applications for Official Plan amendment and rezoning in order to permit a contractor's yard with outdoor storage on lands designated and zoned as Rural, 3160 Highway 144, Chelmsford.

Kevin Jarus, Tulloch Engineering, agent for the applicant, was present.

Mauro Manzon, Senior Planner, outlined the report.

Mauro Manzon, Senior Planner, stated that landscaping or buffering would be included as part of the Site Plan Control Agreement, given the high visibility use on a major arterial road adjacent to a subdivision.

Eric Taylor, Manager of Development Approvals, stated that the landscaping and buffering would be included as part of the Site Plan Control Agreement. He further stated that the earlier submission was processed through the Regional Council in the 1990's. This application never received final approval and was appealed to the Ontario Municipal Board. In this situation the agreement would be registered on title and enforced by the municipality and it would ensure that a building permit was obtained to the satisfaction of the Chief Building Official.

Jason Ferrigan, Director of Planning Services, stated that there are mechanisms to ensure performance and the recommendation states that prior to the by-law being passed, conditions would need to be met and conditional approval would expire on August 14, 2020. If it expires, the applicant would need to reapply and come back to the Planning Committee, at which point the committee could see the progress they have made. He further stated that the use the Site Plan Agreement will ensure that the applicant is in conformity. No by-law would be approved until the applicant clears all of the conditions. The two years allows the conditions to be met and ensure that satisfactory progress has been made. In two years, the committee can decide whether to extend the approval. The application before the Committee today is to approve the uses for the site. The by-law would not be approved until all of the conditions are met and the Site Plan Agreement has been registered on the property. In this particular case, when dealing with conditional re-zoning, the by-law does not get approved until those conditions have been met. When a use exists and a developer wants to get a building permit and is subject to Site Plan approval, it is registered on title. There may be performance issues over time, such as landscaping for example, that have not been completed. Historically they have not performed audits on the Site Plan Agreement to ensure that conditions that were imposed by Council were met and

maintained, however, they are making improvements to the business process for the Site Plan. The first phase of the improvements is to document all of the steps followed for the Site Plan agreement. The second phase of that work, which they have just started using, focuses on efficiencies within the Site Plan process. We plan to work with the corporation and outside expertise to look at the process and improve transparency. Through this process, we will free resources up and additional resources will be available to monitor the existing Site Plan process. In 2019 the final phase will be the land and property management system, which is the business transformation between Building and Planning Services allowing them to automate many functions.

Mr. Jarus stated that in the 1990's, the subject property was part of an Official Plan and Zoning By-law Amendment. There were negotiations with the Ministry of Transportation over the access driveway, which has now been dealt with. When they first applied, they had asked for significant uses and have since scoped this down to ask for existing use only. In the original application it was felt that the property was a good spot for an industrial location, since it is located on a Ministry of Transportation highway. The property has full municipal services, which is unique for a rural property. The owner will go through the Site Plan Agreement process and they would like to see the rezoning process come to a conclusion. He advised that to ensure that the conditions are met, the City requires letters of credit and deposits.

Sylvie and Ronald Fortin, concerned residents, stated that they own the property across the river from the site. They have concerns regarding the noise coming from the property, which happens late at night. They would like them to consider installing a fence along the highway. They are also concerned about snow removal and do not want it placed near the creek as the water will rise and grease or contaminants could leach into the water. They would like to make sure they have set hours and do not do overnight work.

Eric Taylor, Manager of Development Approvals, stated that the snow storage and impacts on the river, grading, drainage and the outdoor storage areas will be dealt with through the Site Plan. The run-off and impacts on the watercourse would be addressed by the Nickel District Conservation Authority. With respect to the noise, the city does have a noise by-law.

Adam Kosnick, Manager of Regulated Services/Deputy City Clerk, stated that by-law 2018-29, section 7 states, "Except as otherwise specifically provided for in this By-law no person shall at any time, make, cause or permit any sound from any of the following activities, during the hours from 9:00 p.m. of one day and 7:00 a.m. of the next following day, if the sound, at the Point of Reception is of a type likely to disturb the inhabitants of the City:

- (a) the loading, unloading, delivering, packing, unpacking or otherwise handing of any containers, products or materials, unless necessary for the maintenance of essential services or the preservation of perishable goods;
- (b) the operation of any manufacturing business;
- (c) the operation of any auto repair shop; or
- (d) Construction Prohibited Fixed Hours.

Section 8 also states that "no person shall at any time, make, cause or permit of any sound from any of the following activities, during the hours from 9:00 p.m. of one day and 7:00 a.m. of the next following day;

(a) the operation of construction equipment or a vehicle or other engine or machine used in connection with construction.

Mr. Jarus stated that a permit regarding the floodplain is required from the Conservation Authority. The Site Plan process would address any concerns with water run-off controls. Buffering would be provided for noise control.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following resolutions were presented:

Resolution regarding the Official Plan Amendment:

PL2018-145 Landry-Altmann/Sizer: THAT the City of Greater Sudbury approves the application by Denis Gratton Construction Limited to amend the City of Greater Sudbury Official Plan to provide a site-specific exception from the policies of Section 5.2.5 concerning Rural Industrial/Commercial uses in Rural Areas in order to permit a contractor's yard with outdoor storage on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "Denis Gratton Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018.

**YEAS:** Councillors McIntosh, Lapierre, Jakubo, Sizer, Landry-Altmann  
**CARRIED**

Amended Resolution regarding the Rezoning Application:

PL2018-146 Landry-Altmann/Sizer: THAT the City of Greater Sudbury approves the application by Denis Gratton Construction Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "RU", Rural to "RU(S)", Rural Special on lands described as Part of PIN 73350-0625, Part of Parcel 7583 S.W.S., Part 1, Plan 53R-20596 in Lot 4, Concession 3, Township of Balfour, as outlined in the report entitled "Denis Gratton Construction Limited" from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of August 14, 2018, subject to the following conditions:

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

i) Provide the Development Approvals Section with a registered survey plan outlining the southerly lands to be rezoned to enable the preparation of an amending zoning by-law;

ii) Enter into a Site Plan Control Agreement with the City; and,

iii) Submit a building permit application for the existing building to the satisfaction of the Chief Building Official.

2. That the amending by-law includes the following site-specific provisions:

i) In addition to the uses permitted in the Rural zone, a contractor's yard with outdoor storage shall also be permitted;

ii) Outdoor storage shall be permitted subject to the provisions of Section 4.28, except no outdoor storage shall be located within the designated flood plain;

iii) The use of shipping containers accessory to a contractor's yard shall be permitted; and,

iv) Any additional relief required in order to implement the final site plan.

3. Conditional approval shall lapse on August 14, 2020 unless Condition 1 above has been met or an extension has been granted by Council.

**YEAS:** Councillors McIntosh, Lapierre, Sizer, Jakubo, Landry-Altmann  
**CARRIED**

Public comment was received and considered and had no effect on Planning Committee's decision as the application represents good planning.