

Lapointe Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	September 27, 2021
Type:	Public Hearing
Prepared by:	Mauro Manzon Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	751-6/20-1

Report Summary

This report provides a recommendation regarding an application for rezoning to “M3 Special”, Heavy Industrial Special, in order to permit an expanded contractor’s yard including the reprocessing, sorting and storage of road reconstruction waste.

This Public Hearing is a continuation from the meeting of July 12, 2021.

This report is presented by Mauro Manzon, Senior Planner.

Resolution

THAT the City of Greater Sudbury approves the application by Lacroix Construction Co (Sudbury) Limited to amend Zoning By-law 2010-100Z by changing the zoning classification from "M3", Heavy Industrial and “FD”, Future Development to “M3 Special”, Heavy Industrial Special on lands described as PIN 73568-0019, Parcel 46128 S.E.S., Lots 34 to 43, Plan M-439 & Part of PIN 73568-0040, Part of Parcel 38729 S.E.S., in Lot 9, Concession 5, Township of Neelon, as outlined in the report entitled “Lapointe Street, Sudbury”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on July 12, 2021 and September 27, 2021, subject to the following conditions:

1. That prior to the adoption of the amending by-law, the owner shall address the following conditions:
 - i. Submit a final plan of survey outlining the lands to be rezoned in order to enact the amending by-law;
 - ii. Satisfy any outstanding requirements of the site alteration permit application to the satisfaction of the Chief Building Official;
 - iii. Enter into a Development Servicing agreement with the City addressing the extension of Lapointe Street in order to provide public road frontage for the subject lands, including the extension of municipal sewer and water services and the installation of a turnaround, to the satisfaction of the General Manager of Growth and Infrastructure;
 - iv. Enter into a Future Road Dedication agreement with the City to dedicate on demand the future

- road allowance extending from Lapointe Street to the southerly limit of PIN 73568-0040 to the satisfaction of the General Manager of Growth and Infrastructure;
- v. Obtain any necessary approvals from the Ministry of the Environment, Conservation and Parks (MECP) concerning the reprocessing, sorting and storage of road reconstruction waste; or alternatively, confirmation from MECP that an Environmental Compliance Approval (ECA) is not required to the satisfaction of the Director of Planning Services; and,
 - vi. That the encroachment of the contractor's yard onto City land is addressed to the satisfaction of the Director of Planning Services;
2. That the amending by-law includes the following site-specific provisions:
- i. In addition to the uses permitted in the M3 zone, the reprocessing, sorting and storage of road reconstruction waste shall be permitted; and,
 - ii. Shipping containers shall be permitted as an accessory use to a contractor's yard.
3. Conditional approval shall lapse on July 14, 2023 unless Condition 1 above has been met or an extension has been granted by Council.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The application to amend the Zoning By-law is an operational matter under the Planning Act to which the City is responding. The proposal is consistent with the goals and objectives of the Strategic Plan by supporting business retention and growth within the community. The rezoning will provide an expanded base of operations for the owner/applicant and also address the pre-conditions for future development on the remaining lands. There is no conflict with the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications associated with this report for rezoning as there is no anticipated new buildings to be constructed.

Report Overview:

An application for rezoning has been submitted for lands located at the southerly limit of Lapointe Street in order to permit an expanded contractor's yard including the reprocessing, sorting and storage of road reconstruction waste. The lands are designated for General and Heavy Industrial use under the Official Plan. Site alteration has been conducted without benefit of the required permits from Building Services and Conservation Sudbury (NDCA).

The application is recommended for approval subject to various conditions to be satisfied prior to the enactment of the amending by-law, including a final plan of survey, a Development Servicing agreement addressing the extension of Lapointe Street, and a Future Road Dedication agreement, amongst other matters.

STAFF REPORT

PROPOSAL:

An application for rezoning has been submitted in order to permit an expanded contractor's yard including the reprocessing, sorting and storage of road reconstruction waste on lands designated for industrial use under the Official Plan. Shipping containers would also be permitted as an accessory use to a contractor's yard. The proposed zoning would permit all uses under "M3", Heavy Industrial zoning.

The industrial use was expanded onto lands zoned "FD", Future Development without zoning approval. Site works have also been conducted without benefit of a site alteration permit in contravention of By-law 2009-170. Site alteration has also occurred in a regulated area without benefit of a Section 28 permit under the Conservation Authorities Act. There are also encroachments onto City land being the unopened road allowance. An Order to Discontinue Activity was issued on April 8, 2019. The associated Work Order advised that a rezoning is required prior to the issuance of the site alteration permit.

At this time, the proposed M3 Special would apply only to the northerly portion of the subject lands. The remainder of the parcel would retain existing zoning as illustrated on the rezoning sketch.

As part of a complete application, the owner submitted an Eastern Whip-poor-will Survey Report in order to address potential habitat of Species at Risk (Environmental Ecosystems Inc. – December 6, 2019).

Existing Zoning: "M3", Heavy Industrial, "FD", Future Development, and "H2FD", Holding Future Development.

The northerly portion of the property comprising PIN 73568-0019 is zoned "M3", Heavy Industrial, which permits a range of industrial use including a contractor's yard. Outdoor storage is permitted subject to the provisions of Section 4.28.

The majority of the subject land is zoned "FD", Future Development, which is typically applied to lands within settlement areas that are earmarked for future development in conformity with the underlying land use designation in the Official Plan. A single detached dwelling is permitted as an interim use on a legal existing lot zoned FD.

The H2 holding provision is applied to lands located between 300 metres and 500 metres of active and closed waste disposal sites. The holding shall only be lifted by Council upon submission of an assessment report prepared by a qualified engineer in accordance with Section 10.6 (Waste Disposal Assessment Areas) of the Official Plan and Guideline D-4 (April 1994) of the Province of Ontario or its successor. However, the holding provision shall not apply to the issuance of a building permit for new buildings or structures that do not prevent the free movement of air into the atmosphere; or, in a circumstance where a building permit is not required.

Requested Zoning: "M3(S)", Heavy Industrial Special

The application is proposing an "M3 Special", Heavy Industrial Special zoning in order to permit a contractor's yard, to include the reprocessing, sorting and storage of road reconstruction waste and shipping containers as an accessory use to a contractor's yard. The special zoning would also include all other uses permitted under M3 zoning,

Location and Site Description:

PIN 73568-0019, Parcel 46128 S.E.S., Lots 34 to 43, Plan M-439 & Part of PIN 73568-0040, Part of 38729 S.E.S., in Lot 9, Concession 5, Township of Neelon (Lapointe Street, Sudbury)

The subject property is located at the southerly limit of Lapointe Street and is comprised of several lots in a plan of subdivision and a larger parcel abutting to the south. The site is not currently serviced by municipal

sewer and water services, which end approximately 100 metres from the northerly limit of the lands. Lapointe Street is not constructed to an urban standard. Public transit is not available in this area.

Total site area is 28.3 ha, with no frontage on the open portion of Lapointe Street. An unopened road allowance municipally known as Hillsend Road abuts the northerly limit of the site. Lapointe Street will have to be extended in order to provide public road frontage for the subject lands.

Portions of the property fall within the regulated area of Conservation Sudbury, being wetland features located on northerly and southerly sections of the site (see attached regulation area mapping). A small southwesterly portion of PIN 73568-0040 falls within the Ramsey Lake Watershed. However, the lands do not fall within a vulnerable area being Ramsey Lake Intake Protection Zone 3.

A contractor's yard occupies the M3 portion of the site and has been expanded onto the larger parcel zoned FD in contravention of the Zoning By-law. There has been extensive site alteration on the lands without benefit of a site alteration permit. The contractor's yard has also been established within the regulated area of Conservation Sudbury without benefit of a Section 28 permit. The site is essentially an open storage area for equipment, trailers, containers, construction materials and road reconstruction waste.

A warehouse use is located to the north on the west side of Lapointe Street (Pepsi facility). A heavy equipment repair and service establishment is located to the northeast (Hite Services Limited), which also appears to encroach onto City land.

Surrounding Land Uses:

The area surrounding the site includes:

North: industrial uses
East: City-owned land zoned M6 (landfill site)
South: vacant Crown land
West: vacant industrial land

Public Consultation:

The notice of complete application was circulated to the public and surrounding property owners on January 28, 2020. The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out circulated to the public and surrounding property owners within 120 metres of the property on June 24, 2021.

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 application indicates that the proposal will be circulated to adjacent property owners prior to the hearing.

As of the date of this report, no phone calls or written submissions have been received by Planning Services.

POLICY & REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [2020 Provincial Policy Statement](#)
- [2011 Growth Plan for Northern Ontario](#)
- [Official Plan for the City of Greater Sudbury, 2006](#)
- [Zoning By-law 2010-100Z](#)

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Policy Statement (PPS):

Municipalities in the Province of Ontario are required under Section 3 of the [*Planning Act*](#) to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement.

Section 1.3 of the PPS addresses employment areas and provides policies intended to support a diversified economic base. Planning authorities shall protect employment areas for current and future uses and ensure that the necessary infrastructure supports current and projected needs. Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas. The conversion of employment areas to non-employment uses is only permitted through a comprehensive review of the Official Plan.

Section 2.1 of the PPS addresses Natural Heritage, including the protection of Species at Risk. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Under Section 3.1 of the PPS related to Natural Hazards, development shall generally be directed to areas outside of hazardous sites, which are defined as lands that could be unsafe for development and site alteration due to naturally occurring hazards, such as flooding, erosion and unstable soils.

Growth Plan for Northern Ontario (GPNO):

Municipalities in the Province of Ontario are required under Section 3 of the *Planning Act* to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario.

The GPNO identifies Greater Sudbury as an Economic and Service Hub, which shall accommodate a significant portion of future population and employment growth and allow a diverse mix of land uses.

Official Plan for the City of Greater Sudbury:

The subject land has split land use designations. The northerly portion of the site comprising Lots 34 to 43, Plan M-439 and the southeasterly portion that falls within the Waste Disposal Assessment Area are designated as Heavy Industrial. The remainder of the lands are designated as General Industrial.

General Industrial policies under Section 4.5.1

1. Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.
2. Complementary uses, such as administrative offices, hotels and restaurants, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.
3. General Industrial uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.
4. Where development occurs in areas that are not fully serviced, only dry industries that generate less than 4,500 litres of wastewater a day may be permitted.
5. Heavy industrial uses may also be permitted by rezoning.

Heavy Industrial policies under Section 4.5.2

1. Within areas designated Heavy Industrial, all industrial uses are permitted, including sanitary landfill sites, salvage yards, quarrying, and sewage treatment facilities. Mining and related smelting, refining and processing operations are generally not permitted in Heavy Industrial areas, as the Mining/Mineral Reserve designation applies to those uses.
2. Buffering and a landscaping strip will be provided along all Arterial Road frontages adjacent to Heavy Industrial uses. Buffering in the form of earth berms, opaque fences, natural topographic features or dense vegetation will be provided at the boundaries adjacent to less intensive land uses.
3. Drainage runoff will be controlled such that the water quality of groundwater or downstream watercourses/waterbodies is not impaired. Additional policies on stormwater management are contained in Section 8.5. (OPA #2).
4. Minimum setback distances from sensitive land uses may be required for certain uses in this designation.

Policies applied to Species at Risk under Section 9.2.2

Development and site alteration are not permitted in habitat of endangered species and threatened species except in accordance with provincial and federal requirements.

Development and site alteration are not permitted on lands adjacent to habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands to endangered species and threatened species may vary depending on general habitat descriptions. Habitat descriptions can be obtained through the Ministry of Natural Resources and Forestry. This area can be modified if justified by a study completed by a qualified professional.

Policies applied to Flooding and Erosion Hazards under Section 10.2

1. Because flooding and erosion hazards may cause loss of life and may result in damage to property, development on lands adjacent to the shoreline of a watercourse or waterbody affected by flooding or erosion hazards are generally restricted and may be approved by Conservation Sudbury or MNRF. In addition, development on adjacent lands is also generally restricted and may be approved by Conservation Sudbury or MNRF.
2. Notwithstanding the above, development and site alteration is not permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Development and site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of a hazard, unless it has been demonstrated that the site has safe access appropriate to the nature of development and hazard.
3. For purposes of clarity, institutional uses such as hospitals, long-term care facilities, retirement homes, pre-schools, elementary schools and secondary schools; essential emergency services and industrial uses involving the disposal, manufacture, treatment or storage of hazardous substances are not permitted on lands subject to flooding or erosion hazards.
4. Uses that by their nature must locate within the Flood Plain including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows are permitted.
5. Any alterations to the terrain within the Flood Plain which may have an effect on drainage and the erection of any structures must first receive the approval of Conservation Sudbury or MNRF.

Policies applied to Unstable Soils under Section 10.3

1. Development is discouraged in areas with known or suspected unstable soils.
2. In order for development to be permitted in these areas, the City will require a geotechnical study to be conducted at the time of application for plans of subdivision and consents. The geotechnical study must provide information to indicate that:
 - a. although the site is identified as having unstable soils, it is in fact suitable or can be made suitable for development by accepted engineering techniques; and,
 - b. alterations to the site will not cause adverse environmental effects, create new hazards or aggravate the hazard elsewhere.

Policies applied Waste Disposal Assessment Areas under Section 10.6

1. No new development will be permitted on or within 300 metres of active or closed waste disposal sites. For lands between 300 metres and 500 metres of active or closed waste disposal sites, new development may be permitted provided the following requirements are met:
 - a. studies of gas, leachate, hydrogeology and structural stability, soil and surface and groundwater contamination, presence of hazardous wastes and safety are completed which show that the development is compatible and can safely take place;
 - b. written approval is received from the Province that the provisions of the relevant legislation are met; and,
 - c. measures are taken to the satisfaction of the Province in consultation with the City to control and mitigate any problems identified in the study.
2. In areas subject to these policies, only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law.
3. Development will not be permitted on lands which were used to dispose of waste, unless in accordance with provincial requirements.

Conceptual Road Linkages

Schedule 7, Transportation Network illustrates a number of proposed roads that are required to address future needs and complete the City's transportation network. A conceptual road is indicated on the subject property, which would extend Lapointe Street south to Levesque Street at the Kingsway. Development proposals on applicable lands shall accommodate these future road connections.

Zoning By-law 2010-100Z:

A contractor's yard and accessory outdoor storage are permitted uses in the proposed M3 zone. The reprocessing of road reconstruction waste and the use of shipping containers as accessory structures are not permitted.

Outdoor storage is not subject to the screening provisions of Section 4.28 of the Zoning By-law, as the subject property is more than 150 metres from an arterial road or Residential zone.

Site Plan Control:

The subject site is an industrial property that is located more than 152.4 metres from a Residential zone and a designated Municipal Road. It is therefore not subject to site plan control under the Site Plan Control By-law 2010-220.

Department/Agency Review:

Development Engineering advised that the site is not serviced by municipal sewer and water, and further, that there are servicing constraints in the area. The water supply is undersized and does not provide sufficient supply for firefighting purposes. The developer is responsible for any required upgrades to address fire protection.

Infrastructure Capital Planning Services (ICPS) requires a servicing agreement with the owner to address the extension of Lapointe Street, including the installation of a turnaround. Furthermore, ICPS requires an agreement to dedicate on demand the future north-south road allowance identified as a conceptual road linkage under the Official Plan.

Building Services advised that the owner has applied for a site alteration permit and have indicated that there are some outstanding matters to be addressed. The site alteration permit cannot be issued until the rezoning is completed.

Conservation Sudbury identified the regulated areas on the property and advised that a permit is required under the Conservation Authorities Act for any site alteration within a regulated area. A Section 28 permit was subsequently issued as part of the site alteration permit process (Permit #2021-13).

PLANNING ANALYSIS:

This application was submitted to address several matters related to non-compliance as follows:

- Establishment of a contractor's yard without zoning approval on lands zoned "FD", Future Development;
- Site works conducted without benefit of a site alteration permit under By-law 2009-170;
- Encroachment of the contractor's yard onto City-owned property being the unopened road allowance known as Hillsend Road; and,
- Site works conducted in a regulated area including encroachment into a wetland without benefit of a Section 28 permit from Conservation Sudbury.

Land use compatibility

The Ministry of the Environment, Conservation and Parks (MOECP) provides guidelines related to adequate separation distances for industrial uses from sensitive land uses. Under [Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses](#), recommended separation distances range from 20 to 300 metres depending on the class of industrial use.

Based on the land use definitions provided under [Procedure D-1-3](#), a contractor's yard is defined as a Class II Industrial Facility based on the outdoor storage of materials and equipment, occasional nuisance factors such as noise, odour and dust, and the frequent movement of heavy trucks during daytime hours.

The potential influence area (i.e., the area within which adverse effects may be experienced) for a Class II use is 300 metres. The recommended minimum separation distance from sensitive land uses for Class II facilities is 70 metres. These are general guidelines only and may vary based on site-specific conditions.

In this case, there are sensitive land uses in the vicinity, comprising low density residential uses located north and northwest of the site (Don Lita subdivision). However, estimated separation distances are significant and exceed both the recommended minimum separation distance and the potential influence area, as follows:

- 465 metres to existing housing on Brookfield Avenue;
- 420 metres to the limit of the vacant land zoned R1-5 located south of Brookfield Avenue;
- 600 metres to a single detached dwelling located on PIN 73596-0064, being the parcel zoned FD abutting the Don Lita subdivision; and,

- 880 metres from the northerly limit of the subject site to low density housing located on the north side of Lasalle Boulevard.

The proposed industrial uses including the contractor's yard conform to the general parameters set out under the D-series guidelines based on Class II facilities being the predominant uses of the site.

Conformity with the Official Plan

a. Industrial land use designations

The proposal demonstrates conformity with Official Plan policies applied to General Industrial and Heavy Industrial designated lands based on the following:

- a contractor's yard is a permitted use under both land use designations;
- nuisance factors are mitigated by sufficient separation distances between the subject site and sensitive land uses;
- the proposed main use being a contractor's yard can be appropriately viewed as a dry industrial use;
- the screening of outdoor storage is not required due to the distance from Residential zones and an arterial road;
- site-specific setback requirements are not required due to the separation distances that exist; and,
- potential environmental impacts are being addressed through the site alteration permit process, the Section 28 permit issued by NDCA, and the Survey Report related to Species at Risk.

The application conforms to Official Plan policies applied to industrial areas.

b. Waste Disposal Assessment Areas

Within the area subject to the H2 holding provision, comprising lands within 300 to 500 metres of the boundaries of the active landfill site, no development shall be permitted unless supported by an assessment report as outlined under Section 10.6 of the Official Plan and following written approval from the Province that all applicable law has been addressed. The holding provision does not apply to situations where a building permit is not required.

In regards to the current application, the lands to be rezoned are limited to the northerly portion of the site and do not include the waste disposal assessment area. However, the H2 lands are subject to an application for site alteration as outlined on the attached control plan. Given that no specific development is proposed at this time and there is no requirement for a building permit, an assessment report is not required as a condition of approval. The lands will retain "H2FD", Holding Future Development zoning until such time that development occurs in the future.

c. Regulated areas

Portions of the property fall within the regulated area of Conservation Sudbury (NDCA) due to the presence of wetland features on the northerly and southerly sections of the site. In lieu of site plan control, matters related to hazard lands are being addressed as part of the site alteration permit process. The extent of existing and proposed site alteration is illustrated on the attached control plan. Siltation control is required in order to mitigate impacts on drainage courses and wetland features.

Following submission of comments for this application, a Section 28 permit was issued under the Conservation Authorities Act as part of the site alteration process (NDCA Permit #2021-13). The permit outlines various conditions applied to the undertaking, including measures related to siltation and erosion control and the removal of natural vegetation, amongst other matters. The permit expires two years from the date of issue (March 18, 2023).

d. Species at risk

As part of a complete application, the owner submitted a Survey Report to address potential habitat of Eastern Whip-poor-will, which is designated as a threatened species under the Endangered Species Act. Whip-poor-will calls were identified outside of the proposed development area during the survey conducted on June 17, 2019. Based on the survey results and the approximated defended territory, the proposed development will not result in negative impacts on the Eastern Whip-poor-will's habitat, or on adjacent lands within 50 metres of the property.

The Survey Report has been reviewed by the Manager of Environmental Planning Initiatives, who concurred that Category 1 Eastern Whip-poor-will habitat is at least 230 metres from the eastern boundary of the subject lands (see detailed comments in attached appendix).

e. Conceptual road linkages

Under Official Plan policies applied to the transportation network, development on lands containing a conceptual road linkage shall be subject to appropriate conditions of approval in order to identify and protect the limits of the future road allowance. Accordingly, the owner has indicated on the rezoning sketch the proposed alignment of the north-south connection identified on Schedule 7 of the Official Plan. As a condition of approval, it is recommended that the owner enter into a Future Road Dedication agreement with the City in order to address the future road allowance extending south to the Kingsway.

2020 Provincial Policy Statement (PPS)

The PPS was revised in 2020 with an effective date of May 1, 2020. The policies applied to employment areas including industrial uses are essentially carried forward, with some minor revisions. Special consideration is extended to protecting the economic viability of such lands from incompatible uses that may hinder the viability of employment areas and lead to increased land use conflicts.

In this case, the subject site is surrounded by lands designated for industrial use. There are sufficient separation distances for surrounding sensitive land uses, which are located some distance from the site. No major land use conflicts are envisioned. Furthermore, the industrial use of the property is appropriate given the proximity to the Sudbury landfill site.

Matters related to Species at Risk have been addressed through the Survey Report for Eastern Whip-poor-will, which demonstrated that the proposed development will not result in negative impacts on the habitat of the threatened species.

In regards to natural hazards, the permit applications initiated through Building Services and the Conservation Authority will address issues related to site alteration and the impact on regulated areas including the wetland features.

The application is consistent with the 2020 Provincial Policy Statement.

2011 Growth Plan for Northern Ontario (GPNO)

There is no conflict with the policies of the Growth Plan. The proposal provides general alignment with the emphasis placed on economic development in Northern Ontario. There are no applicable land use policies applied to industrial uses in Economic and Service Hubs.

Conditions of Approval

It is recommended that the following conditions be addressed prior to the adoption of the amending by-law:

- A final plan of survey outlining the lands to be rezoned is required in order to enact the amending by-law. The expanded contractor's yard on the northerly portion shall be delineated as a part or parts on

a survey plan in general accordance with the submitted sketch;

- Building Services advised that there are some outstanding requirements related to the site alteration permit. As a condition of approval, the owner shall address any outstanding matters related to the site alteration permit to the satisfaction of the Chief Building Official;
- The owner shall enter into a Development Servicing agreement with the City addressing the extension of Lapointe Street in order to provide public road frontage for the subject lands, including the extension of municipal sewer and water services and the installation of a turnaround, to the satisfaction of the General Manager of Growth and Infrastructure;
- The owner shall enter into a Future Road Dedication agreement with the City to dedicate on demand the future road allowance extending from Lapointe Street to the southerly limit of PIN 73568-0040 to the satisfaction of the General Manager of Growth and Infrastructure;
- The owner shall obtain any necessary approvals from the Ministry of the Environment, Conservation and Parks (MECP) concerning the reprocessing, sorting and storage of road reconstruction waste; or alternatively, provide confirmation from MECP that an Environmental Compliance Approval (ECA) is not required for the proposed use to the satisfaction of the Director of Planning Services; and,
- The encroachment of the contractor's yard onto City land being the unopened road allowance (Hillsend Road) shall be addressed to the satisfaction of the Director of Planning Services.

CONCLUSION:

Planning Services recommends that the application for rezoning be approved subject to the conditions set out in the Resolution section of this report.