

Presented To:	Planning Committee
Presented:	Monday, May 12, 2014
Report Date	Monday, Apr 28, 2014
Type:	Public Hearings
File Number:	751-6/14-4

Request for Decision

Application for a temporary use by-law in order to permit outdoor sale of blueberries for a temporary period of three (3) years, South Lane Road, Sudbury - Carpenter Investments of Sudbury Limited

Recommendation

THAT the City of Greater Sudbury approve the application by Carpenter Investments of Sudbury Limited to amend the Zoning By-law 2010-100Z with respect to lands described as PIN 73479-0262, Parcel 22728 S.E.S., Part 3, Plan 53R-7705, Lot 12, Concession 5, Township of Dill in order to permit the outdoor sale of blueberries in accordance with Section 39 of the Planning Act for a temporary period of three (3) years subject to the following condition:

a) That prior to the enactment of the amending by-law the owner shall provide evidence, to the satisfaction of the Director of Planning Services, of an approved Ministry of Transportation building/land use permit.

STAFF REPORT

Applicant:

Carpenter Investments of Sudbury Limited

Location:

PIN 73479-0262, Parcel 22728 SES, Part 3, Plan 53R-7705, Lot 12, Concession 5, Township of Dill (South Lane Road, Sudbury)

Application:

To amend By-law 2010-100Z being the City of Greater Sudbury Zoning By-law in order to permit the temporary sale of blueberries for period of three (3) years pursuant to Section 39 of the Planning Act.

Proposal:

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Apr 28, 14

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Apr 28, 14

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Apr 28, 14

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Apr 28, 14

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Apr 28, 14

To permit the outdoor sale of blueberries for a temporary period of three (3) years. The property is owned Carpenter Investments of Sudbury Limited and Mr. Arthur Choquette leases the land for the outdoor sale of blueberries.

Background:

Mr. Choquette has been selling blueberries from this location for approximately ten (10) years. Recently, a complaint was received by By-law Services with respect to the blueberry sales on this property. A tent, shed, and shipping container had been added to the site over time to support the use. In 2013 Mr. Choquette was advised that retail uses are not permitted within the "RU", Rural Zone and that sales from the subject lands were not permitted. At this time, all buildings, with the exception of a tent frame, have been removed from the property. Mr. Choquette advised that he has a 3 m by 3 m (10 ft. by 10 ft.) stand on the property and that the tent frame remains in place year-round and that a canvas cover is placed over it during the blueberry sales season.

Site Description & Surrounding Land Uses:

The subject property, which is zoned "RU", Rural, is located at the south east corner of Highway 69 North and South Lane Road in Sudbury. A portion of the property is located within the "FP", Flood Plain Overlay as the property is traversed by a drainage way between Richard Lake and McFarlane Lake. The property is vacant with a regrowth of vegetation and there is a gravel area at the north end of the property where the blueberry sales occur. Total property area is approximately 1.21 ha (3 acres), with approximately 53 m of frontage on Highway 69 North and approximately 492 m of frontage on South Lane Road.

Lands to the east are vacant and zoned "RU", Rural, portions of which are also within the floodplain overlay. Lands to the south are occupied by a mobile home park on lands zoned "RU", Rural. To the west of the subject land, on the west side of South Lane Roads is the Cecil Facer Youth Center, zoned "I", Institutional, and a vacant parcel impacted by the floodplain overlay that is zoned "R1-1", Low Density Residential One. To the north of the subject lands, on the north side of Highway 69 North is a residence zoned "R1-2", Low Density Residential One.

Departmental & Agency Comments:

Building Services

No objection. The owners are advised that they shall acquire a building permit prior to constructing any proposed structure(s) that are greater than 108 square feet in area used for the sale of blueberries. The structure(s) must also be in compliance with zoning setbacks.

Development Engineering

This site is not presently serviced with municipal water or sanitary sewer. We have no objection to the temporary use of outdoor blueberry sales on the subject property provided the owner satisfies the requirements of the Ministry of Transportation.

Roads and Traffic & Transportation

The existing entrance is located at the north limit of the subject property close to the intersection of Highway

69. While staff is not opposed to the temporary use of the subject property, it is recommended that the applicant relocate the entrance further south to the satisfaction of the General Manager of Infrastructure Services. Relocation of the entrance will be a requirement of any future By-law extension or Planning application.

Drainage Section and Operations

No concerns

Ministry of Transportation

MTO would advise that subject to the landowner obtaining the required MTO permit(s), the ministry would be supportive of this temporary amendment. Since the subject property is located within the MTO's permit control area, the applicant must be advised of the following:

- An MTO building/land use permit will be required prior to the construction of any buildings, vending stands, placing of trailers etc. New buildings, vending stands, trailers etc. must be setback a minimum of 8 metres from the limits of the MTO right-of-way.
- An MTO sign permit will be required prior to the placing of any signage visible from Highway 69. The applicant must be informed that signage will be restricted to a maximum of 3 square metres.

Also, any entrance along South Lane Road must have a minimum spacing of 45 metres from Highway 69.

Nickel District Conservation Authority

No concerns or objections.

Public Consultation:

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 no correspondence or telephone calls 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, permitting residential, agricultural, rural industrial/commercial, and a number of other uses.

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 "RU", Rural under By-law 2010-100Z. The minimum building setbacks for structures on this property would be 15 m (49.2 ft) from Highway 69 and 10 m from the balance of the property lines. The temporary blueberry sales location as indicated on the applicant's sketch is an area extending 10.7 m (35 ft.) south of Highway 69 and 34.4 m (80 ft.) east from South Lane Road. The applicant has indicated that no structures are proposed in conjunction with the temporary use; however, the applicant

is advised that the tent is to be placed so that it is not located within the required setbacks.

Summary:

The proposed temporary use of the subject lands for blueberry sales for a period of three (3) years is expected to have minimal impacts on surrounding land uses. Roads and Transportation Services have indicated that they have no objection to the proposal, but that the applicant may be requested to relocate the entrance further south on the property should an application for the extension of the temporary approval be requested in the future. The applicant has been advised of the comments provided by the Ministry of Transportation which indicate that permits from MTO are required and that the entrance to the property should be no closer than 45 m (147.3 ft.) to the Highway 69 right-of-way. As a result, some clearing of the bush area to the south of the existing gravel surfaced area may be necessary to accommodate a structure and revised entrance. Planning Services recommends that the application be approved, with a condition requiring that an MTO building/land permit be issued prior to the passing of the amending by-law.





PHOTO 1 SUBJECT LANDS, NORTH EAST CORNER OF HIGHWAY 69 AND SOUTH LANE ROAD, VIEWED LOOKING SOUTH FROM HIGHWAY 69



PHOTO 2 SUBJECT LANDS, VIEWED LOOKING EAST FROM SOUTH LANE ROAD

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PHOTO 3 2599 SOUTH LANE ROAD, NORTH OF THE SUBJECT LANDS,
VIEWED LOOKING NORTH FROM HIGHWAY 69



PHOTO 4 VACANT LANDS EAST OF THE SUBJECT PROPERTY VIEWED
LOOKING SOUTH FROM HIGHWAY 69

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PHOTO 5 2345 SOUTH LANE ROAD, MOBILE HOME PARK SOUTH OF THE
SUBJECT LANDS, VIEWED LOOKING EAST FROM SOUTH LANE ROAD



PHOTO 6 CECIL FACER, WEST OF THE SUBJECT LANDS, VIEWED LOOKING
WEST FROM SOUTH LANE ROAD

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