

**Date: April 27, 2020**

## **STAFF REPORT**

### **Applicant:**

Wayne & Carrie-Ann MacLean

### **Location:**

PIN 73350-0102, Parcel 16989 SWS, Lot 6, Concession 2, Township of Broder (2687 Highway #144, Chelmsford)

### **Application:**

The original application for rezoning for which an second extension is being applied for sought to amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "A", Agricultural to "A(S)", Agricultural Special.

### **Proposal:**

Staff received an emailed letter from the agent for the owners dated April 23, 2020, requesting that the conditional rezoning approval be extended for an additional one year until April 25, 2021. The agent for the owners has advised that they intend on continuing to work on the conditions of approval that were ratified by Council on April 25, 2017. The agent for the owners has further advised that for personal reasons their client has not been able to pursue clearing the conditions of approval as it relates to site plan control being applicable to the lands and resolving outstanding building permit matters. The agent has also indicated that their client fully intends to pursue an application for pre-consultation to the Sudbury Planning Application Review Team (SPART) in order to proceed with and enter into a site plan control agreement with the City.

There has been one previous extension to the conditional rezoning approval that has been granted. The previous extend was granted by Council on July 9, 2019. The rezoning once completed would recognize and permit the existing single-detached dwelling and a contractor's yard in the form of a truck and trailer haulage business where commercial vehicles are stored and parked along with related accessory buildings and structures on the subject lands.

### **Site Description & Surrounding Land Uses:**

The subject lands are located on the south side of Highway #144 being to the west of Joannette Road and to the east of Vermilion Lake Road in the community of Chelmsford. The lands have a total lot area of 4.03 ha (9.95 acres) with approximately 120 m (400 ft) of lot frontage onto Highway #144. The lands contain a one-storey single-detached dwelling along with a gravel surfaced parking area containing a detached garage, shed and storage trailer. The owners have indicated that the gravel surfaced parking area along with the detached garage, shed and storage trailer are being used as a contractor's yard.

Surrounding uses are primarily rural residential in nature with the predominant built-form being that of single-detached dwellings. There are also a number of large vacant rural and agricultural parcels in the immediately surrounding area. There is an existing motel on the north side of Highway #144 to the west at McKenzie Road.

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### Planning Considerations:

The agent for the owners originally submitted applications for Official Plan Amendment and Zoning By-law Amendment on July 2, 2015 in order to recognize and permit the existing single-detached dwelling and a contractor's yard in the form of a truck and trailer haulage business where commercial vehicles are stored and parked along with related accessory buildings and structures on the subject lands. The Official Plan Amendment (File # 701-5/15-5) application was approved by Planning Committee through recommendation PL2017-47 and ratified by Council on April 25, 2017. There are no conditions of approval needing to be satisfied as it relates to the Official Plan Amendment. Staff advises that the Official Plan Amendment will be brought forward for enactment at the same time as the amending zoning by-law.

The application for rezoning was originally approved by Planning Committee through recommendation PL2017-48 on April 10, 2017, and ratified by Council on April 25, 2017. The approval was conditional upon the owners having entered into a site plan control agreement with the City that is to be registered on-title and that the owners shall provide Building Services with a satisfactory application for a building permit as it relates to the existing detached metal-clad garage on the lands. The amending zoning by-law can only be passed once the above noted conditions are satisfied. The current request to extend the rezoning approval is the second request for an extension.

The agent for the owners has indicated that they intend on continuing to work toward satisfying the conditions of rezoning the lands and have requested a further one year extension to the rezoning approval based on those reasons noted in above in this staff report. Staff understands that the delay in clearing the conditions is related to a private family matter which prevented the owners from proceeding with the rezoning approval. Staff has reviewed the request and has no concerns with a further one year extension at this time.

A copy of both the initial [staff report](#) regarding the Official Plan Amendment and Zoning By-law Amendment applications, as well as a copy of the approved Planning Committee [minutes](#) (see Pages 3 & 4) reflecting the decision made is attached to this report for information purposes. The [staff report](#) which recommended approval of the first extension request is also attached to this report for information purposes.

### Summary:

The agent for the owners has indicated to staff that they wish to continue pursuing the rezoning of the subject lands which would recognize and permit the existing single-detached dwelling and a contractor's yard in the form of a truck and trailer haulage business where commercial vehicles are stored and parked along with related accessory buildings and structures on the subject lands. The agent has also indicated that their client fully intends to pursue an application for pre-consultation to the Sudbury Planning Application Review Team (SPART) in order to proceed with and enter into a site plan control agreement with the City. The rezoning approval granted by Council is conditional upon the owner entering into a site plan control agreement with the City and resolving an outstanding building permit matter prior to the amending zoning by-law being enacted. Staff is supportive of and recommends approval of the request to extend the rezoning approval as it pertains to the subject lands for a period of one year until April 25, 2021.